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MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 29 June 2016 at 6.00 pm

ALL MEMBERS of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 31 August 2016 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

21 June 2016

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

Reverend David Lyddon, Associate Priest of St Pauls and St Georges Churches, Tiverton will lead the Council in prayer.

AGENDA

1 Apologies

To receive any apologies for absence.

2 Minutes (*Pages 5 - 10*)

To approve as a correct record the Minutes of the Annual Meeting of Council on 10 May 2016

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

3 Chairman's Announcements

To receive any announcements which the Chairman of the Council may wish to make.

4 Public Question Time

To receive any questions relating to items on the agenda from members of the public and replies thereto.

5 Petitions

To receive any petitions from members of the public.

6 **Notices of Motions**

To receive any notice of Motions

7 **Committee Reports** (*Pages 11 - 126*)

To receive and consider the reports, minutes and recommendation of the Committees/PDG's as follows:

(1) Cabinet

- 12 May 2016
- 9 June 2016

2) Scrutiny Committee

- 23 May 2016

(3) Audit Committee

- 31 May 2016

(4) Managing the Environment Policy Development Group

- 17 May 2016

(5) Decent and Affordable Homes Policy Development Group

- 24 May 2016

(6) Economy Policy Development Group

- 26 May 2016

(7) Community Well Being Policy Development Group

- 7 June 2016

(8) Planning Committee

- 11 May 2016
- 8 June 2016

8 **Questions**

To deal with any questions raised in pursuant to Procedure Rule 13 not already dealt with during the relevant Committee report.

9 **Independent Remuneration Panel Report- Members Allowances**
(*Pages 127 - 136*)

To receive a report of the Head of Communities ad Governance and Monitoring Officer providing Members with an update on the review of the Members Allowances Scheme.

10 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their Portfolios.

11 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 10 May 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs J B Binks, K Busch, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs C P Daw, R M Deed, Mrs G Doe,
R J Dolley, J M Downes, C J Eginton,
R Evans, S G Flaws, Mrs S Griggs,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, D J Knowles, B A Moore,
R F Radford, Mrs J Roach, Mrs E J Slade,
Miss C E L Slade, C R Slade, J L Smith,
T W Snow, J D Squire, Mrs M E Squires,
R L Stanley, N A Way, Mrs N Woollatt and
R Wright

Apologies

Councillors

Mrs E M Andrews, R J Chesterton,
F W Letch, F J Rosamond and L D Taylor

1 **Chairman of the Council**

Councillor P H Heal nominated Councillor W J Daw for election as Chairman of the District Council for the year 2016/2017. This nomination was seconded by Councillor D R Coren. It was then:-

RESOLVED that Councillor W J Daw be elected Chairman of the Mid Devon District Council for the Municipal Year 2016/2017.

In accordance with Section 83 of the Local Government Act 1972, Councillor W J Daw then made a Declaration of Acceptance of Office and then addressed the Council.

2 **Apologies (00-09-44)**

Apologies were received from Councillors: Mrs E M Andrews, R J Chesterton, F W Letch, F J Rosamond and L D Taylor.

3 **Minutes (00-09-57)**

The Minutes of the Meeting of the Council held on 27 April 2016 were approved as a correct record and **SIGNED** by the Chairman.

4 **Vice Chairman of the Council (00-10-11)**

Councillor Mrs A R Berry nominated Councillor T G Hughes for election as Vice Chairman of the District Council for the year 2016/2017. This nomination was seconded by Councillor Mrs B M Hull. It was then:-

RESOLVED that Councillor T G Hughes be elected Vice Chairman of the Mid Devon District Council for the Municipal Year 2016/2017.

In accordance with Section 83 of the Local Government Act 1972, Councillor T G Hughes then made a Declaration of Acceptance of Office.

5 Chairman of the Scrutiny Committee (00-14-53)

Councillor T W Snow nominated Councillor F J Rosamond for election as Chairman of Scrutiny. The nomination was seconded by Councillor P H D Hare-Scott.

Upon a vote being taken, it was

RESOLVED that Councillor F J Rosamond be elected Chairman of Scrutiny for the Municipal Year 2016/2017.

6 Appointment of Committees, Sub Committees, Working Groups and other Internal Bodies (00-17-14)

The Council had before it Tables setting out the proposed allocation of seats on Committees and other Council bodies.

Arising thereon:-

Appointment of Committees and Allocation of Seats on Committees and other Council Bodies

The Chairman **MOVED THAT**,

(a) the tables be approved with regard to the allocation of seats on Committees and other bodies;

(b) Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

(c) Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined in (a) above;

(d) the Chief Executive be authorised to give effect to such changes to membership of Committees, Working Groups and other internal bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

(e) the appointment to seats remaining to be filled by Members, not being members of a Political Group, shall be made at this meeting.

Upon a vote being taken the individual **MOTIONS** were declared to have been **CARRIED**, with Councillor Mrs J Roach requesting that her vote against (a) be recorded; Councillor T W Snow requested that his abstention from voting for (a) be recorded: the allocation and the following table was **APPROVED** including the appointment of Councillor Mrs J Roach to the Scrutiny Committee, the appointment of Councillor J L Smith to the Scrutiny Committee, Managing the Environment Policy Development Group, the Licensing Committee and the Regulatory Committee; the appointment of Councillor R M Deed to the Audit Committee; the appointment of Councillor R J Dolley to the Decent and Affordable Homes Policy Development Group, the Community Well-Being Policy Development Group and the Planning Committee; the appointment of Councillor Mrs N Woollatt to the Economy Policy Development Group, the Standards Committee and the Planning Policy Advisory Group; the appointment of Councillor D J Knowles to the Planning Committee, the Planning Working Group, the Licensing Committee, the Regulatory Committee and the Planning Policy Advisory Group.

<p>Scrutiny (12)</p> <p>Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C P Daw (C) Mrs G Doe (C) R Evans (C) Mrs S Griggs(C) T G Hughes (C) Mrs J Roach (UG) F J Rosamond (ING) J L Smith (UG) T W Snow (ING) N A Way (LD) Mrs J Roach (UG)</p>	<p><i>Audit Committee (7)</i></p> <p>Mrs J B Binks (C) Mrs C A Collis (C) R M Deed (UG) R Evans (C) T G Hughes (C) F W Letch (LD) R F Radford (C)</p>	<p><i>Managing the Environment PDG (9)</i></p> <p>C P Daw (C) D R Coren (C) R Evans (C) F W Letch (LD) R F Radford (C) Mrs E J Slade (C) J L Smith UG) J D Squire (C) R Wright (LD) J L Smith (UG)</p>	<p><i>Decent & Affordable Homes PDG (9)</i></p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) D R Coren (C) W J Daw (C) Mrs G Doe (C) R J Dolley (UG) P J Heal (C) J D Squire (C) L Taylor (LD) R J Dolley (UG)</p>
<p><i>Community Well-Being PDG (9)</i></p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs J B Binks (C) Mrs G Doe (C) F W Letch (LD) B A Moore (C) Mrs E J Slade (C) R J Dolley (UG)</p>	<p>Economy PDG (9)</p> <p>Mrs A R Berry (C) K I Busch (C) J M Downes (LD) R Evans (C) Mrs S Griggs (C) T G Hughes (C) Mrs B M Hull (C) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p><i>Planning Working Group (8)</i></p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) P J Heal(C) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C) D J Knowles (UG)</p>	<p>Planning Substitutes (7)</p> <p>K I Busch (C) Mrs C A Collis (C) Mrs G Doe(C) J M Downes (LD) R Evans (C) Mrs B M Hull (C) Vacant (UG)</p>

Standards (9) Mrs J B Binks (C) Mrs F J Colthorpe (C) N V Davey(C) Mrs S Griggs (C) F J Rosamond (ING) C R Slade (C) Mrs M E Squires (C) L Taylor (LD) Mrs N Woollatt (UG)	Planning Committee (11) Mrs H Bainbridge (C) Mrs F J Colthorpe (C) S G Flaws (C) P J Heal (C) F W Letch (LD) B A Moore (C) R F Radford (C) R L Stanley (C) J D Squire (C) D J Knowles (UG) R J Dolley (UG)	<i>Licensing Committee (12)</i> Mrs E M Andrews (ING) K I Busch(C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) N V Davey (C) Mrs G Doe C) P H D Hare-Scott (C) T G Hughes (C) L Taylor (LD) D J Knowles (UG) J L Smith (UG)	Regulatory Committee (12) K I Busch(C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) N V Davey (C) Mrs G Doe C) P H D Hare-Scott (C) T G Hughes (C) L Taylor (LD) R Wright (LD) D J Knowles (UG) J L Smith (UG)
May 2016	Planning Policy Advisory Group (9) Mrs H Bainbridge(C) R J Chesterton (C) Mrs F J Colthorpe (C) J M Downes (LD) F W Letch (LD) Mrs B M Hull (C) R L Stanley (C) D J Knowles (UG) Mrs N Woollatt (UG)	Appointments Panel (5) Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny	Conservatives ING – Independent Non-Aligned Group LD – Liberal Democrats UG – Ungrouped Member

7 Appointments to Outside Bodies (00-36-34)

The Chairman **MOVED**,

“**THAT** Members be appointed to outside bodies in accordance with the list circulated as amended by the appointment of Councillor R F Radford to the Culm Valley Children’s Monitoring Group, the appointment of Councillor Mrs A R Berry to the Cullompton Town Team and the appointment of Councillor R M Deed and T W Snow to the Devon and Exeter Rail Project Working Party”

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following appointments **APPROVED**.

Outside Body	Previous Representative/s	Representative/s for 2016/17	Appointment Length
Blackdown Hills ANOB Partnership	Cllr F J Rosamond	Cllr F J Rosamond	Annual
Broadpath Landfill Liaison Committee	Cllr R Evans	Cllr R Evans	Annual
Business Forum Mid Devon	Cabinet Member for Planning and Economic Regeneration	Cabinet Member for Planning and Economic Regeneration	Annual

Culm Valley Children's Monitoring Group	Vacant	Cllr R F Radford	Annual
Cullompton Town Team 2 Members	Cllr K I Busch Vacant	Cllr K I Busch Cllr Mrs A R Berry	Annual
Devon Districts Forum	Leader	Leader	Annual
Devon Historic Buildings Trust	Cllr Mrs E J Slade	Cllr Mrs E J Slade	Annual
Devon and Exeter Rail Project Working Party 2 Members (includes Okehampton Rail Forum which Cllr Heal attends)	Cllr R J Chesterton Cllr P J Heal	Cllr R M Deed Cllr T W Snow	Annual
INVOLVE – Voluntary Action in Mid Devon	Cllr D J Knowles	Cllr D J Knowles	Annual
Museums Libraries and Archives South West (consultation only – no meetings)	Cllr B A Moore	Cllr B A Moore	Annual
South West Councils	Leader	Leader	Annual
South West Councils Employers Panel	Cabinet Member for the Working Environment and Support Services	Cabinet Member for the Working Environment and Support Services	Annual
TAP Fund Panel (previously known as 'DCC County Committee')	Cllr W J Daw Cllr D J Knowles	Cllr W J Daw Cllr D J Knowles	Annual

8 Scheme of Delegations (00-55-36)

The Chairman **MOVED**:-

“THAT the Council agree the existing scheme of delegations as set out in Part 3 of the Constitution.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

9 Programme of Meetings (00-56-03)

The Chairman **MOVED**:-

THAT the following programme of ordinary meetings of the Council for the year 2016/17 be approved:-

29 June 2016, 31 August 2016, 26 October 2016, 14 December 2016, 22 February 2017 and 26 April 2017.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

(The meeting ended at 7.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 12 May 2016 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, N V Davey, P H D Hare-
Scott, C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Head of Finance), Christine McCoombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

1. **APOLOGIES**

There were no apologies.

2. **PUBLIC QUESTION TIME**

Mr Salter referring to Item 4 (Tiverton Eastern Urban Extension Design Guide) on the agenda asked whether the Cabinet fully realise how badly written the Tiverton Urban Extension Guide is? I have rarely seen a document in its present form which is so unfit for purpose and littered with mistakes. The idea is fine, but the document needs rewriting entirely. I am a school examiner therefore spelling, punctuation and grammar are an important part of any report. I welcome Members involvement in the site and the subsequent decision. I think that the urban planners have pre-ordained ideas as there is no evidence of any stakeholder involvement.

Mr Salter had provided a list of errors and omissions.

The Area Planning Officer acknowledged the mistakes and stated that they would be corrected; she had addressed several issues with the consultants already.

Mr Salter asked - in Chapter B2 is the NHS Site any longer relevant. The owners have put this site up for sale, there will presumably be no care home etc here, and is there any guarantee that potential new owners of the site will allow access through a 'Green Gateway' to the new north-east residential area?

The Cabinet Member for Planning and Economic Regeneration stated that the Masterplan SPD looked to create a route and a road across the NHS site to the Waddeton Park development, anyone who chose to buy the site would have to be aware of the intentions of the masterplan SPD. If the buyers were to come forward with other ideas for the site that was contrary to the masterplan, then this could be used as a reason for refusal. The ultimate sanction would be for compulsory purchase of the land should it be required.

Mr Salter asked why there was no car-parking or road access to the Primary School site is shown on Figure 3.18.

The Cabinet Member for Planning and Economic Regeneration stated that parking issues around the school would be a Devon County Council issue and we would expect those to be addressed in the initial application for a school.

3. **MINUTES OF THE PREVIOUS MEETING (00-07-30)**

The minutes of the previous meeting held on 7 April 2016 were approved as a true record and signed by the Chairman.

4. **TIVERTON EASTERN URBAN EXTENSION DESIGN GUIDE (00-08-30)**

The Cabinet had before it a *revised report of the Head of Planning and Regeneration which also included requested information on the implications, costs and timescales of developing a Supplementary Planning Document (SPD) as Members had indicated that they wished to see the adoption of the Design Guide for management purposes as an initial step but also wanted to consider whether to subsequently translate the document into a full SPD.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that following discussion revised wording for the preamble had been supplied and that the errors highlighted by Mr Salter would be amended.

Discussion took place regarding:

- The need for the Design Guide to be put in place as soon as possible pre-empting any planning applications for the site
- The need for the preamble to be clear and provide a headline for the document

Whilst the adoption of the Design Guide for management purposes was an initial step, Members had also wanted to consider whether to subsequently translate that document into a full Supplementary Planning Document (SPD), technically, it would be possible to seek to develop the design guide into an SPD, however this would take time, possibly up to 6 months and would require 2 stages of public consultation and external consultants would need to be commissioned, at considerable cost to the Council. It was felt that the production of an SPD could cause confusion as it could conflict with the detail set out in the design guide.

It was therefore:

RESOLVED that:

- a) The document (as amended) for development management purposes in the determination of all planning applications received within the Tiverton Eastern Urban Extension (EUE) be adopted and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration and the Cabinet Member for Housing to make minor changes to the document to correct spelling, punctuation and grammatical errors and to include the redesign of the front page containing the preamble; and that

b) The production of a design supplementary planning document not be pursued.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Notes: -

(i) The Tiverton Civic Society be provided with the final draft of the document.

(ii) *Report previously circulated, copy attached to minutes.

5. **STATEMENT OF COMMUNITY INVOLVEMENT FOR CONSULTATION (00-26-02)**

The Cabinet had before it a *report of the Head of Planning and Regeneration seeking consideration of a revised draft of the Statement of Community Involvement (SCI).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Council's existing SCI was adopted in 2012 to reflect the provisions of the Planning Act 2008, Localism Act 2011, The Town and Country Planning (Local Planning) Regulations 2012 and the National Planning Policy Framework (NPPF). This review had been undertaken to take account of recent changes in planning legislation and to reconsider the most effective methods of community involvement in the planning process. He highlighted the proposed revisions as set out in the report and explained that an 8 week consultation period would now follow.

Consideration was given to consultation processes for wind turbines, ground mounted solar arrays, agricultural building over a certain size and anaerobic digesters.

RESOLVED that subject to the inclusion of the following wording: 'Paragraph 6.15: 'The Council will consult adjoining district, parish and town councils for the development proposals outlined in SCI7(b). However, the Council will also consult more widely where warranted; for instance, where a development is likely to have visual impacts, including cumulative impacts, which affect parishes further afield that those adjoining the application site.' the draft Statement of Community Involvement (SCI) be approved for public consultation and that the public consultation be for an 8 week period.

(Proposed by Cllr R J Chesterton and seconded by Cllr P H D Hare-Scott)

Note: *Report previously circulated, copy attached to minutes.

6. **WASTE STORAGE SUPPLEMENTARY PLANNING DOCUMENT FOR CONSULTATION (00-31-28)**

The Cabinet had before it a *report of the Head of Planning and Regeneration presenting the refuse storage for new residential properties Supplementary Planning Document (SPD) Scoping Report, prior to public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the SPD would expand on existing policy and that the document would provide guidance to developers on the level of refuse storage to be

provided as well as information on design considerations. An 8 week consultation period was proposed in line with the revised Statement of Community Involvement.

RESOLVED that the draft SPD Scoping Report be approved for consultation purposes.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

Note: *Report previously circulated, copy attached to minutes.

7. **FUTURE JOINT WORKING WITH OTHER LOCAL AUTHORITIES (00-35_00)**

The Cabinet had before it a * report of the Head of Planning and Regeneration requesting consideration of the case for closer working with other authorities within the same sub-regional 'Greater Exeter' area, particularly in respect of strategic growth and the economy.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating the local authorities covering Mid Devon, Exeter, East Devon and Teignbridge had a longstanding history of joint working in respect of economic development and tourism promotion under the umbrella of the 'Heart of Devon' as well as in collaboration over the production of certain pieces of strategic evidence for planning purposes. Teignbridge, East Devon and Exeter had already started to explore opportunities for greater collaboration and alignment of strategic objectives to address the effectiveness and efficiency of promoting economic development. Mid Devon had been invited to share in this collaborative approach and the signing of a Memorandum of Understanding showed good intent to explore opportunities with regard to various functions of the Council.

Consideration was given to the need for closer working with other local authorities.

RESOLVED that:

- a) Opportunities for joint working in partnership with East Devon District Council, Exeter City Council and Teignbridge District Council be explored.
- b) The Chief Executive in conjunction with the Leader and Deputy Leader be given delegated authority to sign the Memorandum of Understanding once finalised.

(Proposed by the Leader and seconded by Cllr R J Chesterton)

Note: *Report previously circulated, copy attached to minutes.

8. **REVENUE AND CAPITAL OUTTURN REPORT (00-41-01)**

The Cabinet had before it a *report of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2015/16.

The Cabinet Member for Finance outlined the contents of the report stating that there had been a shortfall of £417k due mainly to the cost of redundancies, the reduction in price for recycling and doctors surgeries rate rebates. He outlined the outturn figures

for the Housing Revenue Fund and Capital Programme and reiterated that he wished to see the Capital Programme split between the General Fund and the HRA for accountancy purposes.

Discussion took place regarding planning income and the HRA budget.

Members recorded their appreciation of the work taking place in Council Tax and Housing Benefits.

RESOLVED that:

- a) the General Fund outturn achieved in 2015/16 which shows an overall overspend of £417k be noted.
- b) the transfer of monies from New Homes Bonus to increase the General Fund balance to the approved level of funding (see para 2.5) be approved. This would decrease the net transfers into earmarked reserves shown in recommendation 3 below.
- c) the net transfers to/from earmarked reserves of £1,438k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be approved.
- d) the positive position achieved on the Housing Revenue Account which shows an annual saving of £916k be noted and the “earmarking” of the extra £916k shown in paragraph 3.3, as well as specific items totalling £3,144k and the utilisation of items totalling £1,054k identified in Appendix 4 be approved.
- e) the carry forward of £7,559k from the 2015/16 capital programme (see paragraph 5.2) be approved as all of the schemes will be delivered in 2016/17 or later years.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr N V Davey)

Note: *Report previously circulated, copy attached to minutes.

9. **REVENUES AND BENEFITS PERFORMANCE REPORT (00-48-49)**

The Cabinet had before it and **NOTED** a *report of the Head of Finance reporting on Council Tax, Non Domestic Rates and Housing Benefit performance for 2015/16. The Cabinet Member for Finance outlined the contents of the report and requested that his appreciation of the work of the collections teams be recorded.

Note: *Report previously circulated, copy attached to minutes.

10. **ANNUAL TREASURY REPORT (00-49-53)**

The Cabinet had before it and **NOTED** a *report of the Head of Finance informing it of the Council’s treasury management performance in 2015/16.

The Cabinet Member for Finance outlined the contents of the report requesting the Cabinet to note changes on the return on investments. He highlighted the deposits

made with the CCLA (Churches, Charities and Local Authorities) commercial property fund and the total dividends received.

Note: *Report previously circulated, copy attached to minutes.

11. **START TIMES OF MEETINGS (00-51-10)**

The Cabinet were requested to consider a start time for its meeting for the municipal year 2016/17.

RESOLVED that meeting of the Cabinet continue to be held at 2.15pm.

(Proposed by the Leader)

12. **NOTIFICATION OF KEY DECISIONS (00-51-44)**

The Cabinet had before it, and **NOTED** its rolling plan* for June 2016 containing future key decisions.

Members were informed of the following movements since the publication of the agenda:

- The High Hedges Policy would be moved to the August Meeting
- The inclusion of the revised Scheme of Delegation to the Head of Planning and Regeneration and East Cullompton - bid to the DCLG on the June agenda.

Note: *Plan previously circulated, copy attached to minutes.

(The meeting ended at 3.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 9 June 2016 at 2.15 pm

Present

Councillors C J Eginton (Leader)
R J Chesterton, N V Davey, P H D Hare-
Scott, C R Slade, Mrs M E Squires and
R L Stanley

Also Present

Councillor(s) F J Rosamond and Mrs E J Slade

Also Present

Officer(s): Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Liz Reeves (Head of Customer Services), John Bodley-Scott (Community Development and Regeneration Manager) and Sally Gabriel (Member Services Manager)

13. APOLOGIES

There were no apologies.

14. PUBLIC QUESTION TIME

There were no members of the public present.

15. MINUTES OF THE PREVIOUS MEETING (00-00-44)

The minutes of the previous meeting held on 12 May 2016 were approved as a true record and signed by the Chairman.

16. NATIONAL ASSISTED BURIALS (00-01-29)

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that subject to minor amendments to the report regarding contact names and numbers, that the National Assistance Burial Procedure be recommended to Council.

The Cabinet Member for the Environment outlined the contents of the report stating National Assistance Burials had been arranged efficiently by the Bereavement Services section over a number of years without a written procedure, with the increase of requests for funerals and with consideration of budgetary restriction it was considered prudent to formalise the current procedure.

Consideration was given to how costs could be recovered if there were funds available in the deceased's estate.

RECOMMENDED to Council that the National Assistance Burial Procedure be approved.

(Proposed by the Chairman)

Note: - *Report previously circulated, copy attached to minutes.

17. TREE POLICY (00-06-33)

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that the revised Tree Policy be approved.

The Cabinet Member for the Environment outlined the contents of the report stating that the policy had been reviewed in line with the council's protocol and only covered the management of District Council's trees and woodland and how the Council would deal with subjects such as tree maintenance, tree pruning, tree removal, planting and subsidence.

RESOLVED that the revised policy be approved.

(Proposed by the Chairman)

Note: - *Report previously circulated, copy attached to minutes.

18. TENANCY CHANGES POLICY (00-07-19)

Arising from a report of the Head of Housing and Property Services, the Managing the Decent and Affordable Homes Development Group had recommended that the revised Tenancy Changes Policy be approved

The Cabinet Member for Housing outlined the contents of the report stating that the policy had been updated and set out how the Council would deal effectively with tenancy changes, such as successions, assignments in accordance with a Court Order, mutual exchange or assignment to a person qualified to succeed to a tenancy; or a joint tenancy request. The policy contained a new section which explained how the tenant may seek written consent to change their tenancy to either sole or joint tenancy; any requests were at the discretion of the Housing Service.

RESOLVED that the revised policy be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: - *Report previously circulated, copy attached to minutes.

19. CULLOMPTON TOWNSCAPE HERITAGE INITIATIVE (00-09-12)

Arising from a report of the Head of Communities and Governance with regard to an application to the Heritage Lottery Fund's Townscape Heritage Initiative, the Economy Policy Development Group had made the following recommendation:

(a) MDDC to act as the accountable and lead body for this project;

- (b) In principal, MDDC to allocate staff and councillor time to the project over 6 years – to include Chairing and sitting on the Steering Group, managing and employing/contracting a project officer and input into the project work;
- (c) MDDC to allocate some funds (in the order of £12.5K initially with the option of further funding from MDDC or finding alternative funding in subsequent years) to the project in order to draw down potentially in the region of £1 million (tbc). The exact figure is dependent on the final structure of the bid, and whether other funding can be drawn down to offset it in future. HLF has indicated that without some cash input from the principle authorities the application will not succeed.
- (d) MDDC to corporately investigate drawing down other funds to contribute to this project e.g. Empty Homes bonus, S106 related to development of Cullompton, property portfolio.
- (e) MDDC to consider what it can do to facilitate the development of the gap site on the former Harlequin Valet site in Cullompton which continues to be an eyesore in the Higher Bull Ring and problem for neighbouring properties. The Higher Bull Ring is the heart of Cullompton town centre and this key site could be beneficial to the economy of the town and to the appearance of the Conservation Area.
- (f) MDDC to integrate the aims of the scheme into all relevant strategic documents relevant to forward planning, empty homes and property in Cullompton
- (g) MDDC to obtain indications of support from Devon County Council, Cullompton Town Council, Cullompton Town Team, Culm Valley in Business and the Cullompton Neighbourhood Plan Group.

The Cabinet Member for Planning and Economic Regeneration stated that Cullompton Conservation Area has been designated as “at risk” with a wide range of properties that were poorly repaired, redundant or under-used. The local authority had an opportunity to apply for funding from the Heritage Lottery Fund under the “Townscape Heritage Initiative” which if successful could provide over £1 million investment in Cullompton’s historic built environment.

Consideration was given to:

- The degree of matched funding required and whether this could be set
- The involvement of landlords
- Partners in the project and the makeup of the Steering Group
- Other possible sources of funding

RESOLVED that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

Note: - *Report previously circulated, copy attached to minutes.

20. **PLANNING AND ENFORCEMENT IMPROVEMENT - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-16-22)**

Arising from a report of the Chief Executive, the Scrutiny Committee had made the following recommendation: that the following be **NOTED**:

- a) The Head of Planning & Regeneration bring forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity at MDDC.
- b) The Head of Planning & Regeneration ensures that staff within the enforcement service are invested in through additional training to help provide them with the necessary confidence about sharing information with members (with reference to Data Protection Act constraints).
- c) The Head of Planning & Regeneration take steps to appoint additional resource specifically into the enforcement team to clear any real or perceived backlog, and that consideration be given to the merits of operating this service as a discrete entity to share knowledge, expertise and resource (as opposed to the current area-based model).
- d) The Head of Planning & Regeneration ensures that 'Part II' reports were only ever brought as an exception in order to maintain transparency as far as Data Protection rules allow.
- e) The Chief Executive, in conjunction with the Head of Planning & Regeneration and the Head of Communities & Governance, consider setting a target for the processing and completion of S106 agreements.
- f) The Head of Communities & Governance considers reviewing (in conjunction with the Head of Planning & Regeneration) whether the current legal expertise available in-house was appropriate to process planning matters swiftly, and to take steps to re-provision this as opportunity permits.
- g) The Cabinet Member for Planning & Regeneration considers a report investigating the introduction of S106 Monitoring Fees in order to adequately resource the level of required activity.
- h) The Chief Executive considers the value of instructing Internal Audit to look at this area before the end of 2016/17 in order to explore further opportunities for service improvement and efficiency.
- i) That local performance indicators for the enforcement service were set and were reported quarterly to the Planning Committee.
- j) That Members were provided with a suite of reports on planning enforcement cases on a monthly basis, and were reported to Planning Committee quarterly.
- k) That the Planning Committee considers the level of delegation that exists in relation to enforcement activity.

- l) Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and report back to this Committee within 4 months.

The Chief Executive explained that he had been asked by the Scrutiny Committee to investigate the efficacy and effectiveness of the Planning Service with particular reference to the way in which enforcement was carried out and how Members were engaged with the work of the Council in this area.

The Chairman of Scrutiny stated that the report had been welcomed by the Committee.

Reference was made to the need for Ward Members to be kept involved with regard to enforcement cases.

RESOLVED that the recommendations from the Scrutiny Committee be **NOTED**.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: - *Report previously circulated, copy attached to minutes.

21. **REVIEWING THE COST OF EFFICIENCIES - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-21-10)**

Arising from a report of the Scrutiny Committee Working Group (Reviewing the Cost of Efficiencies), the Scrutiny Committee had recommended that:

- a) Areas of land for sale should be promoted by Members at Parish Council Meetings.
- b) A pricing structure for services that could be sold, for example to town and parish councils, local charities and small businesses be put together and actively promoted.
- c) Assets such as the Town Halls (Tiverton and Crediton) to be used to maximise income, either by sale, rent or by joint development as they are assets that could generate income.
- d) Conditions of service to be reviewed to consider amending terms and conditions regarding sickness benefits for new employees.
- e) Management information to show long and short term sickness figures.
- f) That staff be incentivised to put forward business ideas and suggestions that could be taken forward to generate income and that some form of reward scheme be put in place.
- g) That the authority becomes less risk adverse and encourage new ventures.

- h) That the Scrutiny Committee undertake a review on the effect of price rises on the Leisure Service, based on appendix 1 of the report.

Consideration was given to each of the recommendations in order:

- a) It was felt that the promotion of areas of land for sale should be promoted by professionals so that Members could continue to be approached by local people and that Members could identify parcels of land rather than promote. It was also felt that the Capital Strategy and Asset Management Group (CSAG) had a robust procedure in place.

RESOLVED that the recommendation (a) not be supported.

(Proposed by the Chairman)

- b) Concern was raised about the effect on small businesses in the local area if in-house services were to be sold, however working in partnership with other local businesses may be the way forward. It was felt that further research was required and therefore it was:

RESOLVED that a pricing structure for services that could be sold, for example to Town and Parish councils, local charities and small business be researched and that a feasibility report be submitted to the Economy Policy Development Group.

(Proposed by Cllr C R Slade and seconded by Cllr N V Davey)

- c) It was generally felt that this was already taking place but that the buildings should not be specified, it was therefore:

RESOLVED that: buildings and other assets be used to maximise income, either by sale, rent or by joint development as they were assets that could generate income.

(Proposed by Cllr N V Davey and seconded by Cllr C R Slade)

Note: Cllr N V Davey declared a personal interest as a Member of Tiverton Town Council.

- d) It was generally felt that this was an operational issue and therefore it was:

RESOLVED that the recommendation be **NOTED** and referred to the Chief Executive for consideration.

(Proposed by the Chairman)

- e) With regard to management information to show long and short term sickness figures, it was

RESOLVED that the recommendation be **NOTED** as the issue had already been addressed.

(Proposed by the Chairman)

f) It was felt that this scheme had been used in the past and therefore it was :

RESOLVED that this be referred to the Chief Executive for him to deal with accordingly.

(Proposed by the Chairman)

g) It was felt that that new ventures should be encouraged but that risk assessments must take place, it was therefore:

RESOLVED that the Local Authority encourage new ventures and seeks new business opportunities.

(Proposed by Cllr C R Slade and seconded by Mrs M E Squires)

h) It was agreed that a review on the effect of price rises within the leisure service was already taking place and therefore it was:

RESOLVED that this matter continue to be reviewed by the Community Well-Being Policy Development Group.

(Proposed by the Chairman)

Note: - *Report previously circulated, copy attached to minutes.

22. **PLANNING POLICY DOCUMENTS FOR CONSIDERATION BY PLANNING POLICY ADVISORY GROUP, CABINET AND THE COUNCIL (00-53-11)**

The Cabinet had before it a report of the Head of Planning and Regeneration seeking to amend which planning policy documents would be considered by the Planning Policy Advisory Group (PPAG), Cabinet and Council, providing further detail and clarity pertinent to the Scheme of Delegation within the Council's Constitution.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need to clarify the pathway for planning policy documents, therefore the table in the report removed any misunderstanding and misinterpretation of the decision making level.

RESOLVED that the following table be approved:

Type of Policy Document	Planning Policy Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main towns
Local Development Scheme	No	Yes	No	No
Statement of Community Involvement (SCI)	Yes	Yes	Yes	No

Local Plans	Yes	Yes	Yes	No (unless it includes reference to strategic site allocations)
Community Infrastructure Levy (CIL) Charging Schedule	Yes	Yes	Yes	No
Supplementary Planning Documents (SPD)	Yes	Yes	No (except Masterplans)	No
Introduction of new Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	Yes	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning, Ward Member(s) & Cabinet Member (P&R).	No	No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			
Area of Special Control for Advertisements	Yes	Yes	Yes	No
Annual Monitoring Report	No	No	No	No

(Proposed by Cllr R J Chesterton and seconded by Cllr P H D Hare-Scott)

Note: *Report previously circulated, copy attached to minutes.

23. **LOCALLY LED GARDEN VILLAGES, TOWNS AND CITIES (00-55-15)**

The Cabinet had before it a * report the Head of Planning and Regeneration requesting Members to consider a bid for DCLG support to deliver East Cullompton as a Locally Led Garden Village.

The Cabinet Member for Planning and Regeneration outlined the contents of the report stating that in March 2016 the Department for Communities and Local Government (DCLG) published a prospectus titled 'Locally-led Garden Villages, Towns and Cities' which aimed to deliver accelerated housing supply through the support of high quality locally-led schemes that would realise a new generation of garden villages, towns and cities. An offer of support was made for ambitious locally led proposals for garden communities at a smaller scale of 'villages' 1,500 – 10,000 homes as well as larger 'towns' of more than 10,000 homes. The prospectus invited expressions of interest for Government support by 31st July 2016.

The Local Plan Review identified land to the east of Cullompton as a suitable location for strategic growth and included a draft policy for the allocation of mixed use development which included 2100 dwellings which could be put forward for Government support under the local led garden village scheme.

Consideration was given to:

- the funding that may be available under the scheme along with enabling support, brokerage, assistance in overcoming barriers and the ability to work alongside stakeholders to bring the development forward.
- The support of Cullompton Town Council and the Neighbourhood Plan Steering Group of the scheme.

RESOLVED that:

- 1) the submission of an expression of interest to the Government for support under the Homes and Communities Agency (HCA) prospectus 'Locally-led Garden Villages, Towns and Cities' be approved; and
- 2) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to compile and submit the expression of interest documentation.

(Proposed by Cllr R J Chesterton and seconded by Cllr N V Davey)

Note: *Report previously circulated, copy attached to minutes.

24. **DELIVERY OF STARTER HOMES (1-00-17)**

The Cabinet had before it a * report of the Head of Planning and Regeneration regarding a bid for funding for the delivery of starter homes.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the proposed bid: partnerships with the HCA were to be used to acquire, assemble and de-risk land for starter home developments which could be built out by 2020. A list of 35 sites within the district had been identified with the

potential to provide 725 dwellings (364 starter homes) and that this list would require some refinement as not all sites were suitable for development, there was a need to establish likely build rates and assemble a portfolio of priority sites for further discussion; the input of Ward Members would be very important in the selection process.

Consideration was given to the need for local Ward Members to be involved in discussions at an early stage.

RESOLVED that:

- 1) The Expression of Interest made to the Homes and Communities Agency (HCA) under the prospectus “Starter Homes: Unlocking the Land Fund” be ratified; and
- 2) Delegated authority be given to the Heads of Housing and Planning & Regeneration in consultation with the Cabinet Members for Housing and Planning and relevant Ward Members to refine and prioritise a list of sites suitable for starter homes and seek a partnership with the HCA to deliver these.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: *Report previously circulated, copy attached to minutes.

25. **S106 MONITORING FEES (1-04-22)**

The Cabinet had before it a *report of the Chief Executive requesting consideration of the introduction of a monitoring fee within future legal agreements made pursuant to S106 of the Town and Country Planning Act 1990.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a lot of time was spent monitoring Section 106 agreements and that there was a need to incorporate an administration fee into the S106 agreements to recover the cost of monitoring the provisions of planning agreements from applicants.

Consideration was given to:

- The types of planning obligations
- The monitoring activity that took place
- How the Planning Obligations Monitoring Officer was fed information
- The fact that the charge could not exceed the cost of the provision of the service

RESOLVED that the introduction of a planning obligation monitoring fee be approved and that delegated authority be given to the Head of Planning and Regeneration in conjunction with the Cabinet Member for Planning and Economic Regeneration to set the fees and any future review of fees.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: *Report previously circulated, copy attached to minutes.

26. **LANDSCAPE IMPLICATIONS OF SOLAR ENERGY PROPOSALS SUPPLEMENTARY PLANNING DOCUMENT (1-13-06)**

The Cabinet had before it a *report of the Head of Planning and Regeneration requesting Members approval of the Solar PV Developments in the Landscape Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Solar PV Developments in the Landscape SPD provided guidance on key landscape issues associated with solar photovoltaic (PV) developments. It provided guidance on the relative landscape sensitivities of different areas within Mid Devon to solar developments and offered advice with regard to the good siting and design of solar PV schemes including guidance on how potential impacts could be minimised.

It was generally felt that the document be welcomed and approved for use as a tool by Planning Officers.

RESOLVED that the Solar PV Developments in the Landscape Supplementary Planning Document be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: *Report previously circulated, copy attached to minutes.

27. **LAND AT ISABELLA ROAD, TIVERTON (1-16-03)**

The Cabinet had before it a *report of the Head of Housing and Property Services seeking authorisation to appropriate a parcel of land for planning purposes.

The Cabinet Member for Housing outlined the contents of the report stating that the land had not been used as public open space following the completion of the Pinnex Moor Development and having become surplus to the Council's requirements it had been decided to dispose of it. Planning permission had been granted in 2011, he highlighted the legal process that had to take place if a third party made a claim to have required by prescription a right of way over part of the land.

Consideration was given to the Ward Member's view in that development of the parcel of land would tidy up the area.

RESOLVED that the appropriation of the land shown edged in red on the plan ("the Land") for planning purposes in accordance with section 122 of the Local Government Act 1972 be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Note: *Report previously circulated, copy attached to minutes.

28. **PERFORMANCE AND RISK Q4 OUTTURN FOR 2015/16 (1-19-28)**

The Cabinet had before it and **NOTED** a *report of the Head of Communities and Governance providing it with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Internal Audit Team Leader walked Members through the report and Cabinet Members were invited to highlight any issues within their portfolios.

Discussion followed with regard to:

- Brown bins and the new composting scheme
- The reduction of carbon footprint in our offices and public buildings
- The percentage of food premises inspected
- The percentage of leisure members retained
- Major planning applications
- Satisfaction with front line services

Note: *Report previously circulated, copy attached to minutes.

29. **NOTIFICATION OF KEY DECISIONS (1-26-00)**

The Cabinet had before it, and **NOTED**, its rolling plan * for June 2016 containing future key decisions.

Note: * Plan previously circulated; copy attached to the signed Minutes

(The meeting ended at 3.43 pm)

CHAIRMAN

National Assistance Burial Procedure

Cabinet Member Cllr Neal Davey
Responsible Officer Nick Sanderson, Head of Housing and Property Services

Reason for Report: To inform members of the Council's proposed procedure when dealing with a National Assistance burials.

RECOMMENDATION(S): That the Cabinet approves the National Assistance Burial Procedure attached at annex A.

Relationship to Corporate Plan: This is a statutory service.

Financial Implications: It is essential that the National Assistance Funerals carried out by the District Council are cost effective; there is currently an increase in the demand for this statutory duty.

Legal Implications: The Council has a statutory duty to carry out National Assistance Burials under The Public Health (Control of Disease Act 1984 Section 46) and the National Assistance Act 1948 Section 50

Risk Assessment: If there is no National Assistance Burials procedure or if the procedure is not followed a funeral may take place without the knowledge of relatives.

1.0 Introduction

- 1.1 National Assistance Burials have been arranged efficiently by the Bereavement Services section over a number of years without a written procedure, with the increase of requests for funerals and with consideration of budgetary restrictions it is considered prudent to formalise the current procedure. See Annex A.
- 1.2 National Assistance Burials are sometimes referred to as "Paupers" Funerals: Mid Devon may be informed by the Exeter Coroner's Office, a Nursing Home, Housing Association' a relative or a friend, when a resident of the district has died and there is no one prepared or able to make arrangements for the deceased funeral.
- 1.3 The number of National Assistance burials carried out by Mid Devon has steadily increased over the past decade; there have been 17 since 2006.
- 1.4 Mid Devon have a statutory duty to 'cause to be buried or cremated the body of any person who has died or been found dead within the district where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority'.

2.0 Funeral Arrangements

- 2.1 All National Assistance funerals arranged by Mid Devon shall be an interment in either Crediton or Tiverton Cemetery, unless specific instructions have been left by the deceased.
- 2.2 Burial plots within these cemeteries are double depth and has the capacity for two coffins, this will result in unrelated persons being buried in the same grave.
- 2.3 A will may state the preference to be buried in a family plot, this should be complied with as long as the difference in cost can be paid by a relative or there are sufficient funds in the deceased's bank account.

3.0 Funeral Director

- 3.1 The current funeral director employed by Mid Devon is Le Roy Funerals who have offices in Exeter and Crediton; Le Roy Funerals won the contract in open competition between all the undertakers on the council's approved contractors list.

4.0 Genealogy Searches

- 4.1 In advance of arranging a National Assistance Burial a genealogical search shall always be carried out, this ensures that any next of kin are aware of their relatives' death and that they are offered the opportunity to make the necessary funeral arrangements.

Contact for more Information: A Cook, Open Spaces and Bereavement Services
Tel: 01884 234339, acook@middevon.gov.uk

Circulation of the Report: Cllr Neal Davey, Management Team

Annex A



National Assistance Burials Procedure

**The Public Health (Control of Disease)
Act 1984 Section 46**

National Assistance Act 1948 Section 50

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1. Introduction

- 1.1 Mid Devon District Council (MDDC) has a duty to bury or cremate the body of any person who has died or been found dead in its area where it appears that no suitable arrangements for the disposal of the body are being made – **Public Health (Control of Disease) Act 1984 s.46**
- 1.2 MDDC can recover the cost of burial or cremation from the estate of the deceased person – **National Assistance Act 1948 s.50**

2. How we are contacted

- 2.1 We may be informed of a death by:
 - The Coroners Office
 - Nursing Home or Social Services
 - Housing Association
 - Relative or friend of deceased
 - Police
 - Undertaker

3. Who is responsible?

Firstly, you need to decide if MDDC is responsible for arranging the funeral and the following options should be explored:

- 3.1 If the death occurred in hospital it is the Health Authorities responsibility to arrange a funeral. This will usually occur at RD&E and contact should be made with Sue Wood (Bereavement Officer) Tel: 01392 402349 Email: susan.wood13@nhs.net
- 3.2 If the death occurred in a Devon County Council residential home, we can ask the manager of the home if they would like to take on the responsibility of arranging the funeral if the deceased had any funds. If the deceased had no family, DCC may have been looking after the deceased's financial affairs and had Court of Protection rights and although these rights cease upon death, they may still feel morally responsible for arranging the funeral. If the deceased had no funds, then it is very likely that DCC will refer any funeral responsibilities to MDDC to deal with.

Note – Neither RD&E or Devon County Council have a legal duty to deal with the funeral arrangements in the instance where no suitable arrangements are being made. There has always been a **general**

understanding that the Health Authority will take on the responsibility if someone has died whilst in their care and RD&E will usually honour this.

If either organisation refuses to deal with the arrangements, the duty would fall to the local authority where the death occurred (Exeter City Council if resident died in RD&E)

- 3.3 If death occurred outside MDDC district then we have no responsibility and we do not need to carry out funeral arrangements.
- 3.4 A close relative and in certain circumstances a close friend can apply for a Funeral Payment from the Social Fund (part of the Department for Work & Pensions) if they are claiming certain benefits. Details of how they can apply are listed below:
- Visit the Social Fund's website and obtain their guidance pack and form at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300448/sf200_print.pdf
 - Contact the Social Fund 'Bereavement Line' on 0845 606 0265 and they will take details of the case over the phone.
 - Call into the local Job Centre Plus office and complete a form with a member of staff

There is also a Council guidance note on National Assistance Burials which can be sent out to relative / friend etc and includes how a relative can get financial help from the Department for Work and Pensions.

- 3.5 If a wife, husband or civil partner has died and paid National Insurance Contributions they may be eligible for a one-off, tax-free, lump-sum Bereavement Payment of £2,000. Applicants can contact the Bereavement Service (part of DWP) on 0345 606 0265
- 3.6 If a next of kin / relative or friend is located who wishes to take responsibility for the funeral this is welcomed. In the instance where the deceased has sufficient funds in their bank account to cover any funeral costs, the family member or friend should make contact with the deceased's bank and ask if they can release funds or pay the funeral director directly.

Note - Has the relative spoken to all family and friends regarding a combined approach to pay for the funeral?

- 3.7 All of the above options need to be discussed thoroughly with the relative or friend before we decide to arrange the funeral. There is no provision of part payment of expenses or donations – someone must take FULL responsibility. If they pass the responsibility onto the Council we will take full control of the arrangement and the relative will need to complete a **'Next of Kin' declaration form** which confirms that there are no other family members willing to deal with the funeral. We will also require an up to date copy of the deceased's bank statement from the relative.

4. Details of deceased

- 4.1 If no one has accepted responsibility at this stage, more details will need to be obtained and the 'Particulars of Deceased' form should be completed.
- 4.2 Coroner involvement – The Coroner investigates all unexpected, accidental and/or suspicious deaths. She is assisted in this by officers from officers from Devon & Cornwall Police as well as local pathologists. Her Majesty's Coroner for Exeter & Greater Devon District which includes North, West, East and Mid Devon is:

Dr Elizabeth A Earland
H.M. Coroner
County Hall
Topsham Road
Exeter
EX2 4QD

If the Coroners Office is involved, they will have already made some enquiries and will be able to provide 'all known information' to the local authority regarding the deceased. Main Coroner office contact number is:

01392 403062

- 4.3 Ask the informant if they know of a Will left by the deceased as this may name a person responsible for the funeral.
- 4.4 Speak with the following to try and obtain next of kin details or existence of of a Will:
- Hospital
 - Police
 - Doctor
 - Neighbours
 - Friends
 - Contact local solicitor's who may hold a Will

- 4.5 In the event where next of kin details are found ask if they would like to take on the funeral arrangements and go through Section 3 of the procedure with them. If they decline, a 'Next of Kin' declaration form will need completing by them and returning to us.

5. Visiting deceased property

- 5.1 If the deceased had an abode, which may be a privately owned house, rented accommodation or council owned property, access must be obtained. Two officers must go to the last known address to try and locate any next of kin details and to ensure that the effects of the deceased are properly dealt with and accounted for. If it is a Council owned property, then a Housing Officer will be the second officer and they can also assess the clearance of the property at the same time.
- 5.2 Keys to the property may need to be collected from a landlord, friend, family member, community support officer / warden or Police. If the Police are involved, contact must be made with the Police Officer who attended the property to ascertain where the keys should be collected from and when. Also ask for details of the property log number, this will make any property easy to locate upon collection.
- 5.3 The following items are particularly useful and officers should always attempt to recover them during their search of the property:
- Will
 - Evidence of any next of kin / relatives
 - Insurance Policies
 - Pension Book or Documents
 - Savings Books
 - Bank Account details
 - Cash
 - Medical Records (medical card)
 - Birth / Marriage Certificate(s)
 - Any wishes regarding a burial or cremation
 - Utility Bills if the property is owned by MDDC – The Estate Management officer who attends the search will make contact with all utility companies and advise them of the tenants death
- 5.4 Take photos of each room of the property before and after the search to confirm the condition of the property.
- 5.5 Any cash, small valuables or personal paperwork should be removed and recorded on the 'Retrieval of Possessions Form'. This should be completed and signed by the case officer and countersigned by the second officer once the search has been completed. Any cash should be

paid into the Council's National Assistance Burial account via the cashiers on return to the office. A 'Payment Advice' form can be handed over to the cashier, along with the cost code for the National Assistance Burial Income account – ES1007259

Note – Retrieval of any cash from the deceased's property should always be fully recorded and countersigned by the second officer attending the search. On returning back to the office, ask a line manager to check the amount again and countersign the 'Retrieval of Possessions' form.

- 5.6 Any larger items of value (furniture, cars, etc) should be recorded in Officers notebook and photos taken; this should include any valuables held by family and friends for security.
- 5.7 If there is any perishable food or food waste at the property, place in refuse sacks and either put in food recycle bin or landfill bin. Inform Waste Management of the number of bags and the collection point and a Waste Officer will organise a special collection.
- 5.8 If the property is filthy or verminous or there are bodily fluids causing a public health issue, then this information should be passed onto the property owner immediately (landlord, Estate Management etc) and they should ensure that a pest control firm or a professional cleaning company are employed to deal with the issues. If the property was owned by the deceased, then Environmental Health will organise this work and recover the cost from the estate.

Note – Officers must wear appropriate PPE under these conditions which may include a paper suit, gloves, mask and shoe covers.

- 5.9 Before leaving the property, make sure all windows and doors are secure and turn off any electrical devices
- 5.10 If a Will is located the executor or the solicitor named should be notified and asked if they wish to take over the arrangements as soon as possible. Any public health issues within the property must also be raised with the executor or solicitor straight away and advice given regarding any pest control treatment or cleansing required

6. Moving the body

- 6.1 The body may be at:
 - The deceased home.
 - A residential home.
 - The Mortuary at the Royal Devon and Exeter Hospital (RD&E), Exeter.
 - Already at an undertakers.

- 6.2 If the initial information suggests MDDC is likely to undertake the funeral arrangements and the body is still at the deceased property then the contracted undertaker should be contacted to remove the body (provided a doctor has confirmed death and the Coroners Office / police have not indicated otherwise).

Details of the deceased should be sent to the funeral directors contact officer in writing (by email) and authorisation given to proceed with the collection of the body and arrangement of the funeral. An order number will also need to be provided.

- 6.3 The Councils contracted Funeral Director is:

Leroy Funeral Services
298 Topsham Road, Exeter, EX2 6HG
Tel: 01392 211211

Contact Officer: Paul Weeks (Office Manager) 01392 255535 / email:
paul@leroyfunerals.co.uk

- 6.4 If for any reason the body is taken to another undertaker then the cost of moving the body to Leroy Funeral Services will fall to MDDC.

7. Registering the death

- 7.1 The death must be registered with the Registrar from the district in which the death occurred, within five days after death (14 days after Post Mortem). To make an appointment to register a death call Devon County Council Registrars on 0845 155 1002.
- 7.2 If a relative, friend or nursing home is willing to register the death ask them to do so, if not it is the local authorities' responsibility to do so.
- 7.3 If an inquest has been held, the Coroners Office will register the death and the certificate for cremation / burial will be left with the body at the mortuary. This process can take some time and the Coroner can provide the local authority with an 'Interim Death Certificate' in the meantime (acts in the same way as a certified death certificate which we would usually obtain from the Registrars).
- 7.4 If a post mortem has been carried out (but no inquest) the Coroners Office will deliver the 'Coroner Death Certificate' to the Registrar but the local authority or relative must still register the death. Again the certificate for cremation / burial will be with the body.

7.5 If there is no post mortem the death must be registered by the local authority or relative and they will need to take the death certificate signed by the doctor in the sealed envelope in which it comes. If a cremation is to take place, the Registrar will give the 'informant' the green certificate for burial or cremation.

Note - Details can be checked with an officer at the Coroners Office – telephone 01392 403062

7.6 To register the death the officer will need to know as much information as possible about the deceased and they should take the Doctors death certificate with them. Officers should try and obtain the following information to take with them:

- Full name and address of deceased (and maiden name if female)
- Date and Place of Death
- Date & Place of Birth
- Details of spouse (if there is one)
- Occupation at time of death (and before retiring)
- NI number – Registrars can inform DWP of the death which resolves any issues of overpayment of pension

7.7 The registrar will issue:

1. A certified copy of the registration of death
2. Form for National Insurance and Social Security purposes (otherwise known as a DB8)
3. A certificate for burial or cremation (green form) which should be passed onto the funeral director. Not needed if coroner involved.

7.8 A copy of the registration of death (Death Certificate) will only be needed if MDDC is likely to reclaim expenses against insurance policy / bank accounts etc or other estate. A copy of the Death Certificate will cost £4.00 and can be reclaimed through expenses. If there are several bank accounts then the officer may need to request 2 or 3 copies.

7.9 The registrar will provide, free of charge, a form for National Insurance and Social Security which needs to be taken or sent to Job Centre Plus to cancel any pensions / benefits etc. This will require completion and should be sent to :

Job Centre Plus
Phoenix Lane
Tiverton
EX16 6LU

- 7.10 If a burial is to take place, one doctor certificate of death is needed. If cremation is to take place two doctors certificates are needed from separate medical practices. The second doctor can visit the funeral directors to view the body.
- 7.11 When arrangements have been made to register the death the Councils contracted funeral director (Leroy Funeral Service) can be contacted and asked to arrange the funeral.

8. Funeral and Funeral Director

- 8.1 The certificate for burial or cremation (green form) should be delivered to the funeral director. If the deceased requested cremation, the officer will need to complete a '**Cremation 1**' form – '**Application for cremation of the body of a person who has died**' and a '**Instructions for the cremated remains**'.
- 8.2 Burial is the preferred option as MDDC owns two cemeteries, Tiverton and Crediton. However, if the deceased has left specific instructions regarding cremation, the Council will honour this and arrange for a cremation to take place.

Please refer to the Funeral Directors contract regarding preferences on which crematorium or cemetery is used and under what circumstances.

- 8.3 However there may be reasons the deceased wished to be cremated. This could be due to information contained in a Will; family or friends wishes or due to religious reasons.
It is stated in the Public Health (Control of Disease) Act 1984 Section 46 (3) that:

'an Authority should not cause a body to be cremated if there is any reason to believe that cremation would be contrary to the wishes of the deceased'.

- 8.4 A Will may also state the preference of the deceased to be buried at a family grave, which should also be complied with as long as the difference in the cost can be paid by the relative or there is sufficient funds in the deceased's bank account.
- 8.5 The Council will pay for a simple but dignified funeral arranged by Leroy Funeral Service and this will include:
- Supply a coffin appropriate for burial or cremation, suitably fitted with handles, plate of inscription, internal lining and gown

- Removal of the deceased to the Chapel of Rest and care of the deceased until day of funeral
- Provision of Hearse and attendant staff
- Arranging and conducting the Funeral

Note - The Council shall not pay for a minister of religion or a religious representative of the faith of the deceased. Relatives or friends of the deceased can appoint and pay for a minister if they wish.

Cremations shall be held at Exeter and Devon Crematorium and shall be a "Non- Attendance Committal". Relatives and friends who wish to have use of the chapel before the committal can do so if they fund the additional cost.

Families and friends attending a burial at one of the Council's cemeteries at Crediton or Tiverton shall be given the option of using the cemetery chapel for half an hour before the burial, at no cost.

The Council has no legal duty to inform relatives of the arrangements but we would be open to criticism after a 'normal' investigation if we did not inform relatives and friends of the date, time and place.

- 8.6 The Funeral Director will arrange the details of the funeral and will normally act as the Council's representative at the funeral.
- 8.7 Ashes from cremation will normally be scattered in the garden of remembrance at Exeter Crematorium unless there is a relative or friend who wishes to take possession of the ashes, in which case any details of relatives or friends who wish to take control of the ashes should be clearly highlighted on the '**Instructions for the cremated remains**' form.
- 8.8 Once the funeral has been completed the Funeral Director will send us their invoice and the procedure for paying
- 8.9 The procedure for paying invoices is as follows:
1. When the invoice arrives check name and details of the deceased are correct.
 2. Check all figures and total are correct and in accordance with the Funeral Director's contract
 3. Check on deceased file that invoice has not already been paid before certifying payment.
 4. Put copy of invoice in deceased file with 'Passed for payment' and the date on the top of it.

9. The Estate

- 9.1 It is the Council's responsibility to make every effort to recover its costs, which include the undertaker's bill and any administration charge for the work we have carried out. The person or organisation responsible for the arranging and paying for the funeral has first claim on the deceased's estate.
- 9.2 It is not our responsibility to arrange house clearance (unless Council owned in which case refer to the Housing team) but sale of the possessions of the deceased may help to recover funeral costs if there are little funds in the deceased's bank account.
- 9.3 Valuable items should be auctioned and officers should make sensible decisions about the cost involved in selling items against their anticipated value.
- 9.4 As the funeral expenses are the first legal charge against any estate, we will need to write to any financial institution advising them of the person's death. Enclose the original death certificate, the funeral directors invoice and receipt of payment by MDDC. Only when this first charge has been paid can anyone else claim the residue.
- 9.5 Notify all relevant MDDC departments regarding the death (Council tax etc)
- 9.6 The Council will not be responsible for cleaning or fumigating a property – unless it is decided it is needed before they can investigate the case or there are public health issues which need dealing with.
- 9.7 If any money or valuables are left over after the bills are paid then this can either be passed to the relatives (after they have signed the 'Retrieval of Possessions/Valuables by Relative or Friend' form) or to the Treasury Solicitor (see 10.2 for further details).

10. Treasury Solicitor

- 10.1 If after MDDC has recovered its costs, including officer's hours, mileage, house clearance and pest control, there is still money left, this should be sent to the Treasury Solicitor. This is done by filling in form BV1A which can be found on the Bona Vacantia Division website.

Tsol initially require only birth, marriage and death certificate DO NOT SEND ANY DOCUMENTS OR POSSESSIONS until confirmation has been obtained in writing from Tsol that they are accepting the case. They now say 90% of cases result in them finding a next of kin. The case will then be referred back to us to pass all documents etc to NOK.

Or from the Treasury Solicitors office at: *NEW ADDRESS =*

Treasury Solicitor's Department
Bona Vacancia Division BVD
P O Box 70165
LONDON WC1A 9HG
tel. 020 7210 4700 020 7210 3104
Email: bvinfo@tsol.gsi.gov.uk

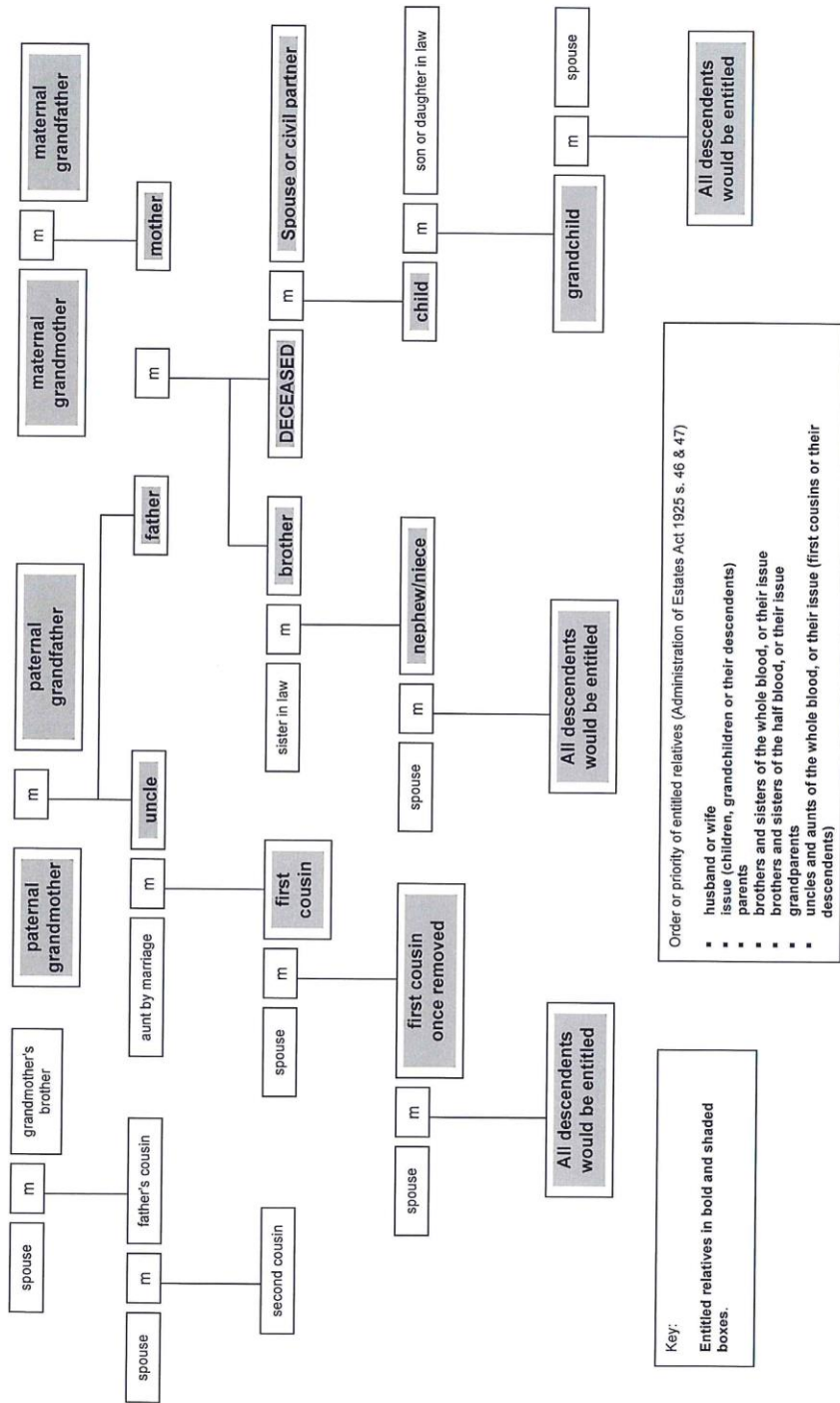
Note: If the deceased owned a freehold or leasehold property then form BV1D should also be completed (this can also be found on the above website or the information cabinet)

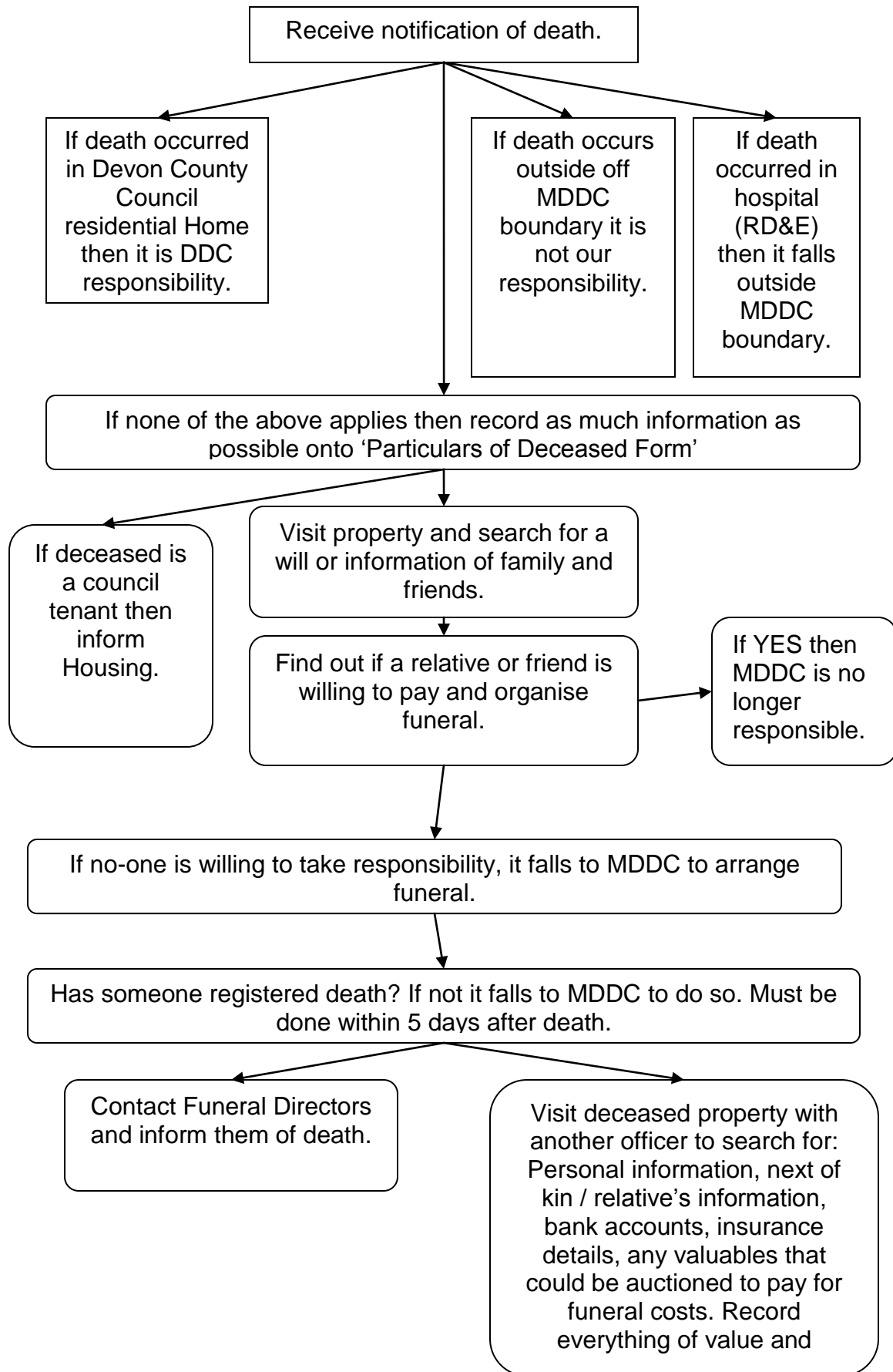
- 10.2 When an estate consists only of a net cash residue of £500 or under, the money may be retained by a blood relative (see family tree below) or the Council (if blood relative cannot be traced). When an estate consists of a cash residue of over £500 the case should be referred to the Treasury Solicitor, but only in the instance where a blood relative has not been found – **TSol can only administer the estate of someone when we have been unable to locate any next of kin.**
- 10.3 If blood relatives have been found refer to the family tree detailed below concerning order or priority of entitled relatives. Family entitled to make a claim on the deceased's estate should seek legal advice from a probate solicitor or contact the 'Probate or Inheritance Helpline' on 0845 3020 900
- 10.4 See separate guidance from The Treasury Solicitor entitled: "Guidelines for Referring Estates to the Treasury Solicitor" for a more in depth guide and procedure for sending papers and valuables to the Treasury Solicitor.

Officers should keep comprehensive records of all events as they occur during the investigation and actions they have taken. This is important if any queries arise. We need to show that we have made reasonable checks to ascertain any next of kin and a Will.

The sensitivity of dealing with these issues should not be underestimated, but you also need to be firm when handling relatives/friends of deceased as we need to keep a fair and uniform approach when arranging each funeral.

RELATIVES ENTITLED TO SHARE IN AN INTESTATE ESTATE





MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 23 May 2016 at 2.00 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs G Doe, R Evans, Mrs S Griggs,
T G Hughes, Mrs J Roach, J L Smith,
T W Snow and R Wright

Apologies

Councillor(s)

Mrs C P Daw and N A Way

Also Present

Councillor(s)

R L Stanley, C J Eginton and Mrs M E Squires

Also Present

Officer(s):

Stephen Walford (Chief Executive), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Jenny Clifford (Head of Planning and Regeneration) and Julia Stuckey (Member Services Officer)

1 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2016/17.

2 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs C P Daw and from Cllr N A Way who was substituted by Cllr R Wright.

3 PUBLIC QUESTION TIME

Mr Pocock, referring to item 9 on the agenda, said we welcome the report which we feel starts the process of answering some of the concerns about planning and enforcement decisions but we have the following questions;

Why is there nothing on the audit of the consistency of decisions both with respect to other planning departments and the need for similar internal audit within your own department which could possibly reduce the risk of legal challenges and judicial review? The audits in the report are mainly tick box number exercises which say nothing about the robustness of decisions.

With respect para 4.9, if a planning restriction is regarded as trivial why include it in the conditions of planning acceptance?

Why is there nothing in the report of the importance of enforcement decisions being in line with planning regulations and where breaches are apparent it should be mandatory that enforcement is applied? If it is not considered appropriate then the risks of litigation or judicial review should be assessed. However the fear of an appeal should not be a reason to approve an application.

Why is there nothing about an agreed and specific timescale for responses to queries about planning matters including decisions and enforcement?

We hope these questions will help you alleviate many of the concerns from both the public and councillors and potentially reduce your long term risks.

The Head of Planning and Regeneration replied that arrangements had already been put in place for an internal audit to take place during 2016/17 though the Chair of the Audit Committee pointed out that an audit would review process, systems and method rather than individual cases.

Regarding triviality of breaches the Head of Planning and Regeneration informed the Committee that she was working with officers to ensure that only necessary conditions were added to planning consents. With regard to the risk of Judicial Review she stated that it would be remiss of officers not to inform Members of the risk but that this should not fetter decision making.

4 **MEMBER FORUM**

Cllr Mrs J Roach asked for reassurance that a report regarding Safeguarding would be on the agenda for the next meeting of the Committee.

The Head of Communities and Governance confirmed that the report would be on the agenda for the meeting on 18th July 2016.

5 **MINUTES OF THE PREVIOUS MEETING**

Subject to changing the wording "high level verbal summary" at Minute 155 to read 'verbal update' the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

6 **DECISIONS OF THE CABINET**

The Committee **NOTED** that none of the decisions made by the Cabinet at their last meeting had been called in.

7 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Members to a new year of Scrutiny and said that he looked forward to their contributions.

The Chairman informed the Committee that the agenda for the next scheduled meeting of the Committee was light and Member Service's staff would be busy assisting with the EU Referendum and he therefore asked for the Committees approval to cancel the meeting. This was **AGREED** and therefore the next meeting of the Committee would be on 18th July 2016.

8 PORTAS 00.16.00

The Chairman welcomed members of the PORTAS Executive, Cllr S Griggs, Mr P Young, Mr M Freeman and Mrs B Lester, to the meeting and explained that it was within the role of the Scrutiny Committee to look at organisations in receipt of public money in order to give them an opportunity to be accountable.

Cllr Mrs Griggs outlined the vision of PORTAS which was to regenerate the town centre and bring vitality to the town. Tiverton had been awarded funding in the second tranche of awards with the aim of turning around an unloved and underused high street. Cllr Griggs stated that she believed that this had happened and that that town had received an uplift in the last 5 years with more events taking place. This was not just due to PORTAS but she considered that the apathy that was previously in the town had now gone and that the work undertaken had proved that the town could shine.

Cllr Griggs informed the Committee that the Group had achieved over 50 areas of improvement to help improve footfall in the town. Original plans were to improve car parking, set up a coach park, an attractions pass, a shoppers loyalty scheme, new town signage and an internet shopping pick up location for the town.

Group members had tried to set up an attractions pass but this had not proved to be successful and the shoppers loyalty scheme had not taken off. Internet shopping pick up locations were now in place, as was the coach parking bay. Cllr Griggs did not consider that the recent changes to parking fees would help. New welcoming signs had been placed at the major entrances to the town. Ongoing work included the implementation of a hand map, a town centre colouring book and the CreaTIV hub shop continued to prove to be popular. A Cooperative shop for local artists that PORTAS set up in the town had proved successful in showcasing local talent and had resulted in several artists going on to open their own shops and exhibitions.

The group were asked who their members were and how they were selected. Cllr Griggs explained that initially they were a group of 4 volunteers who wanted to see Tiverton prosper. There was now a team of 5 with other volunteers that could be called on for specific events. Cllr Griggs added that the group would work with anyone, were continually asking people to join and were open to this. She explained that the Department for Communities and Local Government (DCLG) had approved their method of working with a small team when other areas with larger teams had failed.

When asked about the relationships between the group with Tiverton Town Council, with Mid Devon District Council and with the Town Centre Manager Mr Young stated that they were in regular contact with Town Centre Manager and that three of their members were also Town Councillors so communication with them was good. Mr Young said that they would like to work more with these groups and asked if there was a Business Improvement District (BID) available. The Head of Communities and Governance explained that a number of local businesses had joined to form a group and had set up a Town Centre Partnership. She explained that there was a need for buy-in from local business to move forward with the BID and the local businesses concerned did not feel that they wanted to pursue this at the current time. Mr Young stated that PORTAS would be pleased to meet with all of these groups. The Head of

Communities confirmed that the Town Centre Manager was working hard to bring these groups together. She also informed the Committee that herself and the Cabinet Member for Planning and Regeneration were in regular contact with these groups.

Discussion took place regarding car parking charges and the Chairman of the Audit Committee informed the Committee that since April vendors had seen an increase of over 2500 on last year in Tiverton car parks and that income had increased by £11k. Dwell time was discussed.

Cllr Griggs stated that concessionary parking had been agreed for the Food Market events arranged for Saturday evenings in the summer but had not been made available for PORTAS events. The Leader of the Council pointed out that concessionary parking was provided in the lead up to Christmas.

Cllr Griggs confirmed that there was £39,820 remaining in the PORTAS funds and that spend was planned for the Feast of St James and the literary festival. A community radio station was an ongoing project, there were plans in place for a Christmas event/winter festival, signage for Westex, a hand map and an art trail which was being discussed in liaison with the Mid Devon Museum.

The Chairman thanked the group for the good work they had undertaken.

9 **PLANNING AND ENFORCEMENT IMPROVEMENT 00.50.20**

The Committee had before it a report * from the Chief Executive regarding the Planning and Enforcement Service.

At a previous meeting of the Committee the Chief Executive had been asked to investigate the efficacy and effectiveness of the Planning Service, with particular reference to the way enforcement was carried out and how members were engaged with the work of the council in this service area.

The Chief Executive outlined the contents of the report which gave context to the current situation, flagged the importance of keeping Members informed and provided recommendations to enable future improvements.

Discussion took place regarding:

- Income generation and whether it could be possible provide a service to others;
- Breaches that required investigation;
- Whether or not all breaches were real or perceived and public expectation;
- Triage of breaches;
- Whether Planning Officers should undertake enforcement duties or whether it was best served as a separate role;
- Whether Planning Enforcement Officers should work in geographic areas or on a unitary basis;

- The extra work that would be generated to provide regular updates to Members and how it was hoped that this could be an automatic report from the IT systems;
- An additional post in the Legal Team was currently being advertised and it was intended that a Planning Solicitor be appointed;
- The Audit Team had added an internal audit to their programme;
- Methods of updating the public and town and parish councils;

It was **RECOMMENDED** to Cabinet that the following be noted:

- a) The Head of Planning & Regeneration bring forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity at MDDC.
- b) The Head of Planning & Regeneration ensures that staff within the enforcement service are invested in through additional training to help provide them with the necessary confidence about sharing information with members (with reference to Data Protection Act constraints).
- c) The Head of Planning & Regeneration take steps to appoint additional resource specifically into the enforcement team to clear any real or perceived backlog, and that consideration be given to the merits of operating this service as a discrete entity to share knowledge, expertise and resource (as opposed to the current area-based model).
- d) The Head of Planning & Regeneration ensures that 'Part II' reports were only ever brought as an exception in order to maintain transparency as far as Data Protection rules allow.
- e) The Chief Executive, in conjunction with the Head of Planning & Regeneration and the Head of Communities & Governance, consider setting a target for the processing and completion of S106 agreements.
- f) The Head of Communities & Governance considers reviewing (in conjunction with the Head of Planning & Regeneration) whether the current legal expertise available in-house was appropriate to process planning matters swiftly, and to take steps to re-provision this as opportunity permits.
- g) The Cabinet Member for Planning & Regeneration considers a report investigating the introduction of S106 Monitoring Fees in order to adequately resource the level of required activity.
- h) The Chief Executive considers the value of instructing Internal Audit to look at this area before the end of 2016/17 in order to explore further opportunities for service improvement and efficiency.
- i) That local performance indicators for the enforcement service were set and were reported quarterly to the Planning Committee.

- j) That Members were provided with a suite of reports on planning enforcement cases on a monthly basis, and were reported to Planning Committee quarterly.
- k) That the Planning Committee considers the level of delegation that exists in relation to enforcement activity.
- l) Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and report back to this Committee within 4 months.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F J Rosamond)

Note: - Report previously circulated and attached to Minutes.

10 **REVIEW OF PLANNING COMMITTEE PROCEDURES 1.30.35**

The Committee had before it a report * from the Head of Planning and Regeneration regarding Planning Committee Procedures, which had been considered by the Planning Committee on 9th March 2016.

The report had been undertaken to review Planning Committee procedures in light of issues that had arisen and following visits to other Local Planning Authorities undertaken in 2012/13. The Planning Committee had considered the report and made a number of recommendations to the Standards Committee.

Cllr Mrs Roach had requested that the report be reviewed by the Scrutiny Committee after a number of concerns had been raised and put forward for inclusion in the procedures. She considered that these issues had not been addressed in the report.

The Head of Planning and Regeneration explained that these matters had been discussed at the Planning Committee but that the Committee had resolved not to include them.

Cllr Mrs Roach raised the following:

- The validation of information provided by applicants in the application process, in particular business cases;
- Photographs of application sites being seen for the first time at Committee and not being made publically available in advance of the meeting for supporters or objectors to view;
- A recommendation that Ward Members be restricted to 5 minutes speaking at Committee meetings.

Discussion took place regarding:

- Applications for agricultural worker dwellings needed to demonstrate that the business was financially sound and be able to demonstrate the need for someone to live on site;

- The potential to request the submission of annual accounts;
- Members should request further information if they had concerns;
- The Planning Committee needed to feel able to challenge;
- The possibility of a guidance note to identify what information could be requested;
- The need for an even handed approach.

It was **RECOMMENDED** that the Planning Committee give further consideration to:

- a) The length of time that a Ward Member was allowed to speak to an application;
- b) That photographs be posted on the website, Public Access, in advance of the meeting;
- c) The process for examining business cases for applications be reviewed to give reassurance of the validity of the information with the possibility of sending for external examination.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F J Rosamond)

Note: - Report previously circulated and attached to Minutes.

11 **5 YEAR LAND SUPPLY 2.08.14**

The Committee had before it and **NOTED** a report * from the Head of Planning and Regeneration in response the Committee's request for a report on the Council's 5 year housing land supply.

The Officer explained that the report showed that the authority had failed to achieve its 5 year land supply, despite taking action to bring forward new sites earmarked in the yet to be published in the Local Plan. The intention was to find out why this had happened and what remedial action could be taken as soon as possible to stop aggressive development until the Local Plan was published.

The Officer explained that it was the responsibility of the authority to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there had been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

She further explained that the Cabinet had considered a report on five year housing land supply at the meeting of 7th August 2015. This report assessed deliverable housing land supply requirements at that time as being met, but recommended emerging local plan allocations and one contingency site at Pedlars Pool, Crediton

be brought forward for development from later in the plan period in order to add to the supply by accounting for 151 dwelling completions over the next 5 years.

On 11th April 2016, an appeal was allowed for outline planning permission for 60 houses on approximately 3.5 hectares of agricultural land outside the defined settlement boundary of the Uffculme which was not allocated for development. The main issue in determination of the appeal was whether, having regard to the development plan, the National Planning Policy Framework (NPPF), the housing land supply of the Council and the scale and location of the development, the appeal scheme would constitute a sustainable form of development.

The Inspector had summarised that Mid Devon had a deliverable housing land supply of approximately 4 - 4.5 years as compared with a requirement for 5 years, average annual housing completion rates (356) had under-delivered against targets, there had been a persistent under delivery of housing and a buffer of 20% should be applied.

This authority had only within the last year or so started to receive serious challenge by developers and site promoters over 5 year housing land supply. This was thought to be unique within the majority of Devon and in part due to the speed with which the Council had adopted local plans, including that currently adopted and had therefore been able to demonstrate a robust supply of deliverable housing sites that met requirements.

The Officer explained that one of the ways that a local planning authority could seek to maintain a supply of deliverable sites was through granting planning permission. The number of planning permissions in the District was currently standing at its highest figure since 2002/03 and there were 1427 dwellings with planning permission. Whilst strategic sites had been slower to come forward than expected, this had been offset by the higher number of planning permissions granted overall. Despite this, the average annual housing completion rate of 356 did not meet targets. This lower rate of housing completion was to a large extent a result of factors outside the control of the Council such as the economy, the local housing market, the availability of mortgage funding and the commercial decisions by particularly national housebuilders over permission implementation and build out rates.

The officer concluded that until the Council could demonstrate a 5 year land supply (with 20% buffer) there would be vulnerability to housing applications coming forward on sites that had not been planned for development.

Ways to mitigate this could be advancing the Local Plan Review to adoption, to bring forward further sites for housing development, to bring forward contingency sites, to continue efforts to deliver allocated sites, to enter into pre-application discussions on land not planned for housing to date and to update the 5 year supply figures by completing the 2015/16 monitoring year assessment as soon as possible.

The Head of Planning and Regeneration informed the Committee that the Planning Service could take a proactive approach and look to work with developers and site promoters or take a reflective approach and sit back and see what sites came forward. She asked for Members views on this. It was **AGREED** that the Planning Service should be proactive in their approach.

Discussion took place regarding:

- Concerns that speculative development could take place;
- The number of properties planned for Pedlarspool;
- The need for Gypsy and Traveller sites;
- The need to adopt the revised Local Plan.

Note: - Report previously circulated and attached to Minutes.

12 **PERFORMANCE AND RISK 2.32.50**

The Committee had before it and **NOTED** a report * from the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Head of Communities and Governance provided a correction to the report regarding sickness. Work days lost to sickness should have read 3329 which was split into 2041 long term sickness and 1288 short term sickness. Long term sickness was anything over 15 days.

Discussion took place regarding the cost effectiveness of food waste collections and the Chief Executive confirmed that collection methods would be kept under review.

Note: - Report previously circulated and attached to Minutes.

13 **REVIEWING THE COSTS OF EFFICIENCIES 2.37.39**

The Committee had before it a report * from the Reviewing the Cost of Efficiencies Working Group containing recommendations.

It was **RECOMMENDED** to Cabinet that:

- a) Areas of land for sale should be promoted by Members at Parish Council Meetings.
- b) A pricing structure for services that could be sold, for example to town and parish councils, local charities and small businesses be put together and actively promoted.
- c) Assets such as the Town Halls (Tiverton and Crediton) to be used to maximise income, either by sale, rent or by joint development as they are assets that could generate income.
- d) Conditions of service to be reviewed to consider amending terms and conditions regarding sickness benefits for new employees.
- e) Management information to show long and short term sickness figures.

- f) That staff be incentivised to put forward business ideas and suggestions that could be taken forward to generate income and that some form of reward scheme be put in place.
- g) That the authority becomes less risk adverse and encourage new ventures.
- h) That the Scrutiny Committee undertake a review on the effect of price rises on the Leisure Service, based on appendix 1 of the report.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F J Rosamond)

Note: - Report previously circulated and attached to Minutes.

14 **START TIME OF MEETINGS**

It was **AGREED** to hold Scrutiny Committee meetings at 2.15pm for the remainder of the municipal year.

15 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Devolution
Safeguarding

(The meeting ended at 4.50 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 31 May 2016 at 5.30 pm

Present

Councillors Mrs J B Binks, Mrs C Collis, R M Deed, R Evans, T G Hughes, F W Letch and R F Radford

Also Present Councillors

C J Eginton and B A Moore

Present Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Head of Finance), Catherine Yandle (Internal Audit Team Leader) and Sarah Lees (Member Services Officer)

Also in attendance

G Daly (Grant Thornton)

1. **ELECTION OF CHAIRMAN (VICE CHAIRMAN OF THE COUNCIL IN THE CHAIR)**

RESOLVED that Cllr R Evans be elected Chairman of the Committee for the municipal year 2016/17.

2. **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr F W Letch be elected Vice Chairman of the Committee for the municipal year 2016/17.

3. **APOLOGIES**

There were no apologies for absence.

4. **PUBLIC QUESTION TIME**

There were no members of the public present.

5. **CHAIRMAN'S ANNOUNCEMENTS (00:06:59)**

The Chairman stated that he had made enquiries as to the situation regarding Audit Committee substitutes. He informed the Committee that Cllr B A Moore would be the substitute for the Conservative group and Cllr R Wright would be the substitute for the Liberal Democrats. He requested that Cllr R M Deed contact his Ungrouped colleagues to see if a substitute could be found should he ever be unable to attend a future meeting.

6. **MINUTES OF THE PREVIOUS MEETING (00:08:18)**

The minutes of the meeting held on 15 March 2016 were approved as a correct record and **SIGNED** by the Chairman.

7. **INTERNAL AUDIT OUT-TURN REPORT FOR 2015/16 (00:09:10)**

The Committee had before it, and **NOTED**, a report from the Internal Audit Team Leader updating it on the work performed by Internal Audit during the 2015/16 financial year.

It was explained that with regard to overdue audit recommendations the position overall had improved tremendously. This time last year 46% of recommendations on 'open' audits were overdue compared to 25% this year. It was the opinion of the Internal Audit Team Leader that the Council's control environment had been, on the whole, adequate and effective in the 2015/16 financial year. Throughout the year four audits had been identified as being poorly controlled but in each area progress had been made since the audit opinion had been issued.

Discussion took place with regard to:

- The need for service managers to prioritise training plans as soon as possible.
- What the main challenges were for internal audit. It was explained that certain situations were more challenging than others and an example was provided of a new manager with no handover period being one. Another was the area of Procurement which was described as being extremely complex and time consuming. A lot of different service managers needed to be trained to use the system.
- The definition of an 'adequate' audit opinion, in some cases Members may not agree with this assessment. The Internal Audit Team Leader stated that it would be useful to have input from Committee Members when she presented her Audit Plan in January regarding this issue.
- All service areas needed to be encouraged to return their surveys after an audit had been completed as they provided useful feedback to the Internal Audit Team.

In conclusion the Chairman thanked the Internal Audit Team for the work that they did. He was pleased to see the number of outstanding audit recommendations continuing to reduce as this was a particular area of focus for this Committee and it would continue to monitor the situation.

Note: * Report previously circulated; copy attached to the signed minutes.

8. **INTERNAL AUDIT REPORTS (00:26:57)**

It was explained that since the last meeting three internal audits for 2015/16 had been circulated to members of the Committee. These related to Corporate Health and Safety, Main Accounting System and Procurement.

Discussion took place with regard to the Procurement audit:

- Trying to achieve 'best value for money' ought to be the cornerstone of all procurement decisions.
- It was confirmed that any purchases over £1k needed to have three quotes and anything over £50k needed to involve a tendering process. Difficulties were encountered where there may not be three suppliers for a certain product or service.

- There was continued disappointment that some samples taken during the audit had failed to show that three quotes had been obtained for some orders between £1k and £50k.
- Managers are receiving training designed to assist them in managing their budgets with professional advice from Finance and Internal Audits. This would include an emphasis on needing to comply with the financial regulations and the imperative need to achieve best value for money.
- Difficulties encountered when several service managers order from the same supplier taking the overall order total over the threshold, Managers needed to be reminded to check with Procurement and adhere to the financial regulations at all times.
- It was confirmed that the outstanding audit recommendation from 2013 would be resolved by the end of this financial year.

Hard copies of internal audit reports would be sent to those Members of the Committee requesting them. The alternative was to save the document electronically.

Note: The discussion regarding this item had been held in open session; there had been no need to move into Part II.

9. **PERFORMANCE AND RISK OUT-TURN REPORT FOR 2015/16 (00:43:45)**

The Committee had before it, and **NOTED**, a report * from the Head of Communities and Governance providing it with an update on performance against the 2010-15 Corporate Plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The contents of the report were outlined with discussion taking place with regard to the following areas:

- It was pleasing to note that the backlog of food premises inspections was reducing due in part to the recruitment of an Environmental Health Officer.
- Cllr Mrs J Binks urged the Committee to take note of the report produced by the Reviewing the Cost of Efficiencies Working Group, particularly the section regarding the leisure centres which went to Scrutiny on 23 May 2016.
- The subject of 'asbestos' would remain as a potential risk within the report as it was impossible to eliminate it 100%. Any development of a non housing asset would be subject to an inspection and thorough risk analysis prior to the commencement of any works.
- Risk and insurance liability when undertaking grass cutting work on behalf of Devon County Council. Cllr R F Radford, as Chairman of the Managing the Environment Policy Development Group (PDG), requested that clarification regarding the matter be sought and brought to the PDG's attention if necessary.

Note: * Report previously circulated; copy attached to the signed minutes.

10. **ANNUAL GOVERNANCE STATEMENT (01:01:25)**

The Committee had before it, and **NOTED**, a report * from the Head of Communities and Governance presenting the Committee with the draft Annual Governance Statement and accompanying action plan.

It was explained that the document was currently in a draft format and following any feedback from Members of the Committee a finalised version would be brought to the July meeting to be signed off in conjunction with the financial accounts.

Note: * Report previously circulated; copy attached to the signed minutes.

11. **ANNUAL REPORT AND ACCOUNTS 2015/16 (01:06:26)**

The Committee had before it, and **NOTED**, the draft Annual Report and Accounts for 2015/16.

The Head of Finance stated that the draft accounts had been completed ahead of schedule and that the external auditors would be on site the following day to commence their audit. He requested that the Committee hold a special meeting on 15 July to sign off the accounts should the external auditors be in a position to issue their opinion.

Reference was made to a summary within the report showing a list of all available reserves, illustrating that the Council had finished the year in a strong position. It was explained that not many technical changes had been made to the accounts, however, they had been made to look more like private sector accounts with an opening forward containing the key messages.

Discussion took place with regard to:

- The good performance in the area of Council Tax and Business Rate collection with the Council being in the top quartile nationally for collection rates.
- The move to Universal Credit would have an effect upon the Housing Revenue Account.
- The Head of Finance was monitoring whether or not the closure of the Crediton office would have a significant effect upon rent collection, at the moment the effect was minimal.
- Useable reserves continued to remain at the level agreed by full Council.
- Earmarked HRA reserves would be used for new housing and keeping the current stock up to a decent standard.
- The Council had made some investments which were proving to be financially beneficial.
- More commercial activity involved a greater element of risk and this needed to be weighed up before entering any new venture.

The Committee congratulated the Head of Finance and his team on producing a set of draft accounts that were readable, understandable and easily read in electronic format.

Note: * Report previously circulated; copy attached to the signed minutes.

12. **EXTERNAL AUDIT UPDATE (01:24:13)**

The Committee had before it, and **NOTED**, a report from Grant Thornton providing an update on delivering their responsibilities as the Council's external auditors.

It was explained that subject to finding any significant errors within the accounts the external auditors were on track to issue their opinion on the accounts in time for the proposed meeting on 15 July.

It was explained that the external auditors would be looking at the Council's plans for joint ventures and partnership arrangements as they needed to understand where the Council saw itself in two or three years time. The Committee were referred to a publication regarding partnership working in the mental health sector which had important implications for leisure centres, council housing and libraries.

Note: * Report previously circulated; copy attached to the signed minutes.

13. **SPECIAL MEETING TO SIGN OFF THE ACCOUNTS (01:28:30)**

The Chairman stated that the key to being able to sign off the financial accounts had been whether or not the external auditors would be in a position to issue their opinion as well as the draft accounts being ready in time. The external auditors had confirmed, subject to any significant errors being identified in the accounts, they would be able to meet the proposed timescale. It was therefore **AGREED** that a special meeting be held on 15 July to sign off the accounts and the Annual Governance Statement. It was also **AGREED** that all other scheduled meetings remain in place.

Therefore the following Audit Committee meetings would take place over the next two months:

- 28 June at 5.30pm
- 15 July (to commence at a time to be decided on 28 June)
- 26 July at 5.30pm

14. **START TIME OF MEETINGS (01:38:10)**

It was **AGREED** to continue to meet at 5.30pm on Tuesday evenings.

15. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:38:53)**

The following items were requested to be on the agenda for the next meeting on 28 June 2016:

- Internal Audit Progress Report
- Internal Audit Charter
- Appointment of new External Auditors
- Financial Contract and Procedure Rules
- Start time for the Special Meeting on 15 July 2016

(The meeting ended at 7.10 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP held on 17 May 2016 at 2.00 pm

Present Councillors

R F Radford, D R Coren, Mrs C P Daw,
R Evans, Mrs E J Slade, J D Squire,
R Wright, J L Smith and F W Letch

Also Present Councillor(s)

N V Davey, C J Eginton and R L Stanley

Also Present Officer(s):

Andrew Jarrett (Head of Finance), Andrew Busby (Estates Manager), Adrian Cook (Bereavement and Open Spaces Advisor), Stuart Noyce (Waste and Transport Manager), Suzanne Kingdom (Auditor) and Julia Stuckey (Member Services Officer)

71 ELECTION OF CHAIRMAN

RESOLVED that Cllr R F Radford be elected Chairman of the Group for the municipal year 2016/17.

Cllr Radford then took the Chair.

72 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Group for the municipal year 2016/17.

73 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

74 PUBLIC QUESTION TIME

There were no members of the public in attendance.

75 MINUTES OF THE PREVIOUS MEETING

The Minutes of the last meeting were approved as a true record.

76 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the new Members to the Group.

77 PERFORMANCE AND RISK 00.04.00

The Group had before and **NOTED** it a report * from the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Internal Auditor outlined the contents of the report.

Discussion took place regarding:

- Higher utility spends at the leisure centres due to increased usage;
- Residual waste to landfill;
- Performance figures for brown bin sales;
- The value of recyclable materials;
- Compulsory recycling and the work being undertaken by the District Officers which included letters to those found to be not recycling.

Note:- * Report previously circulated and attached to signed Minutes.

78 MEETING MANAGEMENT

The Chairman indicated that he intended to take item 11 on the agenda prior to agenda item 8.

79 DEPOT MOVE

The Group had before it and **NOTED** a briefing paper * from the Head of Finance updating it regarding progress on the relocation of the Waste Service operation.

The Officer explained in late January 2016 the authority had been given notice from the landlord of Unit 16, Foundry Estate (the current Recycling depot). This notice period would effectively end in mid-June 2016.

Due to the short/medium term tenure of this premise the Property Services Manager, Waste & Transport Manager and the Head of Finance had for the past 12-18 months been investigating other suitable locations within the District. However, due to the very specific requirements of the operation, a site that would ideally suit all the technical, size, staffing and location demands had proved to be a significant challenge.

When Unit 3, Carlu Close, Hitchcock's Business Park, Uffculme was considered, due to the location and size of this unit, it was possible to consider whether to simply relocate the Recycling part of the Waste service, or make a more strategic decision to merge all of the Waste/Street-Scene operations under one roof. After a number of meetings to consider these operational issues, officers felt that the advantages of providing a totally joined-up service would be far more beneficial in the medium/long term.

The Officer explained that Unit 3, Carlu Close was a large industrial unit with a significant concrete parking area. From an operational perspective it was effectively a "blank canvas" that would require a complete "fit out" in order to continue existing

operations. This would require the re-location of operating equipment such as the bailer system, dog kennels, the fuel tanks, the bays (these were designed in such a way to make re-location relatively straightforward), the transfer of circa 90 operational staff from waste, recycling, cleansing and the District officers. In addition 9 porta cabins would be required to house all the staff and provide offices, washroom facilities, meeting space, dog kennels, etc.

The Head of Finance informed the Group that the total fit out costs were currently estimated at circa £310k and that Members should note that an estimate of £100k had been included in the 2016/17 revenue budget as a provision for the costs of a potential recycling depot move.

Operational service delivery would not be affected during the move and it was intended to commence operations from the new location from mid-June 2016.

The Officer concluded that entering into a 15 year lease to co-locate all of the Council's Street Scene operations under "one roof" was a crucial and long term strategic decision which would provide not only long term security of tenure for this key frontline service but would also help provide other operational and financial benefits to the service. Operating from one central base would allow for better supervision, a greater uniformity of operation, the ability to re-deploy resources more effectively and create a closer "team" culture.

Discussion took place regarding:

- Consultation that had taken place with staff;
- The official opening which would take place on Friday 8th July;
- Shared savings with Devon County Council;
- The rent was set for 5 years and would then be by annual review.

Members congratulated officers on the successful implementation on the new waste and recycling scheme.

Note:- Briefing paper * previously circulated and attached to Minutes.

80 REVIEW OF GRASS CUTTING 00.36.51

The Group had before it and **NOTED** a report * from the Head of Housing and Property Services which set out the Council's arrangements for 2016/17 in providing the grass cutting service on Devon County Council's highway verges.

The Estates Manager outlined the contents of the report, explaining that a budget of £15k income had been set prior to the results of the consultation process regarding parishes contributing to the maintenance of highway verges within their Parish.

The Officer explained that the value of the reduced area of highway grass verges for those town and parishes that did not wish to contribute had been estimated at £36k and that staffing levels had been reduced by one full time equivalent. The reduction would be agency staff so had not incurred redundancy costs. When adding contributions from town and parish councils the 2016/17 budget position had been improved by a further £34k.

Discussion took place regarding:

- The varying levels of contribution from Devon County Council;
- Closed church yards;
- The potential to generate income by taking on contracting work for areas such as parish playing fields;
- The need to rationalise equipment.

Note: - * Report previously circulated and attached to Minutes.

81 **NATIONAL ASSISTED BURIALS 00.49.52**

The Group had before it a report * from the Head of Housing and Property Services informing members of the Council's proposed procedure when dealing with a National Assistance burial.

The Bereavement and Open Spaces Advisor explained that National Assistance Burials had been arranged by the Bereavement Services section over a number of years without a written procedure but with an increase in the number of requests for funerals and with consideration to budgetary restrictions it was considered prudent to formalise the current procedure.

The Officer explained that National Assistance Burials were sometimes referred to as "Paupers" Funerals. Mid Devon may be informed by the Exeter Coroner's Office, a Nursing Home, Housing Association or a relative or friend when a resident of the district had died and there was no one prepared or able to make arrangements for the deceased's funeral.

The number of National Assistance burials carried out by Mid Devon had steadily increased over the past decade and there had been 17 since 2006.

Mid Devon had a statutory duty to 'cause to be buried or cremated the body of any person who has died or been found dead within the district where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority'.

It was proposed that all National Assistance funerals arranged by Mid Devon be by interment in either Crediton or Tiverton Cemetery, unless specific instructions had been left by the deceased. Burial plots within these cemeteries were double depth and had the capacity for two coffins, this would result in unrelated persons being buried in the same grave.

The officer explained that a will may state the preference to be buried in a family plot and that this would be complied with as long as the difference in cost could be paid by a relative or if there were sufficient funds in the deceased's bank account. If a will stated a preference for cremation this would be complied with but only a 'non service service' would be provided.

The current funeral director employed by Mid Devon was Le Roy Funerals who had offices in Exeter and Crediton. Le Roy Funerals won the contract in open competition between all the undertakers on the council's approved contractors list.

The officer further explained that in advance of arranging a National Assistance Burial a genealogical search would always be carried out, this would ensure that any next of kin were aware of their relatives' death and that they were offered the opportunity to make the necessary funeral arrangements.

Discussion took place regarding:

- Family members in receipt of benefit could make a claim for financial assistance to help pay for the funeral of a family member;
- The most recent funeral paid for by the authority cost £1378 which included a cremation;
- If there was any residual money belonging to the deceased it was sent to the Treasury Solicitor.

It was **AGREED** that reference to individual employee names should be removed from the report and be replaced by post names and contact numbers and that reference to Devon County Council care homes should be removed.

It was **RECOMMENDED**, that subject to minor amendments to the report regarding contact names and numbers, Cabinet recommend that Council approve the National Assistance Burial Procedure.

(Proposed by Cllr R Wright and seconded by Cllr Mrs C P Daw)

The Chairman took this opportunity to thank Adrian Cook, Bereavement and Open Spaces Advisor, for the work he had undertaken with the Group over a number of years and wished him well for the future.

Note: - Report previously circulated and attached to Minutes.

82 **TREE POLICY 01.01.26**

The Group had before it a report * from the Head of Housing and Property Services informing it of changes the current Tree Policy following a recent scheduled review.

The Bereavement and Open Spaces Advisor explained that there had been very few changes to the policy but that provision had been made regarding tree work to improve satellite TV reception and solar panel effectiveness.

The officer informed Members that a contractor had undertaken a survey of all trees on Mid Devon land and that this work was almost complete.

It was **RECOMMENDED** that the Cabinet adopt the revised Tree Policy.

(Proposed by Cllr J L Smith and seconded by Cllr Mrs E J Slade)

Note: - Report * previously circulated and attached to Minutes.

83 **START TIME OF MEETINGS**

It was **AGREED** that the start time for meetings remain at 2.00pm.

84 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Gypsies and Travellers
High Hedge Policy
Financial Monitoring
Performance and Risk
Verbal Update on the Depot Move

(The meeting ended at 3.30 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP held on 24 May 2016 at 2.15 pm

Present

Councillors P J Heal, Mrs E M Andrews, Mrs H Bainbridge, W J Daw, Mrs G Doe, R J Dolley and J D Squire

Apologies

Councillors D R Coren and L D Taylor

Also Present

Councillor R L Stanley

Present

Officers Nick Sanderson (Head of Housing and Property Services), Andrew Cawdron (Finance Manager), Helen Carty (Housing Policy Officer), Angela Barrett (Accountant), Nicky Chandler (Auditor) and Sarah Lees (Member Services Officer)

1 ELECTION OF CHAIRMAN FOR 2016/17 (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr P J Heal be elected Chairman of the Group for the municipal year 2016/17.

Cllr P J Heal then took the Chair.

2 ELECTION OF VICE CHAIRMAN FOR 2016/17

RESOLVED that Cllr W J Daw be elected Vice Chairman of the Group for the municipal year 2016/17.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillors D R Coren and L Taylor.

4 PUBLIC QUESTION TIME

There were no members of the public present.

5 MINUTES (00:03:15)

The minutes of the meeting held on 22 March 2016 were approved as a correct record and **SIGNED** by the Chairman.

6 CHAIRMAN'S ANNOUNCEMENTS (00:03:40)

The Chairman stated that he looked forward to welcoming Cllr D R Coren to the Group at the next meeting. Cllr Mrs E A Andrews also requested, through the Chairman, that a personal vote of thanks be recorded to Sandra Hunt who had

recently retired as Community Support and Initiatives Team Leader. The Group also wished for their thanks to be forwarded on to her.

7 PERFORMANCE AND RISK OUTTURN REPORT FOR 2015/16 (00:04:21)

The Group had before it, and **NOTED**, a report * from the Head of Communities and Governance providing it with an update on performance against the Corporate Plan and local service targets for 2015/16 as well as providing an update on the key business risks.

It was explained that the report was based on performance data from the final quarter of 2015/16 and was also based on the old corporate priorities. Future reports would be based on the new corporate priorities. It was noted that the number of 'empty homes being brought back into use' and the number of 'affordable homes delivered' were below target. However, whilst targets in relation to these were set locally, the number of 'affordable homes delivered' were not entirely within the district council's control. It was also noted how pleasing it was to see targets in relation to repairs being maintained and where they weren't credible reasons had been provided in the management notes.

The Group wished to pass on their congratulations to the housing service for their continuing achievements against performance indicators.

Note: * Report previously circulated; copy attached to the signed minutes.

8 REVENUE AND CAPITAL OUTTURN 2015/16 (00:08:06)

The Group had before it, and **NOTED**, a report * from the Head of Finance, which had previously been presented to the Cabinet on 12 May 2016. This presented the revenue and capital outturn figures for the financial year 2015/16.

Key highlights within the report were summarised as follows:

- £36k better recovery on the Deposit and Rent Scheme (DARS) and as a result there had been a reduction in the level of provision required.
- The use of Discretionary Housing Payments (DHP) to fund housing benefit claimants in the DARS scheme had also reduced by £18k. The total General Fund Housing Services Expenditure was therefore showing an under spend of £86k.
- The Housing Service had managed to reduce some of their repair costs whilst maintaining 100% at the 'decent homes' standard.
- The Group were reminded that the Council still had a significant Housing Revenue Account loan to repay through the Public Works Liability Board of over £40m.
- There had been some staff savings.
- Less had been spent on alarms than had been expected despite the numbers of requests for alarms increasing.
- Solar panel income had been greater than expected and had contributed a further £46k.
- Throughout 2015/16 high priority had been given to improving the housing stock as well as new housing developments.

- Ear marked reserves had increased from £6.7m to £9.7m but the sustainability of the Housing Revenue Account depended upon future rents.

In conclusion whilst there was an overall surplus of £916k for the year, the Group needed to bear in mind that housing rents had been frozen with decreases for another four years. A significant PWLB loan needed to be repaid and it was not clear what plans central government had for local housing authorities in the future, therefore caution needed to be exercised.

Note: * Report previously circulated; copy attached to the signed minutes.

9 TENANCY CHANGES POLICY (00:21:00)

The Group had before it a report * from the Housing Services Manager reviewing the Tenancy Changes Policy (previously known as the Succession & Assignment Policy).

It was explained that the policy had been updated and set out how the Council would deal effectively with tenancy changes such as, successions, assignments in accordance with a Court Order, mutual exchange or assignment to a person qualified to succeed to a tenancy or a joint to sole tenancy request. The title of the policy had been renamed from Succession and Assignment Policy to Tenancy Changes Policy to better reflect what was included in it. The policy contained a new section which stated that tenants may seek written consent to change their tenancy to either a sole or joint tenancy or vice versa. Any requests made would be at the discretion of the housing service. The policy also introduced a section relating to the retraction of notice to terminate a tenancy. This clarified what would happen when a tenant served a notice on the council to end their tenancy and then changed their mind.

Discussion followed with regard to:

- The fact that if a tenant wished to retract a notice to vacate and then changed their mind, the existing tenancy agreement would still need to be terminated and a new one created.
- The need for a cooling off period, however, the housing service were governed by housing legislation. Despite this it was confirmed that they did listen to people's personal circumstances and had a certain amount of discretion.
- The need for the Council to make the best use of its stock.
- Having a policy ensured fairness to all tenants who would all be treated in a similar way.
- If there was a joint tenancy the need to check that both parties were happy to terminate the tenancy would depend on the type of tenancy involved, for example, a flexible tenancy required that both parties needed to give notice.

RECOMMENDED to the Cabinet that the revised Tenancy Changes Policy be approved.

(Proposed by Cllr Mrs J Doe and seconded by Cllr Mrs H Bainbridge)

Note: (i) * Report previously circulated; copy attached to the signed minutes;

- (ii) Cllr Mrs E M Andrews requested that her abstention from voting be recorded.

10 BAND E - VERBAL UPDATE (00:43:08)

The Head of Housing and Property Services provided the Group with a verbal update regarding Band E. This included the following:

- Mid Devon District Council had allocated 72% of properties in Bands B and C in general needs properties. 37% in Bands B and C had been allocated to sheltered housing. 299 properties across all bands had been allocated in the last financial year.
- Currently there was 1812 people on the Devon Home Choice waiting list which was a 15 % reduction on the previous year, 895 of these were in Band E.
- Regular reviews were conducted and this process was now automated, saving officer time to the value of 8 days per year.
- People were regularly reminded that if they did not bid on anything they may be removed from the system.
- The Devon Home Choice team actively encouraged people to bid.
- There would be a letter drop to all those on the waiting list advising them about the key changes to the Allocations Policy.
- The Council had been working with Devon Homes Choice on the 'Terms and Conditions' of the Devon Home Choice scheme.

Discussion followed with regard to the fact that anybody registered with Devon Home Choice could look at properties outside of the district but within the Devon boundary. Should people want to look outside of the county they would need to register with the equivalent homes provider in that area.

11 WESSEX - VERBAL UPDATE (00:54:12)

The Cabinet Member for Housing provided the Group with an update regarding the Wessex partnership. He reminded Members that the council had given notice to withdraw from the partnership at the end of last year but that it was waiting to make the final decision until the results of a pilot scheme in Exeter were known. Until that time the Council had ceased trading with Wessex.

Discussion followed with regard to:

- The need for negotiation regarding the return of any outstanding monies.
- Advice was being sought from the Legal Department regarding a number of issues in this regard.
- An update would be provided to the Group at the next meeting.

Information relating to a change of name to the company in question would be relayed to the Group via the Committee Clerk.

12 START TIME OF MEETINGS (01:01:42)

It was **AGREED** that the Group continue to meet on Tuesday's at 2.15pm.

13 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:02:15)

In addition to the items already listed in the work programme for the next meeting, the following was requested to be on the next agenda:

- A report from 'Tenants Together' regarding the use of common rooms.
- A presentation from the Building Services Manager regarding how the housing service dealt with waste.
- Future plans for social housing

It was also suggested that a visit by the Group to Old Road take place before a future meeting to see how the repairs service worked.

(The meeting ended at 3.23 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 26 May 2016 at 5.30 pm

Present

Councillors

Mrs A R Berry, K Busch, R Evans, T G Hughes,
Mrs B M Hull, F J Rosamond and Mrs N Woollatt

Also Present

Councillors

R J Chesterton and C J Eginton

Present

Officers

Stephen Walford (Chief Executive), John Bodley-Scott
(Community Development and Regeneration Manager),
Chris Shears (Economic Development Officer) and Sarah
Lees (Member Services Officer)

1 Chairman - Election (Vice Chairman of the Council in the Chair)

RESOLVED that Cllr Mrs B M Hull be elected Chairman of the Group for the municipal year 2016/17.

2 Vice Chairman - Election

RESOLVED that Cllr K I Busch be elected Vice Chairman of the Group for the municipal year 2016/17.

3 Apologies and Substitute Members

There were no apologies for absence.

4 Public Question Time

There were no members of the public present.

5 Chairman's Announcements

The Chairman had no announcements to make other than to say that this was the first meeting of an exciting new Group looking at a key area of the Corporate Plan and she very much looked forward to future meetings and discussions.

6 Meeting Management

The Chairman stated that she wished to move the 'Start time of meetings' forward as the next item of business, all other items to follow in the same order as they were on the agenda.

7 **Start time of meetings (00:05:26)**

It was **AGREED** to hold future meetings of this Group at 6pm during the remainder of the municipal year.

8 **Revenue and Capital Outturn 2015/16 (00:11:30)**

The Group had before it, and **NOTED**, a report * from the Head of Finance presenting the revenue and capital outturn figures for the financial year 2015/16.

The Head of Finance stated that the finances of the Council had finished in a strong position for the 2015/16 financial year with all cash balances being retained at the levels deemed necessary. Monitoring reports throughout the year had accurately predicted the final position. Overall there had been a 0.5% overspend which had related to one off items such as a drop in recycling income, GP surgery rebates and staffing redundancy payments. Had these not occurred all service areas would have ended the financial year on budget. The investment in Market walk had yielded a profit of £189k. Additional investment in the Charities and Churches Property Investment Fund had generated £66k and would generate further income in the near future.

It was stated that this Policy Development Group was very much about looking forwards and the Head of Finance was able to report that car parking vends for the first month of the new financial year were up over 2,000 compared to this time last year and cash receipts up by £10k.

Discussion took place regarding:

- GP surgery rebates and the fact that there would be some appeals during 2016/17 which would have an effect upon the accounts.
- It was predicted that the drop in recycling income would not recover and this would be factored into the budget.
- It was expected that next year's financial accounts would see a decrease in employee costs based upon previous redundancies.

Note: * Report previously circulated; copy attached to the signed minutes.

9 **Economic Development and Regeneration Priorities (00:18:14)**

The Group had before it, and **NOTED**, a report * from the Head of Communities and Governance providing it with details of the Economic Development and Regeneration team's priorities for the current financial year.

The contents of the report were outlined with particular reference to the following:

- The Economic Development and Regeneration Service had been developing its priorities for 2016/17 under the themes of employment, skills, enterprise and place. The framework showed a number of objectives under each of these themed areas.
- The service was very much one of facilitating and collaborating with businesses and partners as well as about bringing income into Mid Devon.

- There had already been a successful partnership bid for European LEADER funding and Government funding for the Growth Hub services. The service also used their budgets as match funding to lever in further private and public funding into individual projects.
- As a team their knowledge base was growing as well as an understanding of best practice in other areas, for example, the Broadband for Rural North project in Lancashire.
- There was a focus within the team on looking for potential projects and initiatives and trying to ascertain their feasibility and chances of success.

Discussion took place regarding:

- Funding in relation to the Cullompton Farmers Market.
- Initiatives in relation to town markets would come through this Group.
- The work of the Portas project was not reflected within the report.
- A need to recognise that some projects would have an element of risk even if a strong business case had been presented up front.
- The Leader, the Chief Executive and the Economic Development Officer were in the process of visiting businesses and this had proved to be very beneficial so far. It was **AGREED** that a list of those visited already and those yet to be visited be circulated to the Group.
- Future reporting to this Group needed to better reflect targets and the measurement of results.

Note: * Report previously circulated; copy attached to the signed minutes.

10 Economic Development Update (00:39:52)

The Group had before it, and **NOTED**, a report * from the Head of Communities and Governance providing it with an update on the work and projects of the Economic Development and Regeneration team.

Current work and projects that would be developed in the coming financial year were summarised as follows:

- Strategic visits to local businesses thereby continuing to build up a rapport with the business community.
- The Economic Development Officer had been working in partnership with colleagues at Exeter City Council, East Devon District Council and Teignbridge District Council as 'Exeter and the Heart of Devon' (EHOD). This group had won an LGA grant for consultancy time to help develop their strategy. The strategy would be brought before the Policy Development Group for comment. Joint procurement by the partnership could be used to draw down further funding.
- The Growth Hub (GH) would be a service that signposted businesses to relevant support that could help businesses to develop and grow. It was broken into two elements, one which provided the back end support, including the website and phone line and the other which delivered the detailed diagnostics for businesses and then developed bespoke packages of support for them.

- The Council was looking to lead a pan EHOD bid for European funding to deliver a work hub / incubator space in Cullompton Town Centre. This new build premises would become a centre for businesses in their infancy, operating in the digital and data industries.
- A project was being taken forward to bring Mid Devon mills back into use as hydro generating systems. The project was likely to be a pan Europe project with the Council (representing the UK) working with Germany and France to share knowledge and best practice. There were several elements of the project which required funding to be sourced and pots had been identified which were being actively pursued.
- A lot of good work was taking place in the towns with various events being listed in the report. An update on progress against the Tourism Action Plan for 2016/17 would be brought to the PDG in due course.

Discussion took place regarding:

- The low numbers of women setting up new businesses and how this could be addressed. It was stated that a company called 'Cosmic' offered courses specifically aimed at providing digital training for women which may be of benefit to those women lacking in confidence with digital technology.
- Strong links with the Science Park was seen as essential, however there were problems with Broadband.
- The coach park in Tiverton which was being managed by the Museum. The Group requested that it receive information as to its usage as soon as possible.

Note: (i) * Report previously circulated; copy attached to the signed minutes.

(ii) Cllr Mrs N Woollatt declared a Disclosable Pecuniary Interest as she owned one of the mills which it was hoped would be bought back into use and left the meeting during discussion of this project.

11 **Cullompton Townscape Heritage Initiative (00:06:23)**

The Group had before it a report * from the Head of Communities and Governance seeking approval to proceed with an initial application to the Heritage Lottery Fund's Townscape Heritage Initiative.

The Community Development and Regeneration Manager explained that the Council had an opportunity to apply for funding from the Heritage Lottery Fund (HLF) under its 'Townscape Heritage Initiative' which if successful could provide over £1m investment in Cullompton's historic built environment and help boost local economy. The HLF had already indicated its willingness to receive an application from Cullompton and officers had been undertaking preliminary work in order to make an initial submission by 31st August 2016. It would be necessary for the Council to allocate funds in the region of £12.5k initially in order to draw down a potential sum of £1m.

Discussion took place regarding:

- The need to manage expectations as very few applications were successful in their first attempt.

- Grants being available to provide training to owners of historic buildings and also for heritage builders to learn to use their skills in the right way.
- The potential of the Harlequin Valet site with the suggestion that the towns folk of Cullompton should be consulted.
- The lack of demand for 'A' level courses at Petroc in Tiverton with students preferring to go to either Exeter or Taunton.

RECOMMENDED to the Cabinet that approval be given to proceed with an initial application to the Heritage Lottery Fund's Townscape Heritage Initiative and that:

- (a) MDDC to act as the accountable and lead body for this project;
- (b) In principal, MDDC to allocate staff and councillor time to the project over 6 years – to include Chairing and sitting on the Steering Group, managing and employing/contracting a project officer and input into the project work;
- (c) MDDC to allocate some funds (in the order of £12.5K initially with the option of further funding from MDDC or finding alternative funding in subsequent years) to the project in order to draw down potentially in the region of £1 million (tbc). The exact figure is dependent on the final structure of the bid, and whether other funding can be drawn down to offset it in future. HLF has indicated that without some cash input from the principle authorities the application will not succeed.
- (d) MDDC to corporately investigate drawing down other funds to contribute to this project e.g. Empty Homes bonus, S106 related to development of Cullompton, property portfolio.
- (e) MDDC to consider what it can do to facilitate the development of the gap site on the former Harlequin Valet site in Cullompton which continues to be an eyesore in the Higher Bull Ring and problem for neighbouring properties. The Higher Bull Ring is the heart of Cullompton town centre and this key site could be beneficial to the economy of the town and to the appearance of the Conservation Area.
- (f) MDDC to integrate the aims of the scheme into all relevant strategic documents relevant to forward planning, empty homes and property in Cullompton
- (g) MDDC to obtain indications of support from Devon County Council, Cullompton Town Council, Cullompton Town Team, Culm Valley in Business and the Cullompton Neighbourhood Plan Group.

(Proposed by the Chairman)

Note: * Report previously circulated; copy attached to the signed minutes.

12 **Economic Profile (01:32:48)**

The Group had before it, and **NOTED**, a report * of the Head of Communities and Governance informing it of the intention to provide regular updates on the state of the Mid Devon Economy.

The Community Development and Regeneration Manager sought advice from the Group as to how they would like economic statistical information presented to it in the future since this information needed to be as meaningful as possible whilst bearing in mind the limited resources within his team. The vast majority of the information in the current format would be repeated at each meeting since it was produced on an annual basis.

It was reported that:

- There were high proportions of people in Mid Devon with good qualifications, however, despite this gross weekly pay was lower than average.
- The claimant count was the best indicator for employment levels.
- Mid Devon had exceptionally low unemployment levels.
- There needed to be a focus on skills retention.

It was requested that information be provided to show how many people actually commuted outside of the area where they lived in order to go to their employment. It was stated that less people would commute if there was better quality employment within the district. The towns would also be more vibrant if people chose to stay and work near the town where they lived.

A brief discussion took place regarding potential new development on the eastern side of Cullompton and the opportunities this may bring provided the necessary infrastructure surrounding the motorway junction was in place.

Note: * Report previously circulated; copy attached to the signed minutes.

13 **Work programme 2016/17 (01:51:19)**

It was **AGREED** that, where possible, the following subject areas be included into the work programme for the Group over the next 12 months:

- Recognise that the local MP's were a powerful lobbying mechanism and invite them to attend a meeting to outline the Council led projects which needed their support.
- Culture and art and their contribution to regeneration.
- Updates in relation to the Broadband and Mills projects.
- Problems facing the agriculture industry
- Recognise that Devon is one of the largest food producing counties and consider setting up a food hub such as the one in Ludlow.
- Regular updates on the amounts of funding being drawn in and the numbers of new businesses in the district.
- A report on the tourism survey.
- A fresh look at car parking and its impact on the economy.
- Effects of devolution, could opportunities be maximised?
- Greater Exeter proposals

14 **Identification of items for the next meeting (02:02:25)**

The following items were identified for the next meeting:

- Economic Development update.
- Economic profile.
- Any item discussed in the previous agenda item which could be progressed and reported on.

(The meeting ended at 7.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP held on 7 June 2016 at 2.15 pm

Present

Councillors Mrs A R Berry, Mrs J B Binks, F W Letch, Mrs E J Slade, Mrs H Bainbridge, Mrs G Doe, B A Moore, R J Dolley and Mrs C P Daw

Apologies

Councillor(s) Mrs E M Andrews

Also Present

Councillor(s) C J Eginton, Miss C E L Slade, C R Slade and Mrs M E Squires

Also Present

Officer(s): Andrew Jarrett (Head of Finance), Simon Newcombe (Public Health and Professional Services Manager), John Bodley-Scott (Community Development and Regeneration Manager), Catherine Yandle (Internal Audit Team Leader), Lee Chester (Leisure Centre Manager), Amy Dugard (Consultation and Youth Involvement officer), Kevin Swift (Public Health Officer), Dawn Harris (Benefits Manager), Zoe Lentell (Communities and Governance Officer) and Julia Stuckey (Member Services Officer)

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr B A Moore be elected Chairman of the Group for the municipal year 2016/17.

Cllr Moore then took the Chair.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr Mrs E J Slade be elected Vice Chairman of the Group for the municipal year 2016/17.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E M Andrews and Cllr Mrs J B Binks was permanently replaced by Cllr Mrs C P Daw.

4 PUBLIC QUESTION TIME

There were no members of the public present.

5 MINUTES OF THE PREVIOUS MEETING

The Minutes of the last meeting of the Group were approved as a correct record and **SIGNED** by the Chairman.

6 CHAIRMANS ANNOUNCEMENTS

The Chairman thanked Members for giving him the opportunity to Chair the Group and said that he considered that there would be an interesting year ahead. He encouraged discussion but asked that Members kept their points pithy without repetition. He requested that presentations be brief and to the point and encouraged the reading of reports prior to meetings.

The Chairman reminded the group that there would be a joint meeting with the Decent and Affordable Homes Policy Development Group on 8th July regarding Public Health Enforcement.

7 MENTAL HEALTH MASTERCLASS

Officers from Devon County Council were unable to attend the meeting and it was **AGREED** that the rescheduled visit should be as a Member Briefing so that the full membership could benefit from it.

8 DEVON DISTRICTS SAFEGUARDING POLICY AND MID DEVON DISTRICT COUNCIL SAFEGUARDING GUIDANCE

The Group had before it a report * from the Head of Communities and Governance providing Members with the updated Safeguarding Policy, Guidance and Procedures.

The Consultation and Youth Involvement officer reminded the Group that Safeguarding was taken very seriously and that the Head of Communities and Governance had been working with other Devon Authorities to form a joint policy. This policy clearly defined the roles to be played. A training programme for officers and Members would be rolled out once the policy was agreed.

Discussion took place regarding the level of personal information that could be shared and information that was required by the MASH (Multi Agency Safeguarding Hub). Clarification was sought regarding who was the 'Lead Member' referred to in the policy. It was confirmed that the Lead Member was the Cabinet Member for Working Environment and Support Services.

It was **RECOMMENDED** that subject to an amendment to make clear that the Lead Member referred to within the report was the Cabinet Member for Working Environment and Support Services the Cabinet approve the Devon District Councils joint Safeguarding Policy and the MDDC guidance and procedures.

(Proposed by the Chairman)

Note: - * Report previously circulated and attached to Minutes.

9 EARLY HELP SERVICES 0.13.08

The Group had before it a report * from the Head of Communities and Governance updating Members on the latest developments with the Early Help Services (formerly the Troubled Families Programme).

The Community Development and Regeneration Manager outlined the contents of the report, explaining that The Troubled Families Programme was set up by Central Government in 2011 to 'turn around' the lives of 'the most troubled families' in Britain. The three-year funded programme was extended in 2014 for a further 2 years with the intention that the 'new approach' should be mainstreamed as part of the preventative services available to support children and families in need.

In Devon over the last two years, the Troubled Families Programme had evolved into 'Early Help'. Early Help described a range of multi-agency support services offered to children, young people and families in response to their emerging needs. 'Early Help' aimed to prevent the multiple and often complex needs of families escalating to a degree where they required more expensive specialist support or legal intervention. In this way the service had the dual objectives of protecting children and of reducing the costs of multiple interventions.

Discussion took place regarding;

- The occasional need to share personal information in instances where there were safeguarding concerns;
- The intention that working together could prevent vulnerable children 'slipping through the net';
- The reduction in cost, which had been higher in the first few years due to the initial cost of setting up and reviewing services.

It was **RECOMMENDED** that Cabinet approve the Working Practice Agreement for the sharing of information to support Early Help Provision.

(Proposed by the Chairman)

Note:- * Report previously circulated and attached to Minutes.

10 TAP FUND UPDATE 0.23.01

The Group had before it and **NOTED** a report * from the Head of Communities and Governance providing Members with a summary of spend for the Town and Parish (TAP) Fund in 2015/16 and to inform them of any changes to criteria for 2016/17.

The Communities and Governance Officer outlined the contents of the report which provided an update from the previous year and proposals for the coming year.

The officer explained that some changes had been made to criteria following recommendations from Devon County Council. Areas were now being classed by county ward rather than parish in the hope that smaller parishes would apply. The underspend pot was available on a first come first served basis.

Discussion took place regarding;

- Publicity and the fact that information had been issued to town and parish clerks. It was **AGREED** that this information should be sent again;
- The criteria had been set, which would be circulated to the Group;
- The use of the word 'innovative' and the fact that sometimes the issue that may help a parish may be more practical. The officer confirmed that parishes could apply for funding to help with issues in the community, whether or not they were innovative.

Note: - Report * previously circulated and attached to Minutes.

11 **REVENUE AND CAPITAL OUTTURN 2015/16**

The Group had before it and **NOTED** a report * of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2015/16.

The Head of Finance outlined the contents of the report, explaining that the end of year overspend was £417K. This amounted to 0.5% of a budget of £8.2M.

Areas of overspend outside of the control of the authority included a reduction in the value of recycled glass (£54K) and GP Surgery rating refunds, where at least 5 had been successful. There were a further 42 surgeries in the District and approved refunds were budgeted for within the current budget. Redundancies in the services had been expensive but would reduce costs moving forward.

Areas highlighted as performing well in the last year had been the investment in Market Walk which delivered a profit of £189K and investment with CCLA which returned 4.5% interest. These investments had improved the overall figure by £250K.

Discussion took place regarding leisure services which had incurred redundancy costs and a reduction in income. It was hoped that the staffing structure now in place would increase income.

Note: - * Report previously circulated and attached to Minutes.

12 **PROPOSED CHANGES TO COUNCIL TAX REDUCTION SCHEME 0.40.53**

The Group had before it a report * from the Head of Finance providing members with details of the proposed changes to the Council Tax Reduction Scheme from April 2017.

The Head of Finance explained that Council Tax Reduction (CTR) (also known as Council Tax Support) was introduced on 1 April 2013 and replaced Council Tax Benefit, which had been previously fully funded by the Department for Work and Pensions (DWP).

CTR was a local reduction scheme. The scheme for working-age customers (those below the age to claim State Pension) was set out in the CTR Scheme Policy. The

requirement to have a policy was within S13A and Schedule 1a of the Local Government Finance Act 1992.

The scheme for pension-age customers was a national scheme and was prescribed within Government legislation. Pensioners were protected in order to receive the same level of support they received under the DWP Council Tax Benefit Scheme up to 31 March 2013.

The scheme had been discussed at a recent meeting of Chief Executives in Devon and it had been agreed that minor changes should be considered. In order to undertake any changes it was necessary to go out to consultation. It had been agreed that Devon County Council (DCC) would undertake the consultation. Proposed changes were to align to the current criteria for housing benefit claims and Universal Credit.

Results of the consultation would be fed back to the Group in September.

It was **AGREED** that a Member Briefing be put in place.

The Benefits Manager confirmed that single person discounts remained unchanged and that financial advice would be available to anyone adversely affected by changes.

It was **RECOMMENDED** that Cabinet note the reasons for the proposal, the consultation process and requirement to approve a revised scheme by 31 January 2017.

(Proposed by the Chairman)

Note: - * Report previously circulated and attached to Minutes.

13 **PUBLIC HEALTH/LEISURE 0.49.35**

The Group had before it and **NOTED** a report * from the Head of Human Resources and Development providing an update on current and proposed partnership and collaborative working to increase participation in physical activity and achieve public health objectives.

The Public Health Manager informed the Committee that Cllr Mrs J B Binks had raised the matter of promoting events and partnership projects in Leisure Services. It was agreed that a report be prepared looking at partnership working between Public Health and Leisure Services and external organisations where relevant.

The Officer outlined the contents of the report, highlighting the fact that Public Health and Leisure Services both had a key role in the Corporate Plan priority, to promote physical activity, health and wellbeing. He confirmed that Public Health were working with health partners and community groups to provide a stronger voice for health and wellbeing throughout the District, which in turn may support the financial sustainability of the Leisure Centres, working with schools and community groups to encourage young people to participate in sport and other physical activity, working with partners such as Devon County Council, the National Health Service and other partners on the public health agenda to address health inequalities and working to

develop cultural, sport, leisure and heritage facilities with activities that benefit the entire District.

The officer explained that the report contained statistical information regarding levels of activity for groups of different ages, geography, race, age, disability etc. and quoted that over the last 50 years, UK physical activity levels had declined by 20%. Projections indicated a further 15% drop by 2030. If trends continued by 2030 the average UK person would use only 25% more energy than if they had spent the whole day in bed.

The officer outlined some joint working that was currently taking place. A recent example was that Public Health Services and Mid Devon Leisure had been working with Active Devon, Age UK Mid Devon and Exeter City Football Club to expand the Walking Football programme into the Mid Devon region. The programme had already commenced in Uffculme and Cullompton to be followed by Crediton and Tiverton. The programme was aimed at both men and women aged 50+ years and was a slower version of the 'beautiful game' that should attract individuals with varying levels of fitness and mobility.

Officers were providing Cardiac Rehabilitation Exercises at the centres and staff with specialised training were providing services for the NHS as a direct referral.

Discussion took place regarding:

- Local groups, such as Upstream, were already available for activities such as walking and veteran sports;
- Influencing and working in collaboration with the (NEW) Clinical Commissioning Group and other NHS agencies
- The need to educate regarding nutrition as well as exercise;
- The possibility that Leisure Service activities could be taken out to rural villages and outreach opportunities more broadly.

It was **AGREED** that a six monthly update be added to future agendas.

Note: - * Report previously circulated and attached to Minutes.

14 **LEISURE SERVICES**

Councillor Mrs J B Binks had requested that the Group note appendix 1 of the attached report, regarding leisure services, which was considered by the Scrutiny Committee at their meeting on 23 May 2016.

It was **AGREED** that a report be prepared for the next meeting of the Group.

15 **PERFORMANCE AND RISK 1.23.15**

The Committee had before it and **NOTED** a report * from the Head of Communities and Governance providing Members with an update on performance against the

Corporate Plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Internal Audit Team Leader outlined the contents of the report and explained that performance for empty shops in all three towns was above target. Tiverton currently had 16 empty shops out of 249, in September 2009 this had been 30 out of 245. Crediton currently had 7 empty shops which in September 2009 had been 17 out of 114 and Cullompton currently had 8 empty shops which in September 2009 had been 17 out of 91.

The Officer reported that food premises inspections had improved, following the appointment of a new officer last October, and that performance was approaching the 100% target.

The Internal Audit Team Leader explained planned changes to the way in which retention of leisure members was recorded, to show an attrition rate, in line with UK Active benchmarking. This would be shown on the next report.

Note: - Report * previously circulated and attached to Minutes.

16 **MEMBERSHIP OF GRANTS WORKING GROUP**

It was **RESOLVED** that the Membership of the Grants Working Group comprise of the full membership of the Policy Development Group.

(Proposed by the Chairman)

17 **START TIME OF MEETINGS**

It was **AGREED** that the start time for meetings remain at 2.15pm.

18 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Town and Parish Charter
Modern Day Slavery
Public Health Plan for Mid Devon, Incorporating Diet and Nutrition
Environmental Health Fees and Charges
Leisure
Well Being of Youth in Mid Devon
Partnership working in Environmental Health

(The meeting ended at 3.51 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 11 May 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs F J Colthorpe,
S G Flaws, P J Heal, D J Knowles,
F W Letch, B A Moore, R F Radford,
J D Squire and R L Stanley

Apologies Councillor(s)

R J Dolley

Also Present Councillor(s)

Mrs J B Binks and T G Hughes

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (Vice Chairman of the Council in the Chair)

RESOLVED that Cllr Mrs F J Colthorpe be elected Chairman of the Committee for the municipal year 2016/17.

(Proposed by Cllr P J Heal and seconded by Cllr R F Radford)

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Committee for the municipal year 2016/17.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore).

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R J Dolley.

4 PUBLIC QUESTION TIME (00-09-55)

Sarah Coffin from Templeton regarding agenda item 13 application Menchine Farm, building to process digestate fibre into pellets.

I note your officer recommends approval with attached conditions. May I refer to conditions and “reasons for conditions” 6 and 7?

Condition 6 limits the process facility described in this application to only digestate fibre produced at Menchine AD so as to minimise the number of associated vehicular trips and does not allow for any importing of digestate fibre from any AD site.

Condition 7 requires records to be kept of the amount of fibre processed in the building as well as records of the load weight and number of vehicles exporting processed material from same.

May I ask Councillors how these two conditions will be effectively monitored and enforced, given the applicants failure in the past to supply accurate detailed records – as was revealed at the appeal hearing on 26 January 2016?

May I therefore request that should councillors be so minded as to accept the officers recommendation and approve this application, the following condition 8 is also included:-

A fit for purpose electrical monitoring/CCTV/data collection system is fitted as agreed with the LPA that will allow either direct monitoring or independent access by the LPA to all the necessary information required to comply with conditions 6 and 7.

This application was applied for after the application to double the AD output from 500kWE to 1MWe, but before the dismissal of the consequential appeal. The pelletiser building is thus bigger than necessary for a 500 kWE plant. Local residents are still concerned that the AD plant will operate at a higher output than permitted, given that there are two CHP units on site. Please therefore include the following condition 9 “the development shall not be commenced until a mechanical interlock system is in place to prevent simultaneous operation of the two CHP units”.

The reasons for these additional conditions are as follows:

To prevent any furtive increase in electricity production to the grid or to facilitate the process of drying and pelletising the digestate.

To prevent any additional costs to the tax payer in pursuing/verifying complete and correct data records from the applicant.

To assist applicant in ensuring any finished written data submitted is accurate and supplied within parameters required.

In the interests of planning openness and clarity as per government criteria for the revised planning and conditions guidelines.

This process does not come under any EA controls by way of additional permit or licence as the digestate is already designated as being from agricultural sources. Only the product requires certification.

To ensure the minimising of vehicular trips and protect the general amenities of the locality of Nomansland, as stated per reasons 6 and 7 and to enable the effective enforcement of conditions 6 and 7.

Should the applicant, given the past history, appeal these conditions it is our opinion that they are robustly defensible.

They are both reasonable, enforceable and with today's technology, possible.

Mr Scott representing CPRE and referring to Item 13 on the agenda (Menchine Farm) asked what plans has Mid Devon District Council put in place if the plant exceeds 500kw of energy?

Mrs K Govett, referring to item 13 on the agenda said I am sure you are aware of the concerns held by the CPRE over the growing number of AD plants and the effects they are having on rural England. Surely as a planning committee you would commend their work and principals.

With regard to planting schemes my understanding is that the planting scheme already approved, supposedly to hide the AD unit, has not yet been done on the site. Surely this was all part and parcel of the first application. As now reported in your document the location of the new building will mean that it now cannot be undertaken as per the original agreed plan. Surely this makes a farce of the previous approval for the scheme. Additionally there is no new planting scheme identifying species, mix and size of plant stock to be used.

Weight logs – I was concerned to be given sight of a copy of the logs which had been supplied by Mr Cole. Many of the records were incomplete and did not show accurate information.

Inaccuracies – I find the information regarding the new building misleading in the reports to this committee. On page 77 item 3.4 it states in the second paragraph that the new building will be divided into three areas of one third each. However on page 82 under "proposed development" third paragraph it states the building will be split internally into 2 parts with no mention of storage area for finalised pellets. This would appear to show the inaccuracy of the plans submitted or will there be yet another planning application submitted for a storage shed?

Committee members, I ask you to consider just one more thing. Every time we have an addition to the original application, every time we have a new application for chicken sheds we hear – "but it is only another few more traffic movements". Another 100 here and another 100 there. Barely another 1 per day. But what I do ask that you consider is that the movement of tractor trailer units into this industrialised site are concentrated into time periods and are a journey in and out. So comparison cannot be made over a year but over the number of days that transport in and out will be made. If you lived in Nomansland you would have more sympathy and understanding as to how our lives are being ruined. The map and report in this week's Tiverton Gazette says it all and I hope that before you reach your decision you will all have looked at this article.

County Councillor Berry referring to Item 1 on the Plans List (Brimstone Lane, Westleigh) asked how do you decide on what is isolated and a new home in the countryside, please define 'isolated' as there are 2 dwelling houses close by and the Grand Western Canal is within 200 yards of the property site. Mr Caudwell agrees on the agricultural tie for the house and the land; when Planning Officers visited the site there weren't animals, the owner has been busy fencing all his fields so they are stock proof. Mr Caudwell proposes to use the buildings on the farm to rear calves and produce beef. The site has a grain store and machinery will be kept on site

which needs to be supervised. There are no objectors to the application; planning policy is for guidance only, please consider this application as these people would like to get into farming.

The Chairman indicated that answers to questions would be given when the items were discussed.

5 **MINUTES OF THE PREVIOUS MEETING (00-21-55)**

The Minutes of the meeting held on 20 April 2016 were approved as a correct record and **SIGNED** by the Chairman.

6 **CHAIRMAN'S ANNOUNCEMENTS (00-23-00)**

The Chairman had the following announcements to make:

- She welcomed Cllr Heal as her Vice Chairman
- She thanked those Members who had stood down (due to the agreed reduction in numbers for the Planning Committee) for their work over the previous year.
- She informed the meeting that a Temporary Senior Enforcement Officer had been recruited and would be starting immediately.

7 **MEETING MANAGEMENT**

The Chairman indicated that she intended to take Item 20 (Start Time of Meetings) as the next item of business.

8 **START TIMES OF MEETINGS**

Discussion took place regarding the start time of meetings for the municipal year.

RESOLVED that the meeting of the Planning Committee continue to be held at 2.15pm.

(Proposed by the Chairman)

9 **ENFORCEMENT LIST (00-27-09)**

Consideration was given to a case in the Enforcement List *.

Note: *List previously circulated; copy attached to signed Minutes.

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/15/00112/UNLD – building frontage incorporating charity shop allowed to deteriorate causing adverse effect on the visual amenity of the area. The Society for the Protection and Re-Homing of Animals, 24 Gold Street, Tiverton.***)

The Head of Planning and Regeneration outlined the contents of the report stating that the only reason this report was back before Members was that the Legal Team

had identified that, although the map was annotated showing number 24 within the polygon, as originally shown at Committee, the property affected was in fact a very small area immediately adjacent to that and had not been shown in the report with the correct polygon. This report was therefore presented to confirm the resolution to take formal action based on the recent information identifying the location of the property in question on the plan.

RESOLVED that the Legal Services Manager be authorised to take any appropriate legal action, including the service of a notice or notices seeking the improvement of the appearance of the property frontage. In addition, in the event of the failure to comply with any notice served, to authorise prosecution, direct action and/or authority to seek a court injunction.

(Proposed Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

10 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

11 **THE PLANS LIST (00-35-00)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following application be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 3 on the Plans *List (16/00392/FULL – change of use of former day centre to single residential dwelling – Old Bartows, Bartows Causeway, Tiverton)* be approved subject to the provision of a Section 106 Agreement/Unilateral Undertaking and conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr S G Flaws declared a disclosable pecuniary interest as the property owner and left the meeting whilst the vote was taken;
- (ii) Cllrs Mrs F J Colthorpe and D J Knowles declared a personal interest as the applicant was known to them.

(ii) No 4 on the Plans *List (16/00499/HOUSE – Erection of a two storey side extension and single storey extension to the front – 23 Brewin Road, Tiverton)* be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

(i) Cllr R L Stanley and P J Heal declared personal interests in the application as Cabinet Member for Housing and Chairman of the Decent Affordable Homes Policy Development Group respectively.

(b) No 1 on the Plans *List (16/00108/OUT – Outline for the erection of dwelling – land at NGR 304865 115568, corner of Brimstone Lane, Westleigh).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and photographs from various aspects of the site. She made reference to public question time, defining in planning terms the word isolated: being isolated from facilities, services and day to day needs like shops public transport and facilities. She stated that in her opinion the applicant had not demonstrated that special circumstances existed to justify an isolated new home in the countryside.

Consideration was given to:

- There being no habitual house on 135 acres of land
- The fact that the applicant had requested to rebuild the derelict cottage on site but had not received planning permission
- The secluded and well screened position of the proposed dwelling
- The welfare of the animals which were proposed to be kept on site
- Security issues
- The need for the dwelling to be tied to the land

RESOLVED that:

(a) planning permission be granted subject to the prior signing of a S106 Agreement tying the property to the land;

(b) delegated authority be given to the Head of Planning and Regeneration to provide a set of conditions for the development;

(c) Any subsequent reserved matters application for the dwelling be brought to the Committee for determination.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Notes:

i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant's wife was known to her;

ii) Mr Caudwell (Applicant) spoke;

iii) Cllr Mrs C A Collis spoke as Ward Member;

iv) Cllr Mrs Colthorpe requested that her abstention from voting be recorded;

- (v) The following late information was reported: 10th May 2016

S106 Payment received in respect of public open space of £1205.00 on 9th May 2016.

Paragraph omitted from Officer Report to be inserted 'Materials and Considerations'

Page 27 after sentence 'The applicant states that a presence is required on site throughout the year, especially at lambing time and during calving....'

Information to support the application dated January 2016 advises 'the livestock element so far for 2015 has comprised 36 heifers, 60 ewes and their lambs and 100 young pheasant poults. Little information is supplied on stock numbers at any one time for sheep and cattle, nor age at acquisition and how long they are reared before sale. Neither have future stocking level figures been supplied.

- (c) No 2 on the Plans *List (16/00332/FULL – Formation of parking area and landscape planting bund – land and buildings at NGR 305188 112386 (Hitchcocks Business Park), Uffculme).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan and identifying the proposed car park and the bund. Members also viewed photographs from various aspects of the site.

Consideration was given to any possible light pollution.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 4 stating that: the lighting shall be provided only in accordance with the submitted and approved details for P851 lights, received by the Local Planning Authority on the 15th of April 2016. The approved lights shall be pole mounted at a height of 8 metres, and shall be so retained thereafter.

(Proposed by Cllr R L Stanley and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and Property Services;
- (ii) Cllr R F Radford spoke as Ward Member;
- (iii) The following late information an update to Condition 4 as quoted above.

12 THE DELEGATED LIST (1-11-48)

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to Minutes.

13 **MAJOR APPLICATIONS WITH NO DECISION (1-12-00)**

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

Note: *List previously circulated; copy attached to the Minutes

14 **APPEAL DECISIONS (1-13-00)**

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to signed Minutes.

15 **APPLICATION 15/00573/FULL - ERECTION OF NEW BUILDING FOR PROCESSING DIGESTATE FIBRE IN ASSOCIATION WITH EXISTING AD PLANT - LAND AT NGR 283096 113579 (MENCHINE FARM), NOMANSLAND (1-14-00)**

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report reminding Members that on 29 July 2015, the Committee had considered the application and had deferred any decision until the outstanding appeal at Menchine farm with regard to the AD Plant capacity had been completed. The appeal had been dismissed and therefore the application for the erection of a new building for processing digestate fibre was before the Committee today for determination.

He highlighted the site location plan, the proposed block plan for the development, which identified the locality of the AD Plant and other units on the site, the proposed elevations and site sections, proposed floor space and photographs from various aspects of the site. He added that the provision of additional conditions 6 and 7 would provide additional control.

Referring to the questions posed in public question time: the landscape impact issues could be controlled by Condition 5. Data had been received from the applicant with regard to weight logs and these had been promised on a regular basis for monitoring. An explanation had also been given on how the proposed building would be divided up. He referred to the suggested conditions put forward by Miss Coffin, with regard to the proposed Condition 8, he felt that there was a need for reasonableness and proportionality and that Conditions 6 and 7 covered this issue. The proposed Condition 9 would affect the AD plant and that was not being considered within this application; but again conditions 6 and 7 would control this issue. The Head of Planning stated that whilst condition 6 would restrict the building to processing digestate from the Menchine Farm AD plant only, the wording of condition 7 could be amended to require records of the amount and source of digestate fibre processed at the building to be kept and made available to the Local Planning Authority.

Consideration was given to:

- The output from the AD Plant
- Estimated additional traffic movements on top of the original transport issues

- The size of the proposed building in line with the result of the Inspectors decision to limit the capacity of the AD Plant
- The justification for a building that size
- Visual impact
- The reduction in volume from digestate to pellet form and the use of the pellets
- The data/record keeping requested had been submitted
- Limited noise of processing
- Traffic movements
- Industrialisation of a rural area, scale and massing on the site
- Planting and screening of the site
- Whether the applicants were still focussing on an increased output
- The possibility of visiting such a scheme in the local area.

RESOLVED that the application be deferred for more information on the need for the size and capacity of the building proposed in relation to the digestate produced from Menchine Farm AD Plant with a maximum of 500 kw output.

(Proposed by Cllr R L Stanley and seconded by Cllr F W Letch)

- i) Cllr R F Radford declared a disclosable pecuniary interest as a fellow chicken farmer and left the meeting during the discussion thereon;
- ii) Cllr Mrs F J Colthorpe declared a personal interest as the applicant, his extended family and some of the objectors were known to her;
- iii) Cllrs B A Moore and R L Stanley declared personal interests as some of the objectors were known to them;
- iv) Mr Cole (Applicant) spoke;
- v) Mr Govett (objector) spoke;
- vi) Cllr Mrs J B Binks spoke as Ward Member;
- (vii) The following late information was reported: Page 73: I further letter of objection has been received in addition to those set out in the report, referring to the negative impact that further concentration of activity at Menchine Farm will have on locality.

Officer comment: No further action required as these matters are covered in the report and the recommendation.

11th May 2016

Please revise wording of condition as follows – bold text are new inserts

5. The proposed scheme of landscaping adjacent to the application building as shown on plan MF/FB/01B (**received on 26th May 2015**) and as required as part of the scheme approved for the AD plant (**approved under LPA ref: 14/00575/MFUL**) shall be carried out in the first planting season following the construction of the building hereby approved. In addition a further

scheme of planting immediately to the south and west of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of its construction, and shall be implemented in the first planting and seeding season following the construction of the building hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

vii) *Report previously circulated copy attached to minutes.

16 APPLICATION 16/0001/TPO MIXED SPECIES OF WOODLAND INCLUDING OAK, HAZEL, ASH, PINE AND MAPLE AT RED DEER HOUSE, OAKFORD, TIVERTON (2-03-45)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application.

Due to the lack of photographic evidence it was agreed that this item be deferred until the next meeting.

17 APPLICATION 16/00015/MFUL - ERECTION OF AN 83 BEDROOM PREMIER INN HOTEL AND INTEGRAL RESTAURANT WITH ASSOCIATED ACCESS AND LANDSCAPING AT MULTI STOREY CAR PARK, PHOENIX LANE, TIVERTON ((2-04-58)

The Committee had before it a * report of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report by way of presentation, highlighting the location of the proposed hotel, the footprint of the hotel, various elevations, the floor plans, the proposed new access to the car park and proposed alterations and internal changes; the cross section showing the height of the proposed development in association with the height of Phoenix House. Models were viewed of different aspects of the proposed development alongside aerial modelling and photo montages showing the extent of the proposal.

Consideration was given to:

- The height of the proposed development and the original consent for the multi storey car park
- The reduction in view of Haymen's Hill from Phoenix Lane
- The updated policy framework that needed to be considered
- Internal changes to the car park
- The business case for the development
- The economic benefit of the scheme and the regeneration of the town centre
- The contemporary appearance

RESOLVED that planning permission be granted subject to :

(i) conditions as recommended by the Head of Planning and Regeneration with additional conditions:

13. The alterations to the multi storey car park to provide new vehicular and pedestrian access and internal re-arrangements shall be carried out in accordance with the construction phasing detailed on drawing 3718.P23.3.

Reason

To ensure the safe and continued use of the multi storey car park during the construction of the development hereby permitted.

14. The extent of demolition shall be limited to that shown on the approved drawings and application details. No other demolition shall take place.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

All residue materials resulting from the demolition of the application building, and which are not to be recycled on site, shall be removed from the site within one calendar month from the date on which the demolition is completed.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

16. Once begun, demolition shall be continued to its completion in accordance with a timescale which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the character and appearance of the surrounding area in accordance with policy DM2 Local Plan Part 3 (Development Management Policies);

(ii) an additional condition regarding the installation of electro charging; and

(iii) that delegated authority be given to the Head of Planning and Regeneration in consultation with the Head of Housing and Property Services to finalise negotiations with regard to a Section 106 agreement regarding a financial contribution towards improvements to the public realm within Tiverton.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

- i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and Property Services as he had had discussions regarding the development;
- ii) Cllr D J Knowles declared a personal interest as he knew some of the objectors;
- iii) Miss Rees (Agent) spoke;
- iv) Cllr S G Flaws requested that his abstention from voting be recorded;
- (v) The following late information was reported: the inclusion of additional conditions as set out above and an updated reason for approval: The application for the erection of an 83 bedroom hotel including a 76 cover restaurant is considered, on balance, to be acceptable. The impacts of the development have been weighed against the economic benefits. It has been identified that the visual impact of the development would cause some harm to

the setting of the conservation area and that in this respect there is some conflict with policies DM2, DM27 Local Plan Part 3. However, it is considered that the economic benefits of the proposal and taking into account that the application is in a sustainable location, will not increase flood risk to the site or surrounding buildings, surface water run off can be controlled, there are no harmful environmental or ecological impacts and satisfactory access can be achieved, outweigh the harm to the conservation area. The proposal is considered to be in accordance with policies COR1, COR6, COR7, COR9, COR11 and COR13 Mid Devon Core Strategy (Local Plan part 1), Policies DM1, DM2 (in part), DM3, DM4, DM6, DM7, DM8, DM17, DM24 and DM27 (part) of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. It is therefore recommended that planning permission be granted;

(vi) *Report previously circulated copy attached to minutes.

18 **PLANNING PERFORMANCE AGREEMENTS (2-39-00)**

The Committee had before it a * report of the Head of Planning and Regeneration advising Members on the proposed use of planning performance agreements for major applications and for associated changes to be made to pre-application advice guidance. She stated that this was a project management tool which the local planning authorities and applicants could use to agree timescales, actions and resources for handling particular applications.

Consideration was given to any impact on Planning Committee decisions

RESOLVED that:

- a) the intention to enter into planning performance agreements for major applications be **NOTED**.
- b) pre-application advice guidance be amended to refer to this and that delegated authority be granted to the Head of Planning and Regeneration to make these changes.

(Proposed by the Chairman)

Note: *Report previously circulated copy attached to minutes.

19 **COMMITTEE DECISIONS 2015/16 WHICH WERE NOT IN AGREEMENT WITH OFFICER RECOMMENDATION. (2-45-57)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information where the Planning Committee had made decisions not in agreement with officer recommendation.

Note: *Report previously circulated copy attached to minutes.

20 **APPEAL DECISIONS 2015/2016 (2-47-06)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the outcome of planning appeals for the financial year 2015/16.

She outlined the contents of the report stating that 34 appeals were determined within that period: none had been withdrawn; 10 (29%) had been allowed and 24 (71%) had been dismissed.

Consideration was given to costs against the authority. It was requested that Members be circulated with this specific information.

Note: *Report previously circulated copy attached to minutes.

21 **PLANNING PERFORMANCE 2015/16 (2-51-05)**

The Committee had before it and **NOTED** a report * of the Head of Planning and Regeneration providing information on the performance of the Planning Services for quarter 4 and the full 2015/16 financial year.

She outlined the contents of the report stating that performance against national and local indicators were above target, especially Government targets; she highlighted an important note on major application statistic reporting: that 53% statistic for major applications determined within 13 weeks reported included all major applications and did not take into account any extensions of time agreed with the applicant or planning performance agreements (PPAs) that had been entered into. Government instructions to Councils over this performance target removed reporting applications with extensions of time or PPAs from this target as they were reported separately. Once these had been removed 87% of major applications were determined within 13 weeks compared with the target 60%. This performance target had therefore been met.

She highlighted the enforcement data and updated the meeting on missing statistics for quarter 4 that of 83 for new enforcement cases registered giving a total of 222 for the year and 62 for enforcement cases closed giving a total of 201 for the year.

She also highlighted comparison data with other local authorities.

Note: *Report previously circulated copy attached to minutes.

(The meeting ended at 5.32 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 8 June 2016 at 2.15 pm

Present

Councillors

Mrs F J Colthorpe (Chairman)
Mrs H Bainbridge, Mrs C Collis, R J Dolley,
P J Heal, D J Knowles, F W Letch,
B A Moore, R F Radford, J D Squire and
R L Stanley

Also Present

Councillor(s)

C J Eginton, Mrs B M Hull, Mrs J Roach and
Mrs E J Slade

Present

Officers:

Jenny Clifford (Head of Planning and
Regeneration), Tina Maryan (Area Planning
Officer), Christie McCombe (Area Planning
Officer), Lucy Hodgson (Area Planning
Officer), Daniel Rance (Principal Planning
Officer) and Sally Gabriel (Member Services
Manager)

22 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

23 PUBLIC QUESTION TIME

Ann Vinton asked a question in relation item 10 on the agenda, Red Linhay, Crown Hill. She understood that approaches had been made to several local farmers about the possibilities of them taking digestate from the site as fertiliser. As the applicant had stated that digestate will only be used on Hartnoll Farm and the land at Manley Lane, can a condition be placed to the effect that all digestate must be used as stated and not exported to other sites? This has direct implications on traffic movements and as Greener For Life (GFL) seem unable to tell the truth about traffic movements as proven at other sites even the Planning Inspector found a significant problem with the data that was supplied to him. Please will you, as they have done in Cornwall, ask for the installation of monitoring equipment at the entrance to the site to enable the LPA to check the accuracy of their figures? Finally, do you have any control over the traffic movements once permission is granted as presumably you would be able to refuse on grounds of excessive traffic but can you take enforcement action if we suddenly find that the number of movements is greater than was expected?

Mr Tony White also asked a question regarding item 10, Red Linhay, Crown Hill. He stated that he was a Crown Hill resident near the site in question. The applicant had

stated that all structures including the dome will be at a lower height than the existing and adjacent agricultural building. However, the technical report states that the constructed dome is equivalent or higher than the adjacent agricultural building. The current digester is stated as being 1.9m higher than the consented structure. Therefore would it not be reasonable to ask that the dome be lowered accordingly? As well as the increased digester capacity, 2 x 500kw CHP units have been seen on the site. Given GFL's previous actions, is it not likely that a 1 megawatt plant is in fact being built and another retrospective application will soon be submitted, along with further threats of an expensive appeal process? Can I suggest that if this application is approved, vigorous and enforceable conditions are put in place to prevent this inevitable expansion?

Dr Bratby also spoke in relation to item 10. He stated that he had four questions to address to the Committee. His first question concerned the three GFL plants at Red Linhay, at Menchine Farm and Edgeworthy Farm in Nomansland. The Chairman asked Dr Bratby to only refer to the Red Linhay application. He continued by stating that he was sure Members were aware that GFL had no regard for planning conditions and the plant had not been built to the approved plans as specified in the planning condition. It would be too much to assume that this systematic behaviour is due to incompetence so it must be due to deliberate policy of GFL to ignore the conditions and carry out unlawful developments. The longer that GFL is allowed to continue its unlawful activities the worse the situation will get. GFL will assume it has carte blanche to carry on with its unlawful activities. The sooner a stop is put to this the more likely it is that the financial backing for GFL will cease and the whole sorry mess will end. My question therefore is, when is the Council actually going to do something positive and stop all these unlawful activities of GFL?

His second question concerned the claimed output of the Red Linhay plant. Are the committee aware that the plant is more than twice as big as necessary for the 500kw output and that the investment company behind the plant is claiming that the output is 1000kw (1 megawatt)? Are the committee prepared for a new application to double the plant output with the corresponding doubling of the traffic movements?

His third question concerned Government policy on anaerobic digesters. They are supposed to be used to enable farmers to extract energy from animal waste and the Government has finally twigged on to the fact that the system is being abused and that farmers are taking advantage of the huge subsidies on offer to turn crops rather than animal waste into energy. The latest Government position on anaerobic digesters is given in a report entitled 'Review of support to anaerobic digestion and micro combined heat and power with the feed in tariff scheme' dated 26 May 2016. In that report the Government stated 'It is also Government policy that the primary purpose of agricultural land should be for growing food. We propose introducing sustainability criteria for AD and the feed in tariffs for new installations to implement sustainability criteria and restrict payments based on feed stock type for new AD installations being deployed under the fit scheme. It is not our intention to support an AD industry which has a high dependency on crops so we need to consider ways to ensure that AD installations operating on farms are based on the processes of waste and residues. We propose to introduce feed stock restrictions under the fit scheme to minimise the use of crops.' Are the committee aware of the Government policy on AD's given in this new report?

Asking his final question Dr Bratby stated that in 2014 Planning Minister Brandon Lewis MP said that 'We will not sit back and allow people who bypass the law to then benefit from the protection it can offer. We have already strengthened the powers that councils have to enforce planning rules and take action against breaches which fuel community tensions. This will tackle the abuse of the system.' The plain English guide to the Localism Act of 2011 under the heading 'Strengthening Enforcement Rules' said 'For people to have a real sense that planning system is working for them they need to know that the rules they draw up will be respected. The Localism Act will strengthen planning authorities powers to tackle abuses of the planning system.'

Last year DCLG chief planner, Steve Quartermaine, announced new planning policy to clamp down on unauthorised development and wrote to all chief planning officers stating that 'The new policy will make intentional unauthorised development a material consideration that will be weighed up in the determination of planning applications and appeals. This is designed to make it harder to get retrospective planning permission. The policy will apply to all new applications and appeals received from 31st August 2015. The Government is concerned about the harm caused by development undertaken in advance of planning permission and the expensive and time consuming enforcement action that local authorities are forced to take.'

Seeking permission for AD's and then building plant that is larger and different from that for which permission has been granted is a tactic GFL has adopted in numerous locations in the Westcountry indicating a persistent and deliberate intention to deceive local authorities and above all local residents who have to suffer the consequences. This is evidenced by applications for retrospective permissions applications in Mid Devon, North Devon, East Devon, Cornwall and South Somerset. In the light of this and the Governments attempts to clamp down on unauthorised development it is very surprising that neither the consultants not the officers report have mentioned that it is contrary to public policy, case law and planning guidance to allow flagrant and intentional breaches of planning permissions and that intentional unauthorised development is a material consideration in the determination of planning applications and appeals. Are the committee aware of all this information?

Peter Davies referring to the 19 Exeter Road, Silverton, the application stated that at present 19 Exeter Road was a bungalow with a well-proportioned front and back garden which was well integrated within a row of other bungalows. It is faced by a hedge bank that is sympathetic to the country lane. Mr Luke Smith a planning officer from this authority wrote after a site visit to the client's planner and he wrote this 'I'm concerned about the principle of development of two units. Increased density places pressure on locating buildings closer to boundaries. It is my suggestion that your client considers a single unit with amenity space to the front and rear.' What did he get wrong?

Mrs Pauline Davies then asked a question in relation to the same application. She stated that the proposed plans required the demolition of most of the old Devon bank bordering the lane to facilitate two driveway entrances leading to a large area of hardstanding in front of the buildings. Do you really consider this respects or enhances the street scene as viewed from the adjacent conservation area? I must mention that we have been disappointed that the height of the proposed dwellings in relation to the existing one has only become available this morning. Surely this should have been on the original plans. Your planning officers should have queried

this at an earlier stage. Why did your planning officer give recommendation before this was available?

Terry Payne referring to item 10 on the agenda, Red Linhay, Crown Hill, stated that as additional facilities may already be being installed on the site to potentially double its capacity, have planning officers visited the site and do they consider that they have enough technical expertise or backup to fully understand what is being built there now? Will they please confirm what is being built. Is it for a 500kw or a 1000kw output plant? The technical report under consideration today states that the site is more clearly visible from many more viewpoints than was previously ever envisaged when consent was given originally. Had this been obvious at the time the application might well have been refused. The question was asked at April's meeting regarding the amount of time it would take for any planting scheme to successfully shield the site, the answer was given as several years. The planting scheme supplied by the applicant states that 40 – 90cm in height will be used. Do the Members consider that this is acceptable? Could a condition be put on any permission granted that the size of trees and shrubs planted should be of a much larger size? Finally, the Department for Energy and Climate Change, as we've heard, no longer supports the growing of crops as fuel for AD's because they say it is not carbon cost effective as per their latest report in May 2016. They are proposing to reduce, as we know, and delimitate support for new installations relying on crops as their primary feed stock. Therefore what assurances can you give us that in future this AD will not be converted to a waste disposal facility as this would of course have a significant impact, again, on traffic movements?

Mr John Massey, referring to the Castle Primary School, Tiverton application stated that he would like the committee a number of factors: The accommodation of the building used to be for 600 pupils and 39 staff as a grammar school, it now contained 333 pupils and 26 staff and all those pupils are aged 5 – 10 as opposed to 11 – 16, that is, the school is half as crowded now as it was when it was a grammar school. The physical condition of the building which allegedly gave rise to the reason for the building to be demolished includes a leaking roof, high ceilings, asbestos in the roof, excessive heat gain and loss due to large windows plus rooms larger than current standards, distance to the toilets for small children, a split level top corridor and old fashioned radiators. I would suggest that all these factors are easily solvable by conventional architectural expertise and I point out that a recent Ofsted inspection upgraded the rating of this school despite it having all the above factors.

In planning terms the school was built in 1912, it's not listed but it is characteristic of the period. A new building would be required to have a 60 year design life, the existing building exceeds this by over one and a half times. There are no public buildings of this type at all in Tiverton. The school forms a unity with the wilderness and the Academy building on the same site. Most important of all the building is in a conservation area. In financial terms the demolition/rebuild is probably the most expensive option. Demolition but retention of the façade, that is, what can be seen from the street, has been considered but this financial information remains commercially confidential and would remain so even if the details were sought under the Freedom of Information Act. I would like the committee conclude that the case for demolition and rebuild has not been made by the EFA, therefore this course should not be pursued.

The Chairman indicated that the answers to the questions raised would be provided at the agenda item.

24 **MINUTES OF THE PREVIOUS MEETING (00-22-01)**

The minutes of the meeting held on 11 May 2016 were approved as a correct record and signed by the Chairman.

25 **CHAIRMAN'S ANNOUNCEMENTS (00-22-48)**

The Chairman had the following announcements to make:

- She welcomed Cllrs Mrs C A Collis and R J Dolley back to the Committee
- She reminded Members that a tour of the area to look at built out applications would take place on 14 July and asked that Members advise officers of any specific sites they would want to view.

26 **DEFERRALS FROM THE PLANS LIST**

There were no deferrals from the Plans List.

27 **THE PLANS LIST (00-24-49)**

The Committee considered the applications in the plans list *.

Note: *List previously circulated; copy attached to the signed Minutes.

(a) Applications dealt with without debate.

In accordance with its agreed procedure the Committee identified those applications contained in the Plans List which could be dealt with without debate.

RESOLVED that the following applications be determined or otherwise dealt with in accordance with the various recommendations contained in the list namely:

(i) No 2 on the Plans *List (16/00396/FULL – **Erection of a new day centre following demolition of public toilets at public conveniences, Wyndham Road, Silverton**)* be approved subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

Note:

(i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing as he had been involved in the negotiation of the sale of the site;

(ii) Cllr Mrs J Roach declared a personal interest as she was the applicant.

(ii) No 3 on the Plans *List (16/00500/FULL – **Advertisement Consent to display 1 freestanding Heritage Information panel at The Walronds, 6 Fore Street,***

Cullompton) be granted advertisement consent subject to conditions as recommended by the Head of Planning and Regeneration

(Proposed by the Chairman)

(b) No 1 on the Plans *List (16/00180/FULL – Erection of 2 dwellings following demolition of existing dwelling (Revised Scheme) 19 Exeter Road, Silverton*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the history of the site, the application site, the revisions made by the applicant since pre – app discussions, the site location plan, photographs from various aspects of Exeter Road; proposed site and roof plans and proposed elevations.

With regard to the questions posed in Public Question Time, the officer presentation had addressed the issues raised that of height, the hedge bank, the planning history and previous advice.

Consideration was given:

- The height of the proposed dwellings
- The removal of the hedge and the bank
- Previous advice given at pre-app stage
- Parking issues and planning policies
- Possible overdevelopment of the site and unsympathetic design
- The closeness of the Conservation Area to the site and that there was no mention of the Conservation Officers view in the report
- The impact of the development on the streetscene

RESOLVED that the application be deferred to allow for a site visit by the Planning Working Group to take place to consider:

- The effect of the development on the street scene and character of the area and whether it was overdevelopment
- Access and parking arrangements
- The impact on existing properties

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr D J Knowles)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning matters as they had all received additional information from the objectors;
- (ii) Mrs Woodman spoke on behalf of the agent;
- (iii) Mr Higman (Objector) spoke;
- (iv) Cllr Mrs J Roach spoke as Ward Member;

- (v) The following late information was reported: 31st May 2016 – Further representation received and details as follows:

I apologise for this late submission but I have only just become aware of the 2015 Silverton Conservation Area boundary changes that bring Orchard Jefferies into the protected Conservation Area.

In this adopted Silverton Conservation Plan, the properties of Orchard Jefferies and Cockhaynes are both immediately adjacent to 19 Exeter Road. The boundary of the Conservation Area is shown along the north boundary wall of no.19 adjoining Orchard Jefferies and along the roadside hedge of no.19.

This east side of Exeter Road, which is a quite country lane, has 7 detached properties with sensible size gardens, this includes Orchard Jefferies. As mentioned previously the unsympathetic modern proposed development, around midway of the 7 properties, are squashed into the site and with the removal of the hedge bank at the entrance there would be a great adverse impact on the existing tranquil street scene, there being no attempt to integrate with existing properties, road or landscape.

I request the above comments, protecting the local views from the Conservation Area, are considered when a report is prepared for the 8th June 2016 Planning Committee meeting.

2 June 2016 – Further representation received and details as follows:

I wish to object to the construction of 2 dwellings houses if they are not going to be bungalows.

The reasons for my objection is recent comment in the national Press pointing out that

a) Elderly people are less likely to have to go into a care home , if they are living in a bungalow.

b) Bungalows often provide an attractive alternative for elderly folk rather than living in a multi storey house.

A beneficial side effect of this is that if an elderly person moves from his or her current family

accommodation into a

Bungalow, then this frees up their larger house for a family to rent or buy.

I confirm I am currently a Silverton resident.

- c) No 4 on the Plans *List (16/00525/FULL – Conversion of former stables to form 1 dwelling – Newland Farm, Cullompton*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed site plan, existing and proposed floor plans and elevations, the access and parking, photographs from various aspects of the site and the dwellings already in place. She explained her reason for proposing refusal quoting from policy DM11.

Consideration was given to:

- The suitability of the proposal
- The relationship between the proposal and existing buildings
- The design of the building, its suitability for conversion and proposed scheme.

RESOLVED that: planning permission be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs H Bainbridge)

Note: Mr Preston (Agent) spoke.

28 THE DELEGATED LIST (1-20-52)

The Committee **NOTED** the decisions contained in the Delegated List *.

Note: *List previously circulated; copy attached to Minutes.

29 MAJOR APPLICATIONS WITH NO DECISION (1-22-40)

The Committee had before it, and **NOTED**, a list * of major applications with no decision.

Application 16/00693/MOUT – erection of 13 dwellings at Hunters Hill, Culmstock was a departure from policy and therefore required determination by the Committee, it was deemed that a site visit was unnecessary.

Note: *List previously circulated; copy attached to the Minutes

30 APPEAL DECISIONS (1-24-41)

The Committee had before it and **NOTED** a list of appeal decisions * providing information on the outcome of recent planning appeals.

Note: *List previously circulated; copy attached to signed Minutes.

31 APPLICATION 15/01034/MFUL - ERECTION OF A 500KW ANAEROBIC DIGESTER AND ASSOCIATED WORKS WITH 4 SILAGE CLAMPS - REVISED SCHEME TO INCLUDE THE CHANGE OF ORIENTATION OF THE LAYOUT AND INSTALLATION OF 2 DRIERS AT LAND AT NGR 299621 112764 (RED LINHAY), CROWN HILL (1-25-06)

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application and had sought additional expert planning advice.

She outlined the contents of the report stating that the expert advice requested by the Committee had been commissioned and the consultant's full report was before Members which identified the 4 proposed reasons for refusal and the consultant's findings. The issue of visual impact in relation to the bund and the dome where found to cause harm and could form a reason for refusal. However they could be addressed through conditions and an updated set of conditions (on the update sheet)

highlighted such a condition. She explained that further issues were identified by the consultant in respect of the passing bay and site entrance visibility. Comments by the Highway Authority were outlined within the report and the updated conditions. Members viewed composite images showing the relationship between the original scheme and the current proposal.

In response to questions posed in public question time, with regard to the movement of digestate this would take place by a umbilical system however such movement could be conditioned by amending the wording of condition 10 – this addressed traffic movements and routing. It was questionable whether the installation of monitoring equipment was a reasonable request.

With regard to the colour of the dome, this had been addressed in condition 3, the current plans identified that the height of the dome had been reduced, the power generation was identified as being 500 kw if more than one CHP unit was on site and the power generation larger, this would require further planning permission. The set of conditions outlined within the report and the update sheet was very comprehensive and these would be enforced.

Dr Bratby had highlighted enforceability issues, output and the need to regularise the application. She stated that what was on site at present was not authorised and that the applicant knew that this was in place at their own risk. With regard to Government Policy approach to feedstuff for AD plants, this related to feed in tariff arrangements and had not affected planning policy With regard to retrospective applications and the Localism Act, that its retrospective nature would count against the application, the report outlined all the required material considerations. With regard to the approach of GFL and the retrospective application, the Committee had the views of the Council's consultant before it. Alternative waste types for feedstock such as household waste would require a new planning application.

Consideration was given to:

- The current transport statement
- The content of the consultant's report
- The requirement for additional monitoring to take place
- The possibility of the establishment of a liaison group to monitor activities on the site
- The updated conditions and the need for a clear full set of conditions to be made available to the Committee
- The need to monitor output

RESOLVED that the application be deferred in order that a full set of conditions be produced to include monitoring arrangements as follows:

- Records of power output to be provided quarterly
- Vehicle movement and weight recording to be provided quarterly
- The installation of vehicle monitoring equipment
- Control of digestate destination
- The applicant be required to contribute to a permission/condition monitoring liaison group (based on DCC Minerals Liaison Group)
- Access to a metering system.

(Proposed by Cllr R F Radford and seconded by Cllr R L Stanley)

(Vote: 6 for: 5 against)

Notes-

- (i) Cllr D J Knowles declared a personal interest as some of the objectors and the applicant was known to him;
- (ii) Cllrs R J Dolley, B A Moore, R F Radford and R L Stanley made declarations in accordance with the protocol of Good Practice for Councillors in dealing with Planning Matters as they had received correspondence regarding the application;
- (iii) The following late information was reported: Email from Agent confirming that we can change colour and reflectiveness of dome and happy for you to condition this along with remodelled bund.

The applicants agent has been contacted and confirmed that they are able to make the necessary changes to the colour of the dome and the re-profiling of the bund, subject to a condition as set out below.

There have been some changes to the list of previous recommended conditions following the report received by Peter Brett which were included in the report to Committee, the below list is the proposed conditions if minded to approve.

List of Conditions

1. The date of commencement of this development shall be taken as the 17th July 2015 when the application was registered by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved plans, approved reports and statements listed in the schedule on the decision notice.
3. Details of the colour and finish of the building materials to be used (including the digester dome) are to be submitted within 1 month of the date of this approval and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. Within 1 month of the date of this approval a Construction and Operational Environment and Traffic Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

Hours of working;

Hours of deliveries; including details of any importation of digestate associated with commencement of operations.

Dust suppression management measures;

Traffic management

Vehicle routing to and from the site;

Programme of works

Parking for vehicles of site personnel, operatives and visitors;

Storage of plant and materials;

Loading, unloading and movement of plant and materials within the site

Facilities for cleaning wheels on exiting vehicles

All works shall take place in accordance with the approved details which will have been confirmed in writing by the Local Planning Authority

5. The passing bay on Crown Hill shall be completed in accordance with the details shown on plan '00030-GFL-Hartnoll-Passing bay' approved under planning permission 13/0160/MFUL within 3 months of the date the AD plant becomes operational and be so retained. Written confirmation of the date the AD plant first becomes operational shall be submitted to the Local Planning Authority within 1 week of this date.

6. Within three months of the date of this planning permission, a programme of archaeological work indicating details of the parts of the site it shall relate to will be implemented in accordance with a written scheme of investigation submitted by the applicant or their agent and approved by the Local Planning Authority.

7. The anaerobic digester facility hereby permitted shall not be brought into operation until a drainage scheme has been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. Such scheme shall include details of the provision for the disposal of clean surface water by a Sustainable Urban Drainage System, and separate provision for disposal of foul waste and dirty surface/yard water. The scheme shall include specifications and a timetable for implementation. The water management system shall be completed in accordance with the approved details and retained and maintained for that purpose at all times.

8. There shall be no storage of chicken and farmyard manures or slurry within the application site except within the sealed digestate storage tank(s) approved as part of this planning application.

9. All hedgerows within or on the boundary of the site located to the north west of the site, and east adjacent to the highway shall be retained and maintained to a minimum height of 2 metres.

10. The feedstock for the anaerobic digester shall be slurry, farmyard and chicken manure, grass and arable crops only from the sites named in the application (Hartnoll Farm 62.13ha, Manley Lane 37.60ha, plots 41.48ha, Maunders 7.71ha, and Wellington 23.55ha and shown on plan/aerial photos Drawing numbers 13425/T04 Revision A and 13425/T05 Revision A set out in the approved transport statement date stamped 21st August 2015). A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from (Name of Farm/plot/supplier along with date and time of delivery) No other sites are to be utilised unless written confirmation has been received from the Local Planning Authority. Such log book shall be made available at all reasonable times to the Local Planning Authority

11. Prior to installation, details of any external lighting including a lighting assessment which should include the following information:

- A description of the proposed lighting scheme together with hours of operation;
- A layout plan of the proposed development site showing the lighting scheme together with light spread, spill and intensity;
- Details of the proposed equipment design;
- An assessment of the impact of the proposed lighting upon ecology; neighbouring properties, roads and character of the site and its surroundings;
- Details of any proposed measures to mitigate or compensate for the possible impacts of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. Any approved external lighting shall be installed in accordance with the approved details and thereby retained.

12. The storage of digestate or other hazardous substances must be within properly constructed bunded areas of sufficient capacity, details of which are to be provided in writing prior to the first storage of any digestate outside the digestate storage tank. Such approved scheme shall be so retained.

13. The Tree Planting scheme submitted and approved plan WIN01_Redlinhay2_PP_004 shall be undertaken and completed within one month of the completion of the archaeological works subject to condition 6 above or within the next planting season following completion of the archaeological works, October-March whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

14. Noise emissions from the Red Linhay Anaerobic Digester site at the nearest noise-sensitive locations are not to exceed the decibel levels stipulated below, day or night.

Daytime Noise Level 07.00am – 23.00pm shall not at the boundary of any noise sensitive premises exceed the decibel level 41 dB (LAeq1hr)

Night-time Noise Level 23.00pm – 07.00am shall not when measured at 3.5m from the façade of any noise sensitive premises exceed the decibel level 33 dB (LA90 15min).

Daytime (Evening) & Night-time Noise Level 19.00pm – 23.00pm the Maximum Instantaneous Noise Level shall not when measured at 3.5m from the façade of any noise sensitive premises exceed 55 dB(LAFmax) evening (19.00-23.00hrs) and night-time (23.00–07.00hrs).

*(From the noise data supplied)

The average daytime background noise level is 36 dB (LA90 1hr) plus 5 dB exceedance

The average night-time background noise level is 28 (LA90 15min) plus 5 dB exceedance

15. Once the plant is fully operational, the operator provides a further noise assessment demonstrating that the screening is adequate and provides enough protection to ensure that the typical minimum background sound level 22dB (LA90 15min) is not breached from the operation of the plant. This assessment must be submitted to the planning authority within 3 months from the Operational commencement of the AD unit.

A copy of the findings from the assessment and all recorded data and audio files obtained as part of the assessment shall be provided to the Local Planning Authority (in electronic form) within 28 days of completion of the analysis.

Where the assessment information confirms that the noise levels from the operation of the plant are above the typical minimum background sound level 22dB (LA90 15min) within any amenity areas 3.5m from the façade of any noise sensitive properties, the operator shall carry out works to mitigate such effects to comply with the noise condition, details of which shall have first been submitted in writing and approved in writing by the local Authority.

The assessment and any such noise mitigation works shall be completed within 6 months from the date of notification and be so retained. The date of notification is the date the operator is informed in writing by the Local Planning Authority detailing the inadequate screening.

16. The emergency flare stack shall not be operated for maintenance or for testing purpose except between 0700 and 1700 hours on any day (not including Bank Holidays)

17. Heavy and light Goods vehicles along with plant under the control of the operators which deliver waste, remove digestate or biofertiliser or operate at the site shall only use non-intrusive broadband (white noise) vehicle noise alarms and/or reversing cameras. On such vehicles, there shall be no use of single or multi-pitch reversing beepers.

18. Written notification confirming the cessation of operations is to be given to the Local Planning Authority 3 month prior to the cessation of the use of the Anaerobic Digester plant hereby approved.

19. On the cessation of the use of the Anaerobic Digester plant hereby approved, the site shall be cleared of all buildings and structures, hardstandings bunds and any wastes within a period of six months from the date of cessation. After removal of the above, the surface of the site shall be regraded and be covered with topsoil to a depth of 500mm within a period of three months. The site shall then be planted in accordance with details to be agreed in writing by the LPA

20 Notwithstanding the submitted details, within 1 month from the date of the grant of planning permission, details of an earth bund to enclose the western and southern sides of the site together with a landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. The bund shall be provided in accordance with the agreed details prior to the development becoming first operational and the landscaping scheme shall be completed in accordance with the agreed details within the first planting season following the development becoming first operational. Once provided the bund and

landscaping scheme shall be so retained. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

21 The visibility splay at the site entrance shall be provided and laid out in accordance with plan 13425/T03 within 1 month of the date of this permission with no obstructions within the visibility area over 1m above the adjacent carriageway level. It shall thereafter be so maintained for that purpose.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.
2. For the avoidance of doubt and in the interests of proper planning.
3. No development shall begin until details of the colour and finish of the building materials to be used (including the digester dome) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these details.
4. To safeguard the amenities of the area and occupiers of nearby buildings in accordance with DM2.
5. In the interest of highway safety and to ensure that adequate passing facilities are available for vehicles attracted to the site in accordance with DM2 and DM22 of the Local Plan Part 3 (Development Management Policies).
6. To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development
7. To ensure adequate facilities are provided for the disposal of surface water from the development in accordance with policies DM2, DM22 and DM27 of the local Plan Part 3 (Development Management Policies).
8. To reduce odour levels within the site and to prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies)
9. In the interest of the visual amenity of the area and to protect the setting of the Grand Western Canal in accordance with policies DM2, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).
10. The application has been considered as a site accepting these feedstock types only and not as a general waste facility and consideration of the impacts on the environment, neighbouring residents and the road network has been

made on this basis and in order to accord with policies DM5 and DM22 of the Local Plan Part 3 (Development Management Policies).

11. To protect the rural character of the area in accordance with policies COR2 of the Mid Devon Core Strategy (LP1) and DM5, DM22 and DM27 of the Local Plan Part 3 (Development Management Policies).

12. To prevent pollution of the water environment in accordance with policy DM7 of Local Plan Part 3 (Development Management Policies).

13 To ensure the archaeological works are completed prior to the planting of the screening to minimise disturbance to the planting scheme and to provide further screening for the site and assist with reducing any potential noise.

14 To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3

15 To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3

16 To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3

17 To minimise the potential for pollution and disturbance to local amenity, in accordance with policy DM7 of the Local Plan Part 3

18 To ensure the Local Authority are made aware of the impending cessation of the use to enable proper consideration of the removal of the items on the site.

19 To achieve a satisfactory landscape/restoration

20 Reason: In the interest of the visual amenity of the area in accordance with policies DM2, DM22 of the Local Plan Part 3

21 To provide adequate visibility from and of emerging vehicles

(iv) *Implications report previously circulated, copy attached to minutes.

32 APPLICATION 16/00352/MFUL - CONSTRUCTION OF A NEW TWO STOREY SCHOOL ON EXISTING SCHOOL GROUNDS, WITH ASSOCIATED LANDSCAPING WORKS AND DEMOLITION OF EXISTING SCHOOL BUILDINGS AT CASTLE PRIMARY SCHOOL, BARRINGTON STREET, TIVERTON (2-34-00)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application. The Area Planning Officer outlined the contents of the report highlighting the application by way of presentation which included the demolition of Blagdon House. Members viewed the block plan, the proposed new building and play areas, the mature trees on the site most of which would be retained but with some loss' the site plan, highlighting the existing and proposed buildings, the proposed elevations, the external materials, a model of the proposals and a 3D view, the proposed ground floor and first floor plans and proposed sections; the drainage

plans, landscaping proposals and photographs from various aspects of the site. The architectural merits of the original buildings were also identified.

In response to the questions posed in public question time, the old Grammar School had accommodated more children but that they were older children the school and the facilities available were not suitable for 4-11 year olds. The new school would increase the capacity by 60 children. Members had visited the site and understood the issues with regard to water ingress, the need to regulate the heating and the inappropriate environment that the children were being taught in; there was a need to assess the loss of the Edwardian building against the establishment of a new school.

Consideration was given to:

- The safety issue with regard to Blagdon House
- The condition of the school and the need for a replacement school to be built
- The suitability of the school for the children
- The available funding to provide a new school
- Concerns from objectors with regard to the loss of a heritage asset
- The concerns raised by the Conservation Officer
- The covenant on the land
- The building materials and the possible negotiation that could take place with regard to the stone finish
- The need for a suitable school to be available for the children and the need to take the opportunity of funding available
- The views of the Civic Society

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with delegated authority being given to the Head of Planning and Regeneration to negotiate amendments to the external materials and colour.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr D J Knowles)

Notes:

- i) Cllr Mrs F J Colthorpe declared a personal interest in the matter as she had in the past chaired the Tiverton Education Foundation which owned the land the school was built on and chose to leave the meeting whilst discussion took place; (Cllr P J Heal, Vice Chairman took the chair);
- ii) Cllr R F Radford declared a personal interest as a County Councillor;
- iii) Cllr D J Knowles declared a personal interest as a Member of the Civic Society and that some of the objectors were known to him;
- iv) Mrs Noble (Headteacher) spoke in support of the application;
- v) Cllr C J Eginton spoke as a member of the public in objection to the application;
- vi) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members in support of the application;

- vii) The following late information was reported: Since the publication of the officer report, two letters of representation have been received from the Tiverton Civic Society and The Victorian Society. These are summarised below:

The Victorian Society

The Victorian Society strongly object to the proposal and fully endorse the views of both Historic England and Teignbridge District Council

The Tiverton Civic Society

The Tiverton Civic Society support the proposal, as the reuse of the building would be costly and unfeasible and a new functional and economically viable building would significantly benefit the local area.

These updates are not considered to impact upon the officer recommendation.

- viii) *Report previously circulated, copy attached to minutes.

33 TREE PRESERVATION ORDER 16/00001/TPO - MIXED SPECIES OF WOODLAND INCLUDING OAK, HAZEL, ASH, PINE AND MAPLE AT RED DEER HOUSE, OAKFORD (3-19-55)

The Committee had before it a report * of the Head of Planning and Regeneration regarding the above application which had been deferred from the previous meeting due to the lack of photographic evidence.

The Area Planning Officer outlined the contents of the report identifying the location of the group of trees via a set of photographs.

Members felt that the group of trees were both prominent and of value and therefore:

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Note: *Report previously circulated, copy attached to minutes.

34 REVIEW OF PLANNING COMMITTEE PROCEDURES - RECOMMENDATIONS FROM THE SCRUTINY COMMITTEE (3-26-23)

Arising from a report of the Head of Planning and Regeneration (previously considered by the Planning Committee on 20 April 2016), the Scrutiny Committee at its meeting on 23 May 2016 had requested that further consideration be given to:

- a) The length of time that a Ward Member is allowed to speak to an application;
- b) That photographs be posted on the website, (Public Access), in advance of the meeting; and
- c) The process for examining business cases for applications be reviewed to give reassurance of the validity of the information with the possibility of sending for external examination.

The Head of Planning and Regeneration explained the background behind the recommendations of the Scrutiny Committee. Consideration was given to:

- Whether unlimited time for Ward Members to speak was beneficial
- If the powerpoint presentation was available on the website there could be data protection issues with regard to publishing pictures of the internal layout of local residences and possible technical issues with regard to uploading such a presentation in the appropriate place on the website and that the majority of the information was already available in Public Access.
- The possibility of producing guidance and a possible proforma to help validate information with regard to business cases.

It was therefore:

RESOLVED that:

- a) Ward Members be given 5 minutes to speak on issues within their Ward.
- b) Photographs and the powerpoint presentation NOT be made available on the website but continue to be made available at Planning Committee meetings.
- c) The possibility of producing clear guidance and a possible proforma to aid the validation of business cases be investigated.

(Proposed by the Chairman).

(The meeting ended at 6.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the LICENSING SUB-COMMITTEE E held on 26 April 2016

Present

Councillors T G Hughes, Mrs B M Hull and L D Taylor

Apology

Councillor Mrs F J Colthorpe

Also Present

Councillor D J Knowles

Present

Officers Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

Councillor Mrs F J Colthorpe had sent her apologies for the meeting and was substituted by Cllr Mrs B M Hull.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr T G Hughes be elected Chairman of the Sub Committee for the meeting.

Cllr T G Hughes then took the Chair.

3 DETERMINATION OF A PREMISES LICENCE APPLICATION FOR MOORHAYES COMMUNITY CENTRE

Consideration was given to a report * of the Head of Human Resources and Development relating to an application that had been received for a new premises licence for Moorhayes Community Centre, Tiverton.

The Members and officers introduced themselves, as did the applicant and representatives from the Moorhayes Community Centre Management Committee.

The Licensing Sub Committee decided that the meeting should be heard in public session.

There were no interests to declare.

The Lead Licensing Officer outlined the contents of the report making reference to the following:

- A licence for the premises had been in existence since 2007, the new application related to a new bar and restaurant area, provision to hold up to six

outside events per year and slightly longer opening hours on particular days of the week and New Year's Eve.

- A summary of the licensable activities applied for.
- Comments made by the Police and Environmental Health as two of the Responsible Authorities. The Police had agreed additional conditions with the applicant in relation to risk assessing the requirement for SIA door supervisors, notifying the Police and Licensing Authority of outside events in advance and CCTV on site. Environmental Health had no objections regarding noise and nuisances.
- Four representations had been received. The applicant had discussed the concerns raised with 3 of the objectors and as a result of agreeing to remove the sale of alcohol for consumption off the premises from the application, one of those representations had been withdrawn.

Following this the applicant was invited to present the application. He stated that the Management Committee had gradually been extending the property over the past four or five years. The centre was financially viable, membership numbers were increasing and there was a strong emphasis on attracting families. It was a well-established social centre with a busy schedule of events including birthday parties, christenings and sports related activities. The centre had raised its own funds to make improvements to the structure of the building. The building was well insulated and there were plans to look at installing air conditioning. The applicant confirmed that doors were kept closed after 10pm. There were also plans to plant a beech hedge to screen off neighbouring properties.

The applicant further explained that much of the litter surrounding the area came from the nearby Tesco's store and they could not be held responsible for the rubbish which was dropped in the public areas. When questioned about the realistic number of outdoor events planned the applicant confirmed that it would be no more than one or two per year, one being a beer festival. Relationships with adjacent properties had been very good over the years and there had only ever been one complaint regarding noise. It was confirmed that there were regular arrangements for door staff and stewardship during events.

The Lead Licensing Officer summarised the representations from the objectors.

Mr Malcolm Phillips, Vice Chairman of Moorhayes Community Centre, addressed the Sub Committee and informed them that the centre was initially built as a sports hall and play area for children therefore potential noise would have been a factor prior to there ever being a bar.

Councillor D J Knowles spoke as a director of the centre. He had previously lived in Mercers Close which was very near to the centre and had never noticed noise as an issue. He explained that any contract entered into by a hirer of the premises clearly stated that doors must be kept shut after 10pm. He reiterated the fact that the centre positively encouraged families to use the facilities.

Members of the Sub Committee withdrew to consider their decision.

RESOLVED that the application be granted as applied for.

Reasons:

The club was well established and events had been conducted in a lawful manner in the past. The management had assured the committee that they would do everything in their power to control nuisance from noise and would take full account of any complaints made. They also assured the Sub Committee that they would maintain an adequate level of stewardship of events taking place on the premises.

Similarly, the management had assured the Sub Committee that they would comply with the conditions set out on pages 35 and 36 of the application in addition to the conditions listed at paragraphs 4.3 and 4.4 on page 6 of the officer's report.

The Sub Committee was satisfied that the concerns raised within the relevant representations would be addressed by the conditions imposed on the licence.

They had also paid due regard to the current licensing policy and guidance referred to in the officers report and the decision the Sub Committee had made is in line with that policy and guidance.

Finally the Sub Committee's decision was based on local knowledge and the conditions prevailing in the area.

(Proposed by the Chairman)

(The meeting ended at 11.05 am)

CHAIRMAN

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FULL COUNCIL
29 June 2016

AGENDA ITEM:

Members Allowances Scheme

Responsible Officer: Head of Communities and Governance and Monitoring Officer

Reason for Report: The purpose of this report is to provide Members with an update on the review of the Members Allowances Scheme.

RECOMMENDATION: To extend the current Members Allowances scheme with no changes for an interim period

Relationship to Corporate Plan: None

Financial Implications: None currently

Legal Implications: The Local Authorities (Member's Allowances) Regulations 2003 require that an Independent Remuneration Panel consider Members Allowances and make recommendation to Council

Risk Assessment: Failure to follow the Members Allowances Regulations could leave the Council open to challenge

1.0 Introduction

- 1.1 At the Council meeting in July 2015, Members agreed an interim Members Allowances Scheme for a year taking the Council up to the 31st July 2016.
- 1.2 One of the recommendations agreed by Council on the 15th July 2015 was that the IRP undertake a fundamental review of the Members Allowances Scheme over the next twelve months and that a report be brought back to Council in June 2016.
- 1.3 The IRP have been working on the fundamental review of Members Allowances and their work is almost complete. However, a period of additional time is required to complete the review and to bring a report back in front of Council.
- 1.4 Therefore it is proposed that Members agree to continue with the scheme that was agreed on 15th July 2015 and that the IRP make a report to Council as soon as their review has been concluded.

Contact for more Information: Amy Tregellas 01884 234246, Monitoring Officer or Sarah Lees 01884 234310, Member Services Officer

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MEMBERS' ALLOWANCES SCHEME 2015 - 2016

The Mid Devon District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Mid Devon District Council Members' Allowances Scheme, and shall have effect for the period 1st August 2015 until the 31st July 2016.

2. In this scheme

“Councillor” means a Member of the Mid Devon District Council who is Councillor;

Basic Allowance

3. Subject to paragraph 8, from 1st August 2015 a Basic Allowance of £4,645 shall be paid to each Councillor. Any increases thereafter will be linked to the staff pay award until the next fundamental review.

Special Responsibility Allowances

4. (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the Special Responsibilities in relation to the Authority that are specified in the Schedule to this scheme. These Allowances shall be calculated based upon a weighting applied to the Basic Allowance, therefore any increase in the Basic Allowance as a result of a staff pay award shall also result in an increase to the Special Responsibility Allowances.

(ii) Subject to paragraph 6, the amount of each such Allowance shall be the amount specified against that Special Responsibility in that Schedule.

(iii) No Councillor is entitled to claim more than one Special Responsibility Allowance.

Renunciation

5. A Councillor may, by notice in writing given to the Head of Finance, elect to forego any part of his/her entitlement to an Allowance under this scheme.

Part-Year Entitlements

6. (i) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to Basic and Special Responsibility Allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a Special Responsibility in respect of which a Special Responsibility Allowance is payable.

(ii) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods:

(a) Beginning with the year and ending with the day before that on which the first amendment in that year takes effect; or

- (b) Beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.
7. The entitlement to such an Allowance shall be to the payment of such part of the amount of the Allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period years to the number of days in the year.
- (iii) Where the term of office of the Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (iv) Where this scheme is amended as mentioned in sub-paragraph (ii), and the term of office of the Councillor does not subsist throughout the period mentioned in sub-paragraph (ii)(a), the entitlement of any such Councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.
- (v) Where a Councillor has during part of, but not throughout a year, such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of that Allowance as bears to the whole the same proportion as the number of days during which he has such Special Responsibilities bears to the number of days in that year.
- (vi) Where this scheme is amended as mentioned in sub-paragraph (ii), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (ii)(a) of that paragraph any such Special Responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to payment of such part of the Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such Special Responsibilities bears to the number of days in that period.

Carers' Allowance

8. A Carers' Allowance of the actual expenditure incurred up to a maximum of the minimum wage of a person over 21 years of age or the actual cost of childcare at an accredited Nursery, will be paid for care of dependants whether children, elderly people or people with disabilities to Members whilst carrying out approved duties. The maximum period of the entitlement will be the duration of the approved duty and reasonable travelling time. The Allowance will not be payable to a Member of the claimant's own household. The Carers' (reasonable) expenses will be paid.

Travelling and Subsistence Allowances

9. Travelling and subsistence allowances will be paid in accordance with the scales of allowance set out in schedule to this scheme in connection with or relating to such duties as are within one or more of the following categories:
- (a) the attendance at a meeting of the authority or of any committee or sub committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub committee of such a body;

- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that it is a meeting to which members of at least two such groups have been invited,
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (e) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (f) any conference or meeting of any body where the Council or a Committee have agreed to send a representative;
- (g) as a member of a deputation approved by the authority, a committee or sub committee;
- (h) the Chairman or Vice Chairman of the authority, Committees or Policy Development Groups at meetings with a Chief Officer where Council or Committee business is discussed;
- (i) the Chairman of the Council and Chairmen of Committees acting in such capacity at meetings of Parish Councils;
- (j) Civic Receptions and other social functions;
- (k) Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council; and
- (l) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees or sub-committees.

Payments

10. (i) Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph (ii), in instalments of one twelfth of the amount specified in this scheme on the 22nd day of each month.
- (ii) Where a payment of one twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (iii) Members who have their own IT equipment will receive a one-off payment of £75 per year. Members who use Council IT equipment will not receive a one-off payment.

Claims

11. Claims for the payment of dependent carers' allowance and travelling and subsistence allowances must be made by the person to whom they are payable within two months of the date on which an entitlement to such allowance arises. Such claims must be evidenced by relevant receipts.

Pensions

12. None of the allowances contained within this scheme shall be eligible for inclusion within the Local Government Pension Scheme.

Tax and Benefits

13. Income Tax

- a) Basic, Special Responsibility and Carers Allowances are subject to Income Tax as they are payments made in respect of the duties of an office.
- b) The HMRC is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the HMRC notified the Council of the appropriate tax code for each Member.
- c) Some expenses incurred by Members in the course of their Council duties may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible should contact his/her Tax Office.

14. National Insurance Contributions

- a) Basic, Special Responsibility and Carers Allowance payments will attract National Insurance (NI) Contributions at levels that vary depending on the total earnings of Members.
- b) Some Members may not be liable to any NI Contributions on Allowances if they are over the state retirement age; in accordance with prevailing legislation. See the Government website for more information. <https://www.gov.uk/tax-national-insurance-after-state-pension-age>
- c) Some Members, who are married women or widows who have elected to pay reduced rate NI Contributions may also need to have the NI Contributions on Allowances calculated at a reduced rate.
- d) Members who are self-employed may also be subject to different levels of NI Contributions.
- e) Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

Chairman's Civic Budget

15. A small budget (not exceeding £2,000 and to be agreed each year during the budget setting process) be allocated to the Chairman of the Council for civic functions.

Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s

IT Allowances

16. Until 31st July 2016 IT allowances will be paid as follows:

For Members using either a Council iPad or their own digital device there shall be a payment of £75 per annum plus a Broadband payment of £15 per month.

For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council and their electorate by email, a payment of £75 per annum will be made plus a Broadband payment of £15 per month.

Members who use a Council laptop will not receive an annual payment of £75 but will have their Broadband costs paid directly by the Council.

DATED this 15th day of July 2015

SCHEDULE

With effect from 1st August 2015, the following are specified as Special Responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those Allowances:

Leader of the Council	£13,935
Deputy Leader of the Council	£6,968
Cabinet Member	£5,806
Chairman of Scrutiny Committee	£5,806
Chairmen of Policy Development Groups	£3,484
Chairman of Audit Committee	£3,484
Chairman of the Planning Committee	£5,806
Chairman of the Licensing/Regulatory Committee	£2,323
Chairman of the Standards Committee	£1,125
Chairman of the Council	£2,323

With effect from 1st August 2015, the following amounts are specified as the amounts of allowance payable in respect of travelling and subsistence arising from those approved duties set out within this scheme:

(a) Travelling Allowances:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for bicycles

(b) Subsistence Allowances

Breakfast	£6.83
Lunch	£9.43
Tea	£3.71
Dinner	£11.68

All claims for subsistence must be accompanied by a receipt. The maximum allowance will only be paid where the cost of subsistence is equal to, or greater than, the maximum allowance.

FOR INFORMATION AND CLARIFICATION - NOT PART OF THE APPROVED SCHEME

ELIGIBILITY TO ALLOWANCES AND EXPENSES

ALLOWANCES CLAIMABLE

Description of Approved Duty	Carers' Allowance	Travel & Subsistence
1. (a) Meetings of Council, Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees (Members of Committees or Substitutes) (b) Non-Committee Members attending	YES YES	YES YES
2. Meetings of bodies to which the Authority makes appointments, or of Cabinet, Policy Development Groups, Audit, Scrutiny and Regulatory Committees	YES	YES
3. Any meeting authorised by the Authority, Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees to which duly appointed representatives of more than one Political Group have been appointed Non-duly appointed Members	YES NO	YES YES
4. A meeting of a Local Authority Association	YES	YES
5. Any conference or meeting of any body where the Council or a Committee have agreed to send a representative	YES	YES
6. (a) Any visits or inspections undertaken by Members, approved by the Authority or any Cabinet, Policy Development Groups, Audit, Scrutiny or Regulatory Committees. (Members of Committee or Substitutes) (b) Non-Committee Members attending by invitation of the Cabinet, Policy Development Group, Audit, Scrutiny and regulatory Committees. (c) Non-Committee Members attending uninvited	YES YES NO	YES YES YES
7. As a Member of a deputation approved by the Authority, the Cabinet, Policy Development Group, Audit, Scrutiny or Regulatory Committees.	YES	YES

8.	By Chairman or Vice-Chairman of the Authority, Cabinet, Policy Development Group, Audit, Scrutiny and Regulatory Committees at meetings with a Chief Officer where Council or Committee business is discussed	YES	YES
9.	By Chairman of the Council and Chairman of Committees acting in such capacity at meetings of Parish Councils	YES	YES
10.	For any particular duty for which express authority from time to time is given by the Authority or in case of emergency by the Chairman or Vice-Chairman of the Authority	NO	YES
11.	Civic Receptions and other social functions	NO	YES
12.	Members attending meetings of Parish Councils within their Wards, or as Ward Member at meetings at the request of a Parish Council	NO	YES

Notes:

- (1) In all cases, the duties for which claims are made must have been approved prior to the event.
- (2) Meetings (3 above) includes Working Groups, approved seminars, and Briefing meetings where more than one Political Group is invited
- (3) Other Briefing meetings fall within (8) above.