

Public Document Pack

Prior to the meeting, at 5.30pm, the Chairman will host a reception for Members and will make presentations to Mrs Karen Sparkes (Systems Administrator, Culm Valley Sports Centre) and Mr Richard Burt (IT Business Analyst/Developer) who have both completed 25 years service with the District Council.

MID DEVON DISTRICT COUNCIL

A MEETING of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 26 October 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:

[An Extraordinary meeting of the Council is scheduled to be held in Tiverton on Thursday, 1 December 2016 at 6.00 pm]

The next ordinary meeting will take place on Wednesday 14 December 2016 at 6.00pm

STEPHEN WALFORD

Chief Executive

18 October 2016

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

Reverend Peter Daw, Bethel Pentecostal Church, Tiverton, will lead the Council in prayer.

AGENDA

1 Apologies

To receive any apologies for absence.

2 Minutes (Pages 7 - 44)

To approve as a correct record the Minutes of the Meeting of Council on 31 August 2016 and the Extraordinary Meeting of 22 September 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**

(1) Motion 527 (Councillors Mrs J B Binks, Mrs J Roach, Mrs N Woollatt and R Wright – 21 July 2016)

The following motion had been referred to the Homes Policy Development Group for consideration and report:

“That this Council supports the Syrian Vulnerable Persons Scheme as detailed below and commits to working with the private sector to achieve placements.”

The Scheme has been developed since September 2015 having evolved from a number of earlier Gateway Scheme. The United Nations High Commissioner for Refugees (UNHCR) will refer people to the scheme, based on a criteria set by the UK. This currently prioritises those who cannot be supported effectively in their region of origin: women, children and young people at risk, people in severe need of medical care and survivors of torture and violence, refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries. Most beneficiaries of the scheme will currently be living in Turkey, Jordan and Syria, though not all in designated refugee camps.

The UNHCR conducts a series of checks including a robust identification process prior to referring a refugee to the UK Scheme. Referrals are then further screened and considered by the Home Office for suitability for entry to the UK. The Home Office checks that they meet eligibility criteria and carries out medical and security checks.

By the time a UNHCR referred refugee arrives in the UK they have been through a thorough two stage vetting process to ensure government knows who is entering the country. This includes the taking of biometrics, documentary evidence and interviews.

What this means in practice – Local authorities can choose whether to participate in the scheme. Participating Local Authorities pass offers of suitable accommodation to the Home Office who then match available accommodation to a refugee family. Case information is exchanged including details of family make up, age and specific needs. The Local Authority is asked to confirm whether it can accommodate and support those specific cases, having consulted key local agencies.

On accepting to arrange resettlement, local authorities then need to co-

ordinate activity to ensure that provision and support needed under the terms of the scheme is available and ready to access. Refugees will be granted a five year humanitarian protection visa. Refugees will have a National Insurance number, access to UK benefits and the right to work. Housing benefit will fund accommodation costs initially.

We would expect that in the vast majority of cases refugees will want to stay in the area of the UK in which they have been resettled. However refugees are free to move elsewhere in the UK if they choose. If a refugee and their family wish to move to another part of the UK after their initial arrival, under the terms of the scheme, they will no longer be entitled to accommodation that had been allocated and they will no longer have resettlement support in the authority in which they were first placed. The scheme will continue to run alongside other resettlement schemes and other asylum procedures.

The scheme depends on finding suitable accommodation that is aligned to the current requirements of local housing authorities and that can be paid for initially through existing housing benefit allocation. The scheme sets out to resettle refugees not simply to shelter them. Accommodation must be suitable for families to live safe, independent and productive lives, just as local authorities would aim to provide for any homeless family.

Clearly housing costs and availability varies considerably across the County and whilst there is capacity in most parts of the County to support resettlement, this has to be aligned to affordable and available accommodation. Whilst some very rural parts of Devon may provide suitable accommodation opportunities, this needs to be balanced with meeting the anticipated wider needs of resettled refugees, i.e. access to schools, healthcare, cultural, religious and support networks as required alongside opportunities for employment.

The County Council recognises that expertise of supporting refugees (alongside those seeking asylum and dealing with wider migration issues) largely sits in other organisations, largely within the voluntary and community sector. It is therefore the intention to support a number of voluntary and community sector organisations to deliver much of the Syrian Scheme on behalf of the wider partnership. Refugee Support Devon will be playing a leading and significant part in this, but it is anticipated that other groups may also be able to take a role at a community level as resettlement develops across the County.

Until families have begun to be safely and successfully resettled, we do not intend to make public announcements with regards to the arrival date or destination of refugee families.

Accommodation continues to be difficult to source locally and there are concerns that commitments from local Housing Authorities (currently to resettle up to 70 families over the course of the scheme) will not be met as a result. We will soon commission a short film and publicity aimed at local current and potential landlords to highlight the Scheme and its opportunities for them and the wider community.

The Policy Development Group at its meeting on 13 September had considered the proposal and recommended that this Council supports the Syrian Vulnerable Persons Scheme and commits to working with the private sector to achieve placements. Following Council approval, the

details regarding the practicalities involved be brought back to the Homes Policy Development Group for further detailed consideration.

2) Motion 530 (Councillor R L Stanley and R J Chesterton- 19 September 2016)

The Council had before it a **MOTION** submitted for the first time:

In order to allow a new, productive future for certain agricultural buildings, permitted development rights have been extended allowing for their use to change without planning permission in certain instances. Procedures allow for local consultation but do not currently recognise a need to consult with Parish Councils. Local communities as represented through Parish Councils, are well placed to identify the likely impacts of proposals and could be identified as a required consultee. Impacts may be cumulative where there is a concentration of proposals within a small area and it is considered that the permitted development right could be worded to recognise cumulative effects. It is requested that Council write to the Minister to bring these issues to his attention and request that he amend the General Permitted Development Order accordingly.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Cabinet.

7 Committee Reports (Pages 45 - 228)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

- (1) Cabinet
 - 29 September 2016
- (2) Scrutiny Committee
 - 12 September 2016
 - 10 October 2016
- (3) Audit Committee
 - 20 September 2016
- (4) Environment Policy Development Group
 - 6 September 2016
- (5) Homes Policy Development Group
 - 13 September 2016

- (6) Economy Policy Development Group
 - 15 September 2016
- (7) Community Policy Development Group
 - 27 September 2016
- (8) Planning Committee
 - 7 September 2016
 - 5 October 2016
- (9) Standards Committee
 - 6 October 2016

8 Questions

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

9 Appointment of a new Monitoring Officer

The Chief Executive will recommend that Director of Corporate Affairs and Business Transformation be appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.

10 Appointment of Electoral Registration Officer and Returning Officer

Following the recent restructure it is recommended that the Director of Corporate Affairs and Business Transformation be appointed as Electoral Registration Officer (from 1 December 2016) and Returning Officer (from 2 December 2016) in accordance with Sections 8 and 35 of the Representation of the People Act 1983.

Note: the 2017 Electoral Register will be published on 1 December 2016 and there is a possibility that there will be Parish Elections on 1 December 2016 in which the current Returning Officer is already involved).

11 Six Monthly Briefing from the Leader

The Leader, Councillor C J Eginton, will address the Council.

12 Questions to Cabinet Members

Cabinet Members will answer questions from Members on their Portfolios.

13 **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.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 31 August 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, Mrs J B Binks,
R J Chesterton, 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, F W Letch, B A Moore,
R F Radford, F J Rosamond, 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, L D Taylor, N A Way,
Mrs N Woollatt and R Wright

Apologies

Councillors

K Busch, D J Knowles and Mrs J Roach

33 Apologies

Apologies were received from Councillors: K I Busch, D J Knowles and Mrs J Roach.

34 Minutes

The minutes of the meeting held on 29 June 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 29 June 2016 were agreed as a correct record and signed by the Chairman.

35 Chairman's Announcements

The Chairman informed the meeting that Cllr D J Knowles was unwell and on behalf of the Council he wished him well.

36 Public Question Time (00-08-00)

Ann Varker referring to Motion 527 asked whether Councillors were aware that in 3 months 200 people had signed a petition with regard to this issue.

Carol Bray representing the Devon WASPI Supporters Group and referring to Motion 526:

I would like to thank the Chair and Councillors Roach and Woollatt for proposing the Motion for fair transitional state pensions for women born in the 1950's

Will Mid Devon District Council help to bring justice to the women of Mid Devon and throughout the rest of the country who have disproportionately borne the financial burden of equalisation of the state pension age? WASPI (Woman against state pension's inequality) has been campaigning for fair transitional arrangements for women born in the 1950's who have been affected by the rapid rise in state pension age with little or no notice. WASPI is not affiliated with any political party but is working with all parties to see redress for this injustice. We are not against the equalisation of the pension age but the unfair way that it has been implemented. The 1995 Pensions Act increased the state pension age for women to 65, gradually equalising with the state pension age for men by 2020. The 2011 act accelerated and further increased the age to 66 for both men and women by 2020. But, they forgot to tell us. Some women received just one year's notice or never received a letter at all. Had we been told sooner we could have made different arrangements along the way; many have taken redundancy or early retirement packages, given up paid employment to care for family members and grandchildren, expecting our pensions at 60? Why wouldn't we, it's been that way for 70 years or so. The consequence is a significant loss of pension income, £40,000 or more for those waiting an extra 6 years for state pensions. Finding work at 60+ is difficult, many women are in ill health and others are suffering the humiliation of applying for benefits. Many women are facing dire financial hardship, some having to sell their homes, particularly hard hit are single and widowed women but for those with a supporting partner even it is humiliating to be asking for handouts and some partners are having to work longer to maintain the household income. So you will see that it affects the whole family, husbands, children, grandchildren and parents even. This generation of women have not had the opportunity to build up private pensions or savings as men have, no equal pay, barred from joining private pensions schemes until the 1990's, no free childcare like women have today. Now at what should be the end of our working life we are being treated unfairly yet again. Will the Council please support the motion for fair transitional state pension arrangements for 1950's women?

The Chairman stated that, the pension issue would be discussed a little later in the meeting and that the Syrian Refugee issue would be addressed by the Decent and Affordable Homes Policy Development Group at its meeting on the 13 September.

37 **Petitions (0012-13)**

There were no petitions from members of the public.

38 **Notices of Motions (00-12-30)**

(1) Motion 526 (Councillors Mrs J Roach and Mrs N Woollatt – 13 July 2016)

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 14.1:

The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J B Binks.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that the Motion be dealt with at this meeting.

Following debate and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

(2) Motion 527 (Councillors Mrs J B Binks, Mrs J Roach, Mrs N Woollatt and R Wright 21 July 2016)

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 14.1:

“That this Council supports the Syrian Vulnerable Persons Scheme as detailed below and commits to working with the private sector to achieve placements.”

The Scheme has been developed since September 2015 having evolved from a number of earlier Gateway Scheme. The United Nations High Commissioner for Refugees (UNHCR) will refer people to the scheme, based on a criteria set by the UK. This currently prioritises those who cannot be supported effectively in their region of origin: women, children and young people at risk, people in severe need of medical care and survivors of torture and violence, refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries. Most beneficiaries of the scheme will currently be living in Turkey, Jordan and Syria, though not all in designated refugee camps.

The UNHCR conducts a series of checks including a robust identification process prior to referring a refugee to the UK Scheme. Referrals are then further screened and considered by the Home Office for suitability for entry to the UK. The Home Office checks that they meet eligibility criteria and carries out medical and security checks.

By the time a UNHCR referred refugee arrives in the UK they have been through a thorough two stage vetting process to ensure government knows who is entering the country. This includes the taking of biometrics, documentary evidence and interviews.

What this means in practice – Local authorities can choose whether to participate in the scheme. Participating Local Authorities pass offers of suitable accommodation to the Home Office who then match available accommodation to a refugee family. Case information is exchanged including details of family make up, age and specific needs. The Local Authority is asked to confirm whether it can accommodate and support those specific cases, having consulted key local agencies.

On accepting to arrange resettlement, local authorities then need to co-ordinate activity to ensure that provision and support needed under the terms of the scheme is available and ready to access. Refugees will be granted a five year humanitarian protection visa. Refugees will have a National Insurance number, access to UK benefits and the right to work. Housing benefit will fund accommodation costs initially. We would expect that in the vast majority of cases refugees will want to stay in the area of the UK in which they have been resettled. However refugees are free to move elsewhere in the UK if they choose. If a refugee and their family wish to move

to another part of the UK after their initial arrival, under the terms of the scheme, they will no longer be entitled to accommodation that had been allocated and they will no longer have resettlement support in the authority in which they were first placed. The scheme will continue to run alongside other resettlement schemes and other asylum procedures.

The scheme depends on finding suitable accommodation that is aligned to the current requirements of local housing authorities and that can be paid for initially through existing housing benefit allocation. The scheme sets out to resettle refugees not simply to shelter them. Accommodation must be suitable for families to live safe, independent and productive lives, just as local authorities would aim to provide for any homeless family.

Clearly housing costs and availability varies considerably across the County and whilst there is capacity in most parts of the County to support resettlement, this has to be aligned to affordable and available accommodation. Whilst some very rural parts of Devon may provide suitable accommodation opportunities, this needs to be balanced with meeting the anticipated wider needs of resettled refugees, i.e. access to schools, healthcare, cultural, religious and support networks as required alongside opportunities for employment.

The County Council recognises that expertise of supporting refugees (alongside those seeking asylum and dealing with wider migration issues) largely sits in other organisations, largely within the voluntary and community sector. It is therefore the intention to support a number of voluntary and community sector organisations to deliver much of the Syrian Scheme on behalf of the wider partnership. Refugee Support Devon will be playing a leading and significant part in this, but it is anticipated that other groups may also be able to take a role at a community level as resettlement develops across the County.

Until families have begun to be safely and successfully resettled, we do not intend to make public announcements with regards to the arrival date or destination of refugee families.

Accommodation continues to be difficult to source locally and there are concerns that commitments from local Housing Authorities (currently to resettle up to 70 families over the course of the scheme) will not be met as a result. We will soon commission a short film and publicity aimed at local current and potential landlords to highlight the Scheme and its opportunities for them and the wider community.

The **MOTION** was **MOVED** by Councillor Mrs J B Binks and seconded by Councillor N A Way.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Decent and Affordable Homes Policy Development Group for consideration.

(3) Motion 528 (Councillor P J Heal - 10 August 2016)

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 14.1:

That the Council investigates the provision of an elasticated net system for use on recycling boxes to prevent light materials such as plastics and cardboard being blown out and causing litter.

The **MOTION** was **MOVED** by Councillor P J Heal and seconded by Councillor D R Coren.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group for consideration.

(4) Motion 529 (Councillor Mrs C A Collis - 17 August 2016)

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 14.1:

That the Council investigates joint working with other Councils to recycle soft plastics such as polythene and film and to avoid putting these non-degradable items into landfill. This will benefit the environment for future generations and expand on the recycling that Mid Devon is already doing so well.

The **MOTION** was **MOVED** by Councillor Mrs C A Collis and seconded by Councillor Mrs S Griggs.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group for consideration.

39 Cabinet Report - Meeting held on 7 July 2016 (00-24-50)

The Leader presented the report of the meeting of the Cabinet held on 7 July 2016.

Arising thereon:-

(1) Proposed Greater Exeter Strategic Plan (Min 38)

The Leader **MOVED**, seconded by Councillor R J Chesterton:-

“THAT the recommendation of the Cabinet as set out in Minute 38 be **ADOPTED”**.

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

Note: Councillor Mrs E M Andrews requested that her abstention from voting be recorded.

40 Cabinet - Report - Meeting held on 4 August 2016 (00-29-37)

The Leader presented the report of the meeting of the Cabinet held on 4 August 2016.

Arising thereon:-

(1) Public Health Enforcement Policy (Min 45)

The Leader **MOVED**, seconded by Councillor C R Slade:-

“THAT the recommendation of the Cabinet as set out in Minute 45 be **ADOPTED”**.

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

The Council had before it a question* with regard to Minute 47, submitted by Councillor T W Snow in accordance with Procedure Rule 13.2(1) together with a response from the Cabinet Member for Housing.

Councillor T W Snow asked a supplementary question in accordance with Procedure Rule 13.2(6)a - the garden is in a terrible state and we don't seem to be taking any action. How many fixed penalty notices had been sent over the last few years.

The Cabinet Member for Housing stated that fixed penalty notices had been issued to the residents in question. With regard to the number of fixed penalty notices that had been issued generally over the last few years, he was not sure but knew that 2 had been issued in the current year.

41 Scrutiny Committee - Report - Meeting held on 18 July 2016 (00-33-28)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 18 July 2016.

Arising thereon:-

(1) Corporate Strap Line (Min 26)

The Chairman of the Scrutiny Committee **MOVED**, seconded by Councillor Mrs A R Berry:-

“THAT the recommendation of the Scrutiny Committee as set out in Minute 26 be **ADOPTED”**.

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

Note: Councillors R M Deed, Mrs M E Squires, R L Stanley and Mrs N Woollatt requested that their abstention from voting be recorded.

42 Scrutiny Committee - Report - meeting held on 19 August 2016 (00-35-35)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 August 2016.

43 Audit Committee - Report - Meeting - held on 28 June 2016 (00-40-19)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 28 June 2016.

44 Audit Committee - Report - held on 15 July 2016 (00-41-02)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 15 July 2016.

45 Managing the Environment Policy Development Group - Report - Meeting held on 12 July 2016 (00-42-08)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 12 July 2016.

46 Decent and Affordable Homes Policy Development Group - Meeting - held on 19 July 2016 (00-45-09)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 19 July 2016.

47 Economy Policy Development Group - Report - Meeting held on 21 July 2016 (00-48-40)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 21 July 2016.

48 Joint Meeting of the Community Well Being and Decent and Affordable Homes Policy Development Groups - Report - held on 8 July 2016 (00-49-22)

The Chairman of the Community Well Being Policy Development Group presented the report of the joint meeting of the Groups held on 8 July 2016.

49 Community Well-Being Policy Development Group - Report - Meeting held on 2 August 2016 (00-50-00)

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held 2 August 2016.

50 Planning Committee - Report - Meeting held on 6 July 2016 (00-50-50)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 6 July 2016.

51 Planning Committee - Report - held on 3 August 2016 (00-52-18)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 August 2016.

52 Standards Committee - Report - Meeting - held on 20 July 2016 (00-55-36)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 20 July 2016

Arising thereon

(1) Planning Procedures (Min 8)

(a) The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs F J Colthorpe **THAT** recommendation (a) as set out in Minute 8 be **ADOPTED**.

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

(b) The Chairman of the Standards Committee **MOVED**, seconded by Councillor F J Colthorpe **THAT** recommendation (b) as set out in Minute 8 be **ADOPTED**.

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

(c) The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs F J Colthorpe **THAT** recommendation (c) as set out in Minute 8 be **ADOPTED**

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

(d) The Chairman of the Standards Committee **MOVED**, seconded by Councillor R M Deed **THAT** recommendation (d) as set out in Minute 8 be **ADOPTED**

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

(e) The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs F J Colthorpe **THAT** recommendation (e) as set out in Minute 8 be **ADOPTED**

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

(f) The Chairman of the Standards Committee **MOVED**, seconded by Councillor R M Deed **THAT** recommendation (f) as set out in Minute 8 be **ADOPTED**

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

(g) The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs F J Colthorpe **THAT** recommendation (g) as set out in Minute 8 be **ADOPTED**

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

(h) The Chairman of the Standards Committee **MOVED**, seconded by Councillor R M Deed **THAT** recommendation (h) as set out in Minute 8 be **ADOPTED**

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

(i) The Chairman of the Standards Committee **MOVED**, seconded by Councillor F J Rosamond **THAT** recommendation (i) as set out in Minute 8 be **ADOPTED**

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

(j) The Chairman of the Standards Committee **MOVED**, seconded by Councillor B A Moore **THAT** recommendation (j) as set out in Minute 8 be **ADOPTED**

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

(k) The Chairman of the Standards Committee **MOVED**, seconded by Councillor Miss C E L Slade **THAT** recommendation (k) as set out in Minute 8 be **ADOPTED**

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

Councillor Mrs F J Colthorpe **MOVED** an **AMENDMENT** seconded by Councillor C R Slade that an additional item (l) be added stating that Ward Members whether or not Members of the Planning Committee are limited to 5 minutes when speaking in their role as Ward Member.

Following discussion and upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

(2) Policy Development Group Titles (Min 10)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor R M Deed **THAT** the recommendation as set out in Minute 10 be **ADOPTED**

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

53 Licensing Committee - Report - 18 July 2016 (1-18-00)

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 18 July 2016.

54 Regulatory Committee - Report - held on 18 July 2016 (1-20-03)

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 18 July 2016.

55 Questions (1-19-46)

There were no questions submitted under Procedure Rule 13.2.

56 Independent Remuneration Panel Report - August 2016 (1-20-03)

The Council had before it a *report of the Head of Communities and Governance informing Members of recommendation from the review undertaken by the Independent Remuneration Panel.

The Chairman **MOVED, THAT:**

- a) The Basic Allowance to be paid to all Councillors remain at the current level of £4691 with any increases being linked to the staff pay award.

Councillor C J Eginton **MOVED** and **AMENDMENT** seconded by Councillor C R Slade that the basic allowance to be paid to all Councillors be increased by £174 to £4865 with any further increases being linked to the staff pay award.

Following discussion and upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

Notes:

- (i) Councillors Mrs E M Andrews, R J Dolley, J L Smith and L Taylor requested that their vote against the decision be recorded;
- (ii) Councillors D R Coren and Mrs N Woollatt requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

- b) There be a reduction in the weighting applied to the Licensing and Regulatory Committee Chairman's SRA from 0.5 to 0.25.

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

The Chairman **MOVED, THAT:**

- c) All other Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,073
Deputy Leader	1.50	£7,037
Cabinet Member	1.25	£5,864
Scrutiny Committee Chair	1.25	£5,864
PDG Chair	0.75	£3,518
Audit Committee Chair	0.75	£3,518
Planning Committee Chair	1.25	£5,864
Licensing/Regulatory Chair	0.25	£1,173
Standards Chair	0.25	£1,173
Chairman of the Council	0.50	£2,346

Councillor C J Eginton **MOVED** an **AMENDMENT** seconded by Councillor C R Slade that: all other Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216

Chairman of the Council	0.50	£2,433
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Upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

Note: Councillors: F J Rosamond and N Woollatt requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

- d) To confirm that no Member should be entitled to claim more than **one** Special Responsibility Allowance.

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

The Chairman **MOVED, THAT:**

- e) The Leader and Cabinet Members be requested to keep a record of the additional workload experiences as a result of the Greater Exeter proposal and Devolution.

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

The Chairman **MOVED, THAT:**

- f) Having received evidence from the Cabinet, a meeting of the Panel be organised to recommend a new scheme of allowances from 1 April 2017.

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

The Chairman **MOVED, THAT:**

- (g) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.

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

The Chairman **MOVED, THAT:**

- (h) Travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 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)
- 25p per mile for pushbikes

That only travel from within the Mid Devon border to attend an official duty be recompensed to the Member.

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

The Chairman **MOVED, THAT:**

- (i) The subsistence allowances be linked to those of the staff, currently these are as follows:

- Breakfast - £7.02
- Lunch - £9.70
- Tea - £3.81
- Dinner - £12.00

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

The Chairman **MOVED, THAT:**

- (j) All claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.

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

The Chairman **MOVED, THAT:**

- (k) An annual digital allowance of £150 be paid to Members using digital devices only.

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

Notes:

- (i) Councillors Mrs H Bainbridge and J L Smith requested that their vote against the decision be recorded;
- (ii) Councillors R J Dolley and L Taylor requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

- (l) The current Town and Parish Council Scheme of Allowances remain in place.

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

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

57 Questions to Cabinet Members (1-42-24)

There were no questions to Cabinet Members.

58 Members Business (1-42-42)

Councillor J L Smith referring to the Heathcoats 200 Party held in Tiverton on Monday 29 August stated that the party had been a wonderful way to thank the residents of Tiverton and requested that the Council write to Heathcoats personally.

He would also like to thank the Tree Officer and the Operations Manager for their work with regard to the fallen tree in the park that had to be cleared away prior to the party taking place.

Councillor Mrs N Woollatt referring to Motion 526 stated that the WASPI Local Action Day would be taking place in Princesshay, Exeter on 16 September.

(The meeting ended at 7.45 pm)

CHAIRMAN

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AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 31 AUGUST 2016

AMENDMENTS

1. Agenda Item 7

Heading: COMMITTEE REPORTS (9)

Amendment submitted by Councillor: Mrs F J Colthorpe

The addition of recommendation (l) stating: that Ward Members whether or not Members of the Planning Committee are limited to 5 minutes when speaking in their role as Ward Member.

WORDING IF AMENDMENT APPROVED:

Recommendations within the report, with the addition of (l) that Ward Members whether or not Members of the Planning Committee are limited to 5 minutes when speaking in their role as Ward Member.

2. Agenda Item 9

Heading: INDEPENDENT RUMUNERATION PANEL REPORT – AUGUST 2016

Amendment submitted by Councillors: C J Eginton, R J Chesterton, N V Davey, P H D Hare-Scott, Mrs M E Squires and R L Stanley

a) The Basic Allowance to be paid to all Councillors be increased by £174 to £4865.

Informative note ; £4865 is the average Basic Allowance across the 4 Greater Exeter authorities .

WORDING IF AMENDMENT APPROVED:

a) The basic allowance to be paid to all Councillors be increased by £174 to £4865 with any further increases being linked to the staff pay award.

3. Agenda Item 9

Heading: INDEPENDENT RUMUNERATION PANEL REPORT – AUGUST 2016

Amendment submitted by Councillors: C J Eginton, R J Chesterton, N V Davey, P H D Hare-Scott, Mrs M E Squires and R L Stanley

c) All other Special Responsibility Allowances be paid to the following Members at the levels indicated :

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1.216
Chairman of the Council	0.50	£2,433

Informative note; All the weightings remain unchanged from the current scheme with the exception of the Licensing and Regulatory Committee Chairman's as Recommendation b)

WORDING IF AMENDMENT APPROVED:

c) All other Special Responsibility Allowances be paid to the following Members at the levels indicated:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
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Standards Chair	0.25	£1.216

Chairman of the Council	0.50	£2,433
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WRITTEN QUESTIONS

1. CABINET - 4 AUGUST 2016

MIN NO 47

Questions submitted by Councillor T W Snow and the response of the Cabinet Member for Housing

We have a 27 page document for terms of secure tenancy for our houses

On page 11 bullet point 3.8.1 it clearly states that gardens must be well maintained including cutting of grass.

Also no storage of household furniture, scrap materials or vehicle parts in the garden area.

Also fair consideration when you light bonfires and also the banning of toxic plastics at any time confirmed by another officer.

I have been shown a letter from one of our officers as follows.

Should the tenant not keep to these terms the housing property services manager is insistent that we ask for all payable recharge work to be paid in advance, we cannot force tenants to pay for this and as he said it doesn't encourage the tenant to take the on going responsibility of maintaining a garden that forms part of the property.

In other words where tenants refuse to keep to the terms we just look the other way and ignore the aggravation caused to neighbouring properties and the area.

Whilst rented property outside the council dictate has strict and enforceable rules to ensure this does not happen why are we ignoring our own tenancy conditions which we should enforce for the better of their neighbour's.

RESPONSE

The current tenancy agreement contains a number of clauses which set out the tenant's responsibilities relating to gardens.

I can confirm that our Officers do take action if they are aware that gardens are not being maintained as expected. They do not ignore such issues. Generally, tenancy conditions have to be enforced by obtaining a Possession Order which has to be awarded by a Court. However, this type of action is unlikely to be successful in cases where there are issues relating to the upkeep of a garden. This is because the Court would need to find that it would be both reasonable and proportionate to deprive someone of their home because they had failed to keep their garden in a clean and tidy condition.

For this reason, we have to consider alternative options. Sometimes, it may be appropriate to involve other agencies, or to serve a Fixed Penalty Notice. The responsibility to maintain a garden remains with the tenant and the Neighbourhood teams will work with them to

ensure that they understand this and that they appreciate the need to keep any outdoor space in a clean and tidy condition.”

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 22 September 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, Mrs J B Binks, K Busch,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, R M Deed,
Mrs G Doe, R J Dolley, J M Downes,
C J Eginton, R Evans, S G Flaws,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, Mrs J Roach, F J Rosamond,
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,
L D Taylor, Mrs N Woollatt and R Wright

Apologies

Councillors

N V Davey, Mrs C P Daw, Mrs S Griggs,
D J Knowles and N A Way

59 Apologies

Apologies were received from Councillors: Mrs C P Daw, N V Davey, Mrs S Griggs, D J Knowles and N A Way.

60 Public Question Time (00-01-00)

The Chairman stated that Procedure Rule 11(c) would be lifted to allow all those present to ask questions.

The following public questions were all posed in relation to the Local Plan Review and the allocation of land at Junction 27 for leisure, tourism and retail use:

Miss A M Phillips had submitted a number of written questions:

1. When Tiverton, and indeed Cullompton, are just beginning to show signs of recovery, both environmentally and in what the towns have to offer (including a new hotel in Tiverton), why would Mid Devon District Councillors even consider an out-of town leisure/tourism/retail area which would surely impact badly on both towns?
2. Have Councillors received any assessment of the effect of development at Junction 27 on retail or leisure businesses in the surrounding countryside, let alone the towns, or indeed how many of any 'new' jobs would be filled by those lost from the businesses, leisure facilities, and other amenities unable to compete?

3. Wouldn't it make sense to site amenities in our towns so that not everyone was required to get in their cars to reach them? (I understood that there were in any case plans for extensive development in Tiverton and feel sure that Cullompton would love to have even just a swimming pool let alone the sometime proposed surfing reef in a county whose beaches are an important part of its tourist attraction!).
4. Do Councillors really think it environmentally friendly to ruin the approach to Devon's other big tourist draw, the countryside, by allocating such a large green field site for retail/leisure/tourism?
5. Surely there must be concern about the 'coalescence' of Willand, Uffculme, and Sampford Peverell if development of large parts of agricultural land between the three communities were to go ahead at Junction 27?

Mr Simon Banbury had also provided a written submission:

I own and run Banburys Department Stores in Tiverton and Barnstaple town centres. I felt it necessary to voice my concerns about the Junction 27 development, not only for my long term businesses prospects in Tiverton, but for the vitality of Tiverton Town and the surrounding areas as well.

I would like to make it clear that I'm not against modernisation of the area with such developments, and I'm not against increased competition. However, I totally disagree with the disjointed location of the Junction 27 development, and I'm sure that it will have a detrimental effect on the vitality of Tiverton, and Cullompton town centres.

I'm aware that Junction 27's retail fashion offers will be in direct competition with my fashion, along with a Jo Amore, Snob, and Mojo's. This alone wouldn't worry me if the proposed site was in harmony with Tiverton town Centre. If it were in, or close to the centre of Tiverton I'd be brimming with positivity, however I know from experience that any 'out of town' offer is bad news for businesses in local towns. When Atlantic Village opened near Bideford they said it would affect our business by 5-10%. Well I can tell you that my homewares offer in our Barnstaple store lost 40% of trade to factory outlet shops at Atlantic Village, offering identical brands at permanently discounted prices. We have never recovered this loss, and even after diversifying our offer, we still have not gained back that level of turnover to this day. For one of our biggest departments to suffer this type of loss is not easy to deal with I can tell you.

If the retail climate was not bad enough already, with consumers still feeling the pinch from the recession, rising employment costs, and the internet, this would be the final nail in the coffin for some retailers, mine included. Footfall in the town is already low, but I've seen improvements in recent years, there is opportunity in the town, people are starting to invest in the town again, Tiverton has so much promise, but this development will only drive local shoppers, and tourists away from the town. I can guarantee that footfall will drop indefinitely.

I can understand that J27 would be a success, as anyone who has been to Gloucester Services would understand, but it WILL be at the expense of Tiverton and Cullompton. The long term vision for the prosperity of the towns is deluded and short sighted. I'm so sick of seeing once vibrant Devonshire town centres, full of people, and full of business, now only full with empty units, charity shops, and Costa Coffee shops. These towns all look the same, and they are soulless places to be. Please

don't let this happen to Tiverton. Invest in the town centre and the payback in the long term will tenfold.

The idea is great, the location wrong. Give Tiverton a chance to flourish again.

Mr Terry Payne stated that he lived in Halberton and was an educational consultant. I would like to put the concept of the development and the land allocation at J27 for all the reasons that have been stated but I would also like to raise another important dimension. Some of you already know that I am spear heading a proposal that a new secondary school, as a free school, should be built at J27 to alleviate the shortage of secondary school places that is due to occur in the coming years in this area, it is inevitable. Currently 500 free schools are either planned or existing and the Government is very keen to have another 500 built as would be a small free school probably 3-4 entry but as an 11-19 school, its sixth form would be joined by students from Tiverton to the west, Uffculme to the east, Cullompton to the south and possibly Wellington from the north making a very viable sixth form of more than 500 students offering a huge range of courses at a time when the school leaving age is being raised to 18. The re-opening of the train stations at Cullompton and Wellington could also provide transport for students from those towns.

Local people that I have consulted are very keen to have a school with a sixth linked to other schools to avoid students particularly having to travel to Exeter, to Taunton, to Exeter College or Richard Huish College, spending an inordinate amount of time wasted. Development therefore, which I am supporting, makes it easier to bring the school about because primarily it brings improvements to infrastructure. The school and developers with the right credentials who would support education would have a symbiotic relationship and the whole community would benefit as a result, socially, culturally and educationally. In voting for this proposal you also therefore are opening windows of opportunity for the 16-19 age group in the whole area. The time is right, the place is right and I hope that you seize this historic opportunity.

John Baynes-Reid asked, can officers please clarify what existing planning permissions there are for the site at J27?

The local media has reported that a new ordinary standard motorway services is already being proposed to include the likes of KFC and similar. If this comes forward, there will inevitably be other piecemeal development around J27.

Surely rather than accepting the inevitability of such an underwhelming prospect, could Mid Devon District Council not be as bold as its residents deserve and work with its partners to deliver something which is visionary and unique, which will act as a beacon for the South West, bringing opportunity, jobs and income for the benefit of Mid Devon?

It seems that development at J27 is inevitable – will the Council not take control of this process, by including the site in the Local Plan, thereby having a greater influence and say on what can be envisioned in the development of this rare opportunity for the future?

Ellen Vernon stated that she was the Economic Development Manager from North Devon Council and that we are supportive of the tourism and leisure uses that are proposed within this allocation. However, I have some questions around the retail. As

part of the duty to co-operate process a question was asked about whether all or some of the uses within the proposed allocation could be located with town centres within in a wider catchment area. This was raised during a duty to co-operate meeting on 16 May this year. This issue as raised by neighbouring authorities has not been sufficiently addressed by Mid Devon District Council or its consultants NLP. It remains the case that only a limited area of search has been used up to a 30 minute drive time. Arguments are made in the various reports that the retail uses within this allocation provide for a regional need. On this basis I would suggest it is imperative that an area of search of a 60 minute drive time minimum is used. The NPL advice contained within appendix 1 of your report states 'The Council can also consider the appropriate area of search for sites' so it is within your gift to do so. My question is to review the area of search and to use an area that has a drive time of 60 minutes from J27.

Cllr Jeremy Yabsley, form North Devon Council and Portfolio Holder for the Local Plan and Economic Regeneration stated that they had come today to show support for the dynamic plans of Mid Devon District Council. We are keen on the tourism and leisure elements but we have more reservations about the retail proposals. Mid Devon District Council communicated with a range of authorities in March 2016 as part of its duty to co-operate. North Devon raised the issue of retail for which Mid Devon sought additional evidence. I would like to ask if the Council would share and communicate that evidence in order to comply with the duty to co-operate?

Pat Gordon stated that she had lived in Tiverton for 33 years and was ardently in support of this scheme and that it was about time Mid Devon started getting its share of the tourism. My question is, as I understand it, the Cabinet has recommended that the Local Plan will be subject to a further 6 week consultation regardless of whether there is an allocation at J27. Can the officers confirm that this consultation will not create a further delay to the Plan and can be made with no overall impact to the timetable?

Mel Lucas, ex Councillor of the authority stated that currently South West Designer Outlet Villages are located within the town environment, for example, Poole Quay and Gloucester Quay, therefore each centre has a footfall of customers in a designated area already served by retail units, why then is J27 seen as an ideal site for a DOV when it is going to be situated in a rural area which must involve travel distance in order to stop there? That is not environmentally friendly.

The Local Plan was supported and agreed by the last administration in 2014/15. Why then in September 2016 has MDCC still not presented its plan to the Secretary of State? I know the answer to that I think, but if you read the Cabinet minutes and look at page 45 on the third paragraph, Cullompton should not be blamed for the inaccuracies of Mid Devon District Council. I find that particular point in the minutes to be rather disrespectful to Cullompton as a whole. Please take that on board.

Objections are expected regarding the re-submission from partners in the 'Duty to Co-operate'. How much weight would be given by the Inspectorate to these valid objections?

I would now like to ask about Sampford Peverell and the possible 60 houses. If an application is received to develop 60 dwellings that currently sit outside the village settlement area and that was agreed in 2014/15 in the Local Plan which has still to

be submitted, what policy has been used to revise those limits that have been in operation this century? Also, consideration of a planning application must involve both Devon County Council Education and South West Water based on sewerage and water pressures. The last large development in Sampford Peverell was Cornlands which was developed in 1999/2000. At that particular time water pressures dropped considerably for those people who lived above Cornlands. Where this site is situated will have the same concern. We were also informed in 1999/2000 by South West Water that the sewerage treatment plant within the village was inadequate to take another major development so those things need to be discussed in full if there is a possibility of 60 new houses.

Robert Marshall stated that he had googled 'Tiverton' where it had stated that Tiverton had become a popular dormitory town for commuters to Exeter and Taunton and this growth has been supported by large housing projects by most national developers including Westbury Homes, Barrett Homes and Bellway Homes. Further down the page there is the dubious boast that Tiverton won one of the 15 positions in the round two pilot scheme of the Portas Project. This situation of popular dormitory town status for our towns and villages did not happen overnight but has developed over many years. I can totally accept the result of study that suggests we need to have many more new homes as the population increases, what I find difficult to understand and accept is the view that we should carry on as we have always done and development at J27 will not help our economy. I have read the Mid Devon District Council Corporate Plan 2016 – 2020, the Eden Westwood team have produced a fantastic once in a lifetime opportunity to further those visions for Mid Devon's tourism, economy and the future of our youth. Should there be an allocation of land within the Local plan? I applaud the bold and ambitious plans to invest at J27. We need to send out a positive message to potential investors who will no doubt be watching for indicators that Mid Devon really is open for business. My question is, as much as I totally support in principle what was presented at the Eden Westwood roadshows I do have a very slight niggling worry that I would like to pose as a two part question. Am I correct in thinking that this meeting is only to consider an allocation of land for development at J27 and if our Council does not allocate land, what happened next, who will get control of this land? The Inspector's report for the Local Plan 12 years ago, from 2004, made comments about an allocation of land at J27, one of those comments, he said 'Finally whatever decision the Council does make, it should be made expeditiously as it has a duty to ensure that there are adequate employment opportunities in Tiverton and the district for the local people within the plan period'. I urge this Council to please consider that duty to the people of Mid Devon. In the wake of Brexit evidence exists of a huge rise in staycation holidays in the UK. The decision to proceed with Hinkley should also be looked upon as an opportunity for all local councils in the area to boost their economy. I urge this Council to be brave, bold, radical, forward thinking, vision driven with joined up strategies that will further the aims and produce a sound local plan to the Planning Inspector.

We have now within our grasp a real opportunity to produce a solid future with a healthy, viable economic future for Mid Devon. We can continue down that path that led us to Portas and dormitory town status or we can choose the bold, radical, forward thinking alternative and seize this wonderful, once in a lifetime opportunity that many other district councils would die for.

Chris Prentis, ex Chairman of the Mid Devon branch of the Federation of Small Businesses asked whether this Council acknowledged that tourism is of paramount importance to Devon's Economic Strategy over the decade? If Mid Devon is to make a positive contribution in helping Devon compete with the rest of the UK in this billion pound industry then surely they have a responsibility to bring forward the sites where internationally renowned brands wish to have a presence. It would be interesting to know what the interest rate benefit would be to the Council, are these figures available?

Cllr Barry Warren Chairman of Willand Parish Council stated that they had asked two questions in April, neither of which had been answered so we begin to wonder what is the point? Let us put it on record that Willand Parish Council do not support the allocation of this land for reasons that we have gone into many times and should be on record. Secondly, we do ask why it is necessary to cause even more delay by including this land because we certainly are suffering by the land supply delay issue in that we have got an application that started off with 300 houses that has come down to 260. Your officers report clearly says that Willand cannot take that and Devon County Council will not support it on traffic grounds yet certainly my ward councillors here know that we have had a recent meeting with the developers who are re-jigging their transport assessment to put it in. Equally a number of the Parish Councils around here are very aware of land agents going around using this delay to try and canvas much more additional land for more houses which we haven't got the infrastructure for. Please think about causing further delay because if it is that J 27 is included and it is moved forward as promised there might be two or three million pounds coming into the local economy through rents and rates but you will devastate a lot of the parishes around.

Karen Berkley stated that she had lived locally in the Culm Valley for the last 26 years. My interest in the Eden Westwood project is simply that I believe that we have a fine opportunity to create something that is truly unique and I want to make sure that this opportunity is not lost. Getting the Local Plan submitted as soon as possible is a very significant concern for this Council and rightly so, however, would the officers agree that ensuring that the plan is absolutely sound is of equal concern to the speed of submission and the extra round of consultation on the whole plan is therefore a welcome development following last week's steer from the Cabinet? Am I right in thinking that a major modification at J27 will not cause any additional delay in getting the local plan submitted?

Mr Alan Miller stated that he was a newcomer to the area having moved here two years ago. I would to remind you of the success of Bicester village and its impact in Bicester which was a very sad and run down country town and Bicester Village was regarded as probably the death nail for Bicester when it was first produced but in actual fact Bicester has become the most dynamic and well respected towns in north Oxfordshire. Do not be put off by the prospect of retail outlets on your doorstep, it can have a distinct plus to it. On 15 September the Cabinet decided to undertake a further round of consultation on the entire Local Plan. When the North Devon Local Plan was submitted for examination the Inspector instructed a further round of consultation should be conducted on the changes to the plan which the Council had made since their last consultation. For clarity can the officers confirm that, regardless of the decision taken this evening the additional consultation on changes to our Local Plan will mean the submitted Mid Devon Local Plan is more robust and defensible in front of the Inspector following the Cabinet's decision?

Cllr Keith Grantham from Willand Parish Council stated that he strongly objected to any development at J27. This was thrown out by MDDC in 2014 by a resounding overall majority, what has changed? Two years later we have a report from the Head of Planning and Regeneration saying that 'The Local Plan will be safe and sound without land at J27 being included'. Let us look at what has happened over the last two years. The developers had constant meetings with the Head of Planning and in the press we have been inundated with different designs and concepts for this land resulting with the latest plan. It now no longer includes an enormous distribution hub because there was wide opposition to this, how long before it rears its ugly head again or is it to become an extension to the leisure park? The land make up has changed again because some landowners will not sell. The additional land now required is some 30 acres towards Willand and reaches the access road to more houses and the working Mountstephen Farm.

Flooding is a feature on all of this land because of a high water table and surface water levels. All the surface water that drains from the surrounding area and all the water from the B3181 drains on to this land at J27. The crossroads at Leonards Moor Cross floods, it is the road to Uffculme School. I can supply numerous photographs of flooding at the road junction and also over J27 land. Some of the photographs have actually been published in the Mid Devon Gazette. I have read several surveys done for developers at J27 and they all confirm what I have said before. Their answer is Sustainable Drainage Systems (SUDS). I have seen this on a small housing estate, the area needed for SUDS tanks on this site to cope with the proposed surfing lake, the water must be changed on a regular basis to conform with HSE regulations and the run off from the buildings will be enormous. They have not considered either the four acres of mature oak, ash trees and ancient woodlands at all. Some of these trees are over 200 years old which takes gallons of water each day from the site creating sustainable urban drainage. They will have to be annihilated to make way for this development. If this Devon green field site known for its agriculture, farming and horticulture is concreted over it will cause even more surface water. There is no major river next to it to take all the extra water that will come from the leisure site, just a small stream on the other side of the M5. In conclusion who is going to pick up the bill for the flooding at J27, Willand and Cullompton, when the developers have scarpered?

Debbie Brett stated that she was a resident of Mid Devon and that this was an important development and it was a great opportunity. I feel very positive towards it and I think that the Eden link makes it particularly special. Can you confirm that the Eden Westwood project depends on the result on this evening's vote and that if no allocation is made in the Local Plan for the J27 site, the promoters of the Eden Westwood project have made it clear that they will have to effectively close the scheme?

Mr David Disney asked a question about employment. Mid Devon can be very proud of the fact that it has a very low unemployment level, however, 60% of the working age population migrate out of Mid Devon to gain employment, that is something not to be proud of. To actually find something that is offering employment opportunity which will interrupt travel to work distance is something that should be encouraged. How can Mid Devon find a way of reducing this 60% migration out of Mid Devon if it does not accept bold opportunities as are being presented by the allocation of J27 as employment opportunity? The Eden Westwood project is one that is being made

available to you and also with the finance to actually deliver it. How can it be done otherwise?

Jamie Byron resident of Sampford Peverell stated that he did understand the duty of the Council to promote commerce and employment but there is a huge duty on the Council to open transparent processes in making decisions like this, I am seriously concerned at some of the ways this is being done. On 20 September I emailed Councillors concerns about the lack of transparency on the Local Plan procedures. The Leader asked the Head of Planning to respond on their behalf, however, the response I was given frequently missed the key points I was making. I would like Members who read my document to pursue any of those points they think warrant analysis in the main meeting especially around the reasons why a delay has come about and the cross over with the reasons given for the delay with J28 and the Cullompton developments and then in that time all the J27 stuff going on. I understand the difference between the Local Plan site allocation and an actual application to develop on the site but I'm worried that councillors and officers may not since why are the two allowed to run side by side. Eden Westwood since April 2016 have been engaged in pre-application meetings with Mid Devon Council officers and elected Members. These allow potential beneficiaries of any decision to allocate a site in the plan to spend time with many of the very people who recommend or even decide what the outcome of the allocation debate should be. In this unusual context, that the Local Plan discussion runs alongside the application discussions, the otherwise standard pre-application advice from Mid Devon seems inappropriate especially when the Mid Devon document is afforded complete confidentiality in a way that runs counter to national advice on best practice in pre-application support.

I'm very uncomfortable that Mid Devon documentation shows that it offers total confidentiality when the national advice is that there should be community involvement in pre-application work. Jenny Clifford's response tells me that there have been several pre-application meetings. I have a document that says that between May and August 2016 Mid Devon District Council and Eden Westwood have met a total of 48 times. £21k has been paid into Mid Devon's account between May and the end of August with a further £21k by December. Please would members quiz all those details, if there is an easy explanation then I want to hear it? Secondly are Members happy to vote for the allocation of land at J27 within the Local Plan knowing that the would be developer signed an agreement with Mid Devon District Council to gain regular, extended confidential face to face access to pre-planning advice with those that make the recommendation and decision on any allocation. On 27 April you were told an allocation in the Local Plan would help a planning application. The two things have been allowed to cross over and it worries me greatly.

Jerry Allen, owner of a company on Kingsmill Industrial Estate in Cullompton stated that he was Vice Chair of Culm Valley in Business. For years we have described J27 as Mid Devon's greatest untapped resource, now is the time to tap it, the sooner we do the sooner we can reap the benefits. I understand that the Designer Outlet Village could be promoted on the site which is not an option that we fully support, however, can the officers reassure me and the town centre traders that I represent that a range of planning restrictions can be imposed to ensure that retail on the site does not compete with local town centres. Those businesses located at the Designer Outlet Village will be very different to the types of retailers we have in Cullompton, Silverton and in the wider Mid Devon and so if this can be guaranteed then such a development will led to a huge increase in retail spend in the district not just a

relocation of spend, however, I am seeking reassurance from the Council officers that appropriate safeguards can be put in place. What type of controls will the Council be able to impose if any retail offering as set out in the proposed plan?

Ruth Taylor-Jones, asked when will we ever get an opportunity to build something new and exciting within our local catchment area which will encourage people to come to the area and provide up to 1000 jobs as opposed to the EDF project drawing people away from the area? Surely once Eden Westwood gets visitors here, then Devon can play to its strengths and Eden are committed to highlighting all that Devon has to offer.

Stephen Hurst resident of Sampford Peverell stated that he would like the Council to consider the happy community of Sampford Peverell. In what way is the development of J27 and the extra housing across farming fields going to benefit the happy community of Sampford Peverell?

Michael Lloyd, resident of Cullompton, asked whether the Council would agree that economic growth was one of their primary objectives? For this economic growth surely you need a catalyst and a catalyst that will spur on existing businesses, inspire new ones and attract investors to the region. In addition we need to stop the brain drain of the young people and entrepreneurs out of the district and out of the county. There would be few more impressive catalysts that could achieve this than a major tourism, leisure and retail development at J27, the gateway to our district which millions of people have to pass through each year especially when it involves attracting such premium brands such that we have heard about. The commercial potential and ripple effect of having a brand like this cannot and must not be underestimated. Local hoteliers, businesses and business associations such as the FSB, Devon and Cornwall Business Council, the CViB and others are supportive because they understand the supply and demand arguments i.e. that you create more supply and demand of businesses and the tourism and business pie grows for everyone. 95% of local authorities would bite your hand off for an economic stimulant like the one proposed at J27 especially post Brexit when the UK must be more self-reliant with investment and job creation. What other opportunities has Mid Devon District Council generated that can rival the proposal of land at J27 in terms of scale and excitement, exceptional and positive impact in our district before us by allocating land at J27?

Gillian Beardsworth moved to Tiverton 12 years ago when Tiverton was a thriving market town with a good selection of independent shops. Sadly businesses within the town have followed a downward spiral with more and more independents giving way to multi nationals or charity shops and the town increasingly becoming a dormitory to Exeter and Taunton. The proposal for development at J27 as exhibited by Eden Westwood showed what can be done in our area to attract visitors both those passing on the motorway and also people who will actually travel especially to enjoy the experience. If you've visited the new Gloucester Services you will understand that they are excellent in their way and that people do actually travel just to go there. We are not proposing a service station on this site but an even better attraction. The development would provide a showcase for local businesses as well as providing employment and educational opportunities for young people both from the surrounding area and also for visitors to our county. Would Councillors agree that this is a golden opportunity to put Mid Devon and the rest of the South West on the map of England? An opportunity even more relevant now that Great Britain will shortly be

leaving the EU. This meeting is not being held to approve any particular application but to consider inclusion of the land at J27. Please will Councillors seize the opportunity to open the door to development on this site I therefore appeal to you all to vote in favour of the proposal.

Hayley Keary, stated that the land in Higher Town, Sampford Peverell was highly unsuitable. In your Strategic Housing Availability Assessment in 2013 you state the property is outside the settlement limit, is adjacent to conservation land and the development would have significant landscape impact. You yourselves have stated that the adjoining road at Turnpike is a dangerous road for pedestrians and there may be no safe point of access. You yourselves were unable to walk around the field due to the crop presence, therefore you were unable to see the impact on the cottages below. These I assume are amongst your reasons for not including this site in the Local Plan originally. What has changed in the topography since 2013 when you decided not to include it in the Local Plan to change your decision now. The argument that the allocation of land changes everything is not a suitable answer. What has changed in the field, the land and the topography in Higher Town since 2013?

The Willand site has been excluded due to fact that it would worsen traffic problems until planned road improvements are made. You also say yourselves that the Highways Authority states that housing development at Sampford Peverell would depend on improved access to the A361. Why then does the same exclusion not apply to Sampford Peverell as it does to Willand?

I attended the meeting last week and I heard a lot of talk about young people and how they would benefit, I wonder what your evidence is for this? Please do not assume this is an ideal scheme for young people as many that I have spoken to and work with do not want it. Are statements about young people wanting the results of a phone poll and therefore lacking in evidence? Do you have any more evidence of young people wanting this scheme? I urge you to vote and give a voice to the local people, your villagers, your parishioners, the people who it is going to directly affect. If you yourselves have any doubt at all then you must vote against it because you represent the people who voted you into this privileged and responsible position.

Debbie Miller, Vice Principal at Petroc College stated that Petroc was interested in J27 and Eden Westwood for the potential link between development and education and research connected to sectors vital for Devon in terms of what that could do for raising aspirations and opportunities for our students. The Local Plan is about planning for the future and our future is about our young people. Can Mid Devon confirm that more than 1000 jobs will be made available if this site is allocated and that many of these jobs will be skilled and permanent and not zero hours and part time? I would also like to know how the local economy would be boosted by this development and these jobs?

Verity Aldridge stated she was representing Uffculme Parish Council. On behalf of the people of Uffculme we cannot help but feel that the officers supporting Members are making up policy and changing deadlines as they seemingly wish. Rules and policies are being introduced or amended that cause us to conclude that there is a determination to accommodate, leisure, tourism and retail at any cost on our doorstep. The report prepared to Cabinet Members for the meeting on 15 September states that a consultation period for a major change for a major modification to the

plan will take 4 – 6 months yet in the minutes of the Cabinet meeting its stated that the consultation period will now take 3 months. How can the timescales have varied so much and which is correct? Again, in the report, your officers state that the plan is sound and will be ready to put forward to Inspectors by November. We now hear that one week later the Local Plan is not sound and we have to go back out to consultation, is that opinion or are there hard facts to show such a step has been taken, again which is correct? I and other local residents can see delays, the residents of Uffculme are aware of the delay in submitting the Local Plan, remind yourselves of the Harvesters Planning Appeal. All the time speculative housing applications are being submitted. I understand the number to date is in excess of 800 houses and rising, something your officers predicted would happen post the Harvesters appeal. Furthermore such applications are likely to continue until the plan has been through examination, this undermines your town centre plan that was voted in by your full Council in January 2015. What is also worrying is that we are seen as a 'not at risk Council' and we will be put towards the end of the Inspectorate queue. How long before our plan comes up for review, weeks, months? Are we looking at a timeline of some 12 and 18 months before our plan has been through thorough examination and is ready for adoption? No matter how long it is before we have a plan that has been adopted, we are an open door for speculative applications. Surely the quicker we can proceed the better. Voting 'no' to any allocation does not mean the end of any land coming forward. A planning application can be made at any time allowing a full debate on any such proposals.

Honorary Alderman Susan Meads stated that she had been a Member of this Council for 34 years, that last 4 years of which she served as Chairman of the Planning Committee, at the end of that time we agreed to set in motion the construction of a Local Plan, that was in 2007. The review started in 2011. No one could argue that the provisions of the Local Plan as they stand have not been carefully considered, I am dismayed to see a preposterous scheme of development has been dangled in front of the Councillors and you are now considering facilitating it. Such a scheme could be brought forward at a later date but in the meantime the Local Plan which you have been considering for all those years does need to go ahead without any more delay. Please will you now allow that plan to go ahead? I am dismayed to hear that such employment will be created on this site, that is not helpful to reducing traffic miles. I also do not think people travelling down on the motorway are going to be interested in seeing a pastiche of everything. It is an elaborate and preposterous plan. Please process the plan as it stands, rejecting this amendment and get the district properly moving. Planning is Planning.

Paul Withers, a livestock farmer near Tiverton, stating how exciting it was to get behind such a proposal. J27 was going to be developed one day or another and now was the opportunity. As a local farmer I would like to ask what is Mid Devon is going to do to generate income and at the same time promote the local economy which is greatly dependent on farming and tourism. From what I can see the development at J27 will not only promote tourism with the associated Eden brand but it will also promote the link between our beautiful rolling hills and the job that farmers do day in, day out. Farmers have had a prolonged period of tough times and low prices so anything that promotes the idea of food being linked to farming has got to be a good thing. Will you please include J27 in your Local Plan so that we have the opportunity to promote the link between farming and food rather than let it slip out of your control? From the process of allocating land the Council will generate income which

they might be able to use to reduce the parking charges in Tiverton and it would put Mid Devon on the destination map.

Karina Balado, stated that she lived and worked in Uffculme. I am more confused than ever having listened to a lot of the questions this evening. I attended the meeting in April where the implications of allocating the land were discussed. At that time we were told we were not allowed to discuss the merits or otherwise of any project as it would be prejudicial to any future planning application. Two weeks ago I attended the Eden Westwood exhibition at the Town Hall. When I asked why this consultation had not been brought to the villages it most affects I was told this is only about allocation of land not planning permission. Can I therefore ask why in the report to the Cabinet in paragraph 12.4 that there is a proposal that should land be allocated at J27 a draft policy is suggested. A draft policy that is not only lifted from Eden Westwood literature that appears to prevent any development other than that which is being currently promoted? What happens if the Eden Westwood developers are not successful in raising the funding or fail in their bid in obtaining land? Will any other developers have to build a surf lake or lagoon, hotels, a transport hub and a designer outlet shopping village? I fail to see how that will prevent a brain drain from Devon or be very in line with the Eden project. Even discussing a project is predetermining.

Tim Jones had provided the following written submission:

We are writing in support of the above project. We understand that your Council will be meeting 22.09.16 to review the allocation within this area.

Our Council has been monitoring this scheme. Specifically we have been looking at the economic impact that will arise. We are satisfied that there is a significant benefit that will accrue not only for the Mid Devon catchment but also for the wider sub regional economy. We would therefore be grateful if you could register our support for this important strategic opportunity.

Please note that our comments have not involved consideration of the planning issues that are relevant.

It is hoped that either myself or a representative from this Council might be able to attend and contribute to the public discussion and consultation process. If however this proves impossible this letter of support reflects our views.

61 Chairman's Announcements (00-14-00)

The Chairman had no announcements to make.

62 Petitions

There were no petitions received.

63 Notices of Motions

No motions had been received for this meeting.

The Leader presented the report of the special meeting of the Cabinet held on 15 September 2016

Arising thereon:

- 1) Local Plan Review (Junction 27 and any associated housing need)

Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of all three **MOTIONS** before the Council shall be by Roll Call”

This was **AGREED**

The Head of Planning and Regeneration was invited to give a presentation to Members:

She stated that before the meeting today was the issue of land allocation and that Council were not being requested to determine any particular scheme by the land promoter or an application by the land promotor. She also clarified that business rate revenue was not a material planning consideration and should not form part of consideration of an allocation. She outlined the history of the site and the various plan options and representations made over many years, the agreement for the new area of growth identified east of Cullompton and that a new settlement limit option north of Willand was not pursued; the proposed submission plan of 2014 that had omitted J27 as allocated land and the work that had taken place to date to address the issues raised in 2014.

She identified the site by way of presentation, highlighting the elements of the allocation and the land ownership evidence. In reply to a question posed at public question time with regard to previous planning on the site, there was still an outline permission for a road side services area which was still capable of being developed out which included a 350 sqm shop, a rest area, a tourist information centre, parking and service yard.

The tourism and leisure opportunity would be supported by a retail facility in the form of a designer outlet village. She addressed the work that had taken place by the Council’s Retail Consultant and the issue of trade draw which had been highlighted during public question time, it had been suggested that there would be some trade draw impact but that this would be offset by comparison goods expenditure growth. Consultant advice was that overall impact of trade draw was not considered significant.

She also explained the “Duty to Cooperate” consultation that had taken place with surrounding local authorities and highlighted the issues raised by representatives from North Devon Council earlier in the meeting with regard to the impact on local retail and the search for other sites within certain drive times, which could be extended if requested. There was some comparison goods expenditure leakage out of the district and it was thought that allocation of land at J27 could clawback some of

the spend into the district. Although some concerns had been raised with regard to the impact on retail, an allocation was still thought to be sound.

The officer addressed the housing issue identified during public question time. An updated assessment for the whole of the Local Plan had resulted in an additional 400 houses as the result of finalisation of the Strategic Housing Market Assessment. It was felt that the additional dwellings could be met within allocated sites taking into account permissions granted. The National Planning Policy Framework acknowledged the importance of ensuring housing numbers and employment opportunities were considered in tandem. There was a need to allocate additional land to accommodate 260 dwellings in the vicinity of Junction 27 if the land were to be put forward.

Again referring to questions posed in public question time with regard to unemployment rates, this was 3% in Mid Devon, 3.9% across the south west against 5.2% nationally.

She highlighted a table of potential sites that had previously been consulted on. There was a need to consider sites that had a geographical relationship with J27. Because the main focus of growth within the Local Plan review would be directed to Cullompton and additional infrastructure improvements would be required before this land could come forward, the housing allocation in question at Cullompton would not be added to, Crediton and the western villages had been discounted due to distance, Hartnoll Farm on the outskirts of Tiverton had also been discounted because of its size, land at Hemyock had already been granted planning permission for 22 dwellings, land at Kentisbeare had received objections from the Parish Council and additional development in Willand had raised highway concerns. Therefore the land at Blundells Road, Tiverton and Higher Town, Sampford Peverell had been supported by the Cabinet. The site at Sampford Peverell would be for 60 dwellings allowing for part of the land to be used to mitigate against the access and landscaping issues.

Referring again to public question time and the questions referring to the allocation of land at Sampford Peverell, this had not been included in the emerging plan as the additional number of houses was not felt to be required at that time. The Highway Authority had no issues with regard to the creation of a safe access and that discussions were ongoing with regard to additional infrastructure on the A361 in the area of J27.

The tourism study and tourism policy were also highlighted, it was felt that there was an identified tourism need and that the allocation would make a significant contribution to tourism in the area meeting certain themes within the study. Extensive discussions were taking place with Devon County Council Highway Authority and Highway England with regard to junction improvements should the allocation be approved. Landscaping and ecology issues were also addressed including the need for appropriate assessment.

She addressed issues raised with regard to the timescale for submission of the Local Plan Review upon which advice had been sought from the Planning Inspectorate. Without the inclusion of J27 the plan could be submitted in November of this year with a possible adoption date of July 2017. With the inclusion of land at J27, there would be an additional 6 week consultation period with the plan being submitted by

the end of March 2017 and possible adoption in October 2017; she also addressed the financial implications of making a J27 allocation.

Referring again to the questions posed at the beginning of the meeting, she felt that she had addressed the issues with regard to previous applications at J27, possible time delays, business rates, further consultation, the physical character of the Sampford Peverell site, the duty to cooperate and weight to be given to objections; any proposals regarding a school at J27 had not been put before the planning authority. The need for additional evidence collection for the allocation at Junction 28 was the reason why the plan had been delayed. Any constraints with regard to infrastructure at Sampford Peverell would be dealt with at the application stage. With regard to flooding issues, this was not a high risk area and mitigation against any possible flooding could take place. With regard to the possible migration of workers, 1100 jobs on the site could reclaim some of that migration. Liaison between the land promoters and the Local Planning Authority had taken place as part of pre-app discussions. There was nothing to prevent this taking place, these were totally separate matters; further with regard to pre-app discussions being confidential, the authority did ask that the developer consult with the public and she believed such public consultation sessions had taken place. It would be unusual for a proposal of this scale to not have pre-application discussions. With regard to planning restrictions on any retail development at J27, planning restrictions could be progressed via conditions or Section 106 agreements. It was not unusual for a Local Authority to have issue with a 5 year land supply.

Consideration was then given to the subject by Members of the Council:

- The additional period of consultation
- Why the components of the allocation were highlighted in the presentation
- Land availability within the proposed site
- The additional housing required
- The reduction in the size of the site and why the area north of the A38 was no longer included
- The planning performance agreement as part of the pre-app discussions
- Concerns of local residents and the consultation process
- The impact on local trade
- Inward investment and the regeneration of Mid Devon
- Employment for young people in the area
- The need for tourism attractions in the district
- How other areas have thrived following the creation of tourist attractions
- The impact of the delay in submission of the plan and the possibility of the continuation of 5 year land supply problems

a) The Leader **MOVED** seconded by Councillor P H D Hare-Scott

THAT the recommendation of the Cabinet as set out in Minute 62 (a) be **ADOPTED**

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, Mrs G Doe, J M Downes, C J Eginton, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F W Letch, B A Moore, R F Radford, F J Rosamond, C R

Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire, Mrs M E Squires, L D Taylor, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors R J Chesterton, R J Dolley, R Evans, S G Flaws, Mrs J Roach, J L Smith and R L Stanley.

Those **ABSTAINING** from voting; Councillor Mrs C A Collis.

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

b) The Leader **MOVED** seconded by Councillor C R Slade

THAT the recommendation of the Cabinet as set out in Minute 62 (b) be **ADOPTED**

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, J M Downes, C J Eginton, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F W Letch, B A Moore, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire, Mrs M E Squires, L D Taylor, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors: R J Chesterton, Mrs C A Collis, Mrs G Doe, R J Dolley, R Evans, S G Flaws, R F Radford, Mrs J Roach, J L Smith and R L Stanley

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

c) The Leader **MOVED** seconded by Councillor P H D Hare-Scott

THAT the recommendation of the Cabinet as set out in Minute 62 (c) be **ADOPTED**

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, R J Chesterton, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, Mrs G Doe, C J Eginton, R Evans, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, Mrs C A Collis, R J Dolley, J M Downes, S G Flaws, F W Letch, B A Moore, R F Radford, Mrs J Roach, J L Smith, T W Snow, L D Taylor and R Wright.

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

The Council had before it questions * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2(1) together with responses from the Cabinet Member for Planning and Regeneration.

Notes:

- (i) Councillor P H D Hare-Scott made the following statement: “I have sought advice from the Monitoring Officer over whether I have a Disclosable Pecuniary Interest in terms of my pension from Friends Life (who are associated with Eden Westwood). As this decision is about whether or not to allocate land at J27 as a major modification to the Local Plan, which could be implemented by any developer and is not a decision on proposals from Eden Westwood, I have been advised that I do not need to make any declaration”
- (ii) Councillor R L Stanley also stated that he had a pension with Friends Life;
- (iii) Councillor Mrs H Bainbridge declared a personal interest as she owned a small holiday complex
- (iv) It was noted that all Members had either received correspondence, telephone calls and/or attended public exhibitions

65 Ungrouped Vacancy

It was necessary to appoint one Member of the Ungrouped to the list of Planning Committee substitutes.

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor R J Dolley

THAT Councillor Mrs J Roach fill the vacancy on the list of Planning Committee substitutes.

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

Written Questions and Responses

(The meeting ended at 10.15 pm)

CHAIRMAN

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WRITTEN QUESTIONS –EXTRAORDINARY MEETING OF FULL COUNCIL

22 SEPTEMBER 2016

1. CABINET - 15 SEPTEMBER 2016

MINUTE - 62

Questions submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Planning and Economic Regeneration.

- a) What was the date of the original call for land?

Response: *May – June 2013. The last public consultation (on the pre-submission plan) took place February to March 2015. Cabinet were mindful of the length of time since this in their recommendation to go out to consultation prior to submission irrespective of whether land at J27 is allocated.*

- b) How much has been spent on consultants in relation to the local plan? In October 2015 this was estimated at £100k.

Response: *Since then a further £85,000 has been spent with a further £68,000 committed towards the technical flood modelling /highway work at J28 for which invoices have not yet been received.*

- c) In October 2015 I asked whether the Council would be at risk in relation to the Housing and Planning Bill 2015. The response to that question was that 'we already have an adopted local plan place and many LA's do not. The current timetable is for the emerging local plan to be adopted by January 2017 which would be in line with the Government target in any case. The latest advice from the Planning Advisory Service is that we are not likely to be at risk.'

Given that circumstances have changed considerably since I asked that question. We now have clear evidence that the lack of a five year land supply is putting the Council at risk of unallocated land being allocated via the Planning Inspectorate at appeal. I now ask the same question in two parts,

1, What is the risk, in relation to the Housing and Planning Bill if we delay the submission of the local plan?

2, What is the risk, in relation to the Housing and Planning Bill if we submit the local plan as soon as possible?

Response: *The degree of plan risk associated with the Housing and Planning Act 2016 is considered the same between submitting the plan in November 2016 and submitting it at the end of March 2017. Issues raised within the Act in relation to starter homes, self and custom build will need to be addressed at examination irrespective of submission timescale.*

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 29 September 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)

Mrs J Roach and F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Jenny Clifford (Head of Planning and Regeneration), Mike Tucker (Building Control Manager) and Sally Gabriel (Member Services Manager)

65. **APOLOGIES**

There were no apologies.

66. **PUBLIC QUESTION TIME**

There were no members of the public present.

67. **MINUTES OF THE PREVIOUS MEETING (00-00-47)**

The minutes of the previous meeting held on 15 September 2016 were approved as a true record and signed by the Chairman.

68. **ENVIRONMENTAL HEALTH FEES AND CHARGES (00-01-50)**

Arising from a * report of the Public Health and Professional Services Manager, the Community Policy Development Group had recommended that the revised fees and charges for Environmental Health as set out in appendix 1 of the report be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report highlighting the revised fees and charges for statutory and discretionary functions within the Environmental Health Team and the need to offset or cover costs incurred for carrying out specific duties.

Consideration was given to comparisons with other authorities and food exports certificates.

RESOLVED that the recommendations be approved.

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

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

69. INTRODUCTORY TENANCY POLICY (UPDATE) (00-05-20)

Arising from a * report of the Head of Housing and Property Services, the Homes Policy Development Group had recommended that the revised Introductory Tenancy Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the review of the policy reflected changes in good practice and legislation. It provided a framework for staff setting out the reasons why the Council issued introductory tenancies, tenants' rights and responsibilities and what action may be taken where there was a breach of the tenancy during the probationary period.

RESOLVED that the recommendation 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.

70. AIDS AND ADAPTATIONS POLICY (UPDATE) (00-07-44)

Arising from a * report of the Head of Housing and Property Services, the Homes Policy Development Group had recommended that the revised Aids and Adaptions Policy be approved.

The Cabinet Member for Housing stated that the policy had been revised to take into account who was eligible for assistance from the Council for aids and adaptions. A new section had been added to the policy referring to servicing, repairs and maintenance of equipment such as stair lifts and lifting equipment as well as a section on installing personal adaptations. He also made it clear that the Council would not fund any alterations or adaptations that may be required to the property following the purchase of a mobility vehicle.

Consideration was given to:

- Issues with regard to the housing of a mobility scooter which may allow the tenant to remain independent
- The fact that not all of the Council housing stock could be adapted due to its age
- That new properties were built to lifetime standards

RESOLVED that the recommendation be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

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

71. **SERVICE STANDARDS REVIEW (00-15-45)**

Arising from a * report of the Head of Housing and Property Services the Homes Policy Development Group had recommended that the revised Service Standards Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the service standards reflected changes in good practice and legislation, it provided a framework for staff which set out the standard of service they were expected to deliver as well as informing tenants and leaseholders of the service that they could expect to receive.

RESOLVED that the recommendation be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

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

72. **BUILDING CONTROL (00-17-32)**

The Cabinet had before it a * report of the Head of Planning and Regeneration updating Members of the proposed arrangements and progress made towards delivering the Building Control Service through a partnership between Mid Devon and North Devon Councils.

The Cabinet Member for Planning and Economic Regeneration outlined the background to the proposals for partnership working and the progress that had been made towards the formation of a partnership. He highlighted the proposed model including the ICT infrastructure that was required, the joint committee and the proposed time frame.

Consideration was given to:

- The single database to support operations of both authorities
- The makeup of the project team
- The ability to grow the business with a coordinated approach under a single leadership

RESOLVED that delegated authority be given to the Head of Planning and Regeneration and the Project Team in consultation with the Cabinet Member for Planning and Regeneration to finalise details of the agreement and method of delivery for final Cabinet approval in November/December 2016.

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

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

73. **WASTE STORAGE SUPPLEMENTARY PLANNING DOCUMENT (00-24-37)**

The Cabinet had before it a * report of the Head of Planning and Regeneration seeking approval to publish the draft supplementary planning document (SPD) for public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the background to the formulation of the guidance based on the principles of ensuring that all new households were provided with adequate refuse storage. The SPD complemented existing Local Plan policy on design of housing (DM14) which required adequate external space.

Consideration was given to:

- a new development that had been viewed by Members and that any good examples could be identified and incorporated into the final version of the document
- the possible publicity of the SPD

RESOLVED that:

- a) The draft Refuse Storage and New Residential Properties Supplementary Planning Document (SPD) be approved for public consultation.
- b) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise consultation material.

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

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

74. **STATEMENT OF COMMUNITY INVOLVEMENT (00-29-02)**

The Cabinet had before it a * report of the Head of Planning and Regeneration seeking a recommendation to Council that the Statement of Community Involvement be adopted.

The Cabinet Member for Planning and Economic Regeneration outlined the report highlighting the proposed changes to the document with regard to Policy SC17 – application consultation.

| RECOMMENDED that the Statement of Community Involvement be adopted.

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

Notes:

- (i) Reference was made to an error in the report: paragraph 3.3 – the inclusion of “7” to read policy SCI 7(e);
- (ii) *Report previously circulated, copy attached to minutes.

75. **SHARED WASTE SAVINGS AGREEMENT WITH DEVON COUNTY COUNCIL (00-33-07)**

The Cabinet had before it a * report of Director of Finance, Assets and Resources requesting agreement of a shared services partnership agreement and a future position on waste transfer stations.

The Cabinet Member for the Environment outlined the background of the report stating that in 2014/15 when the Council began to plan for a number of strategic changes to its waste collection arrangements officers had held initial informal conversations/meetings with colleagues from Devon County Council's Environment Department to discuss potential reductions tonnages to landfill and increased service collection costs associated with our proposed new scheme.

All Devon Collection Authorities and the Disposal Authority officers had now agreed a shared savings Partnership Agreement. The Partnership Agreement which each Collection Authority would enter into individually would see both parties financially benefitting from any changes to baseline service provision as at 2014/15 which delivered reductions in waste treatment and disposal. The terms of the agreement were highlighted within the report. The acquisition of the new Carlu Close depot had now given the Council the opportunity to consider additional shared working possibilities, that of a transfer station for residual and organic waste.

The financial and operational benefits of having transfer arrangements on our own site, managed and controlled directly by our officers, would greatly reduce the uncertainty of future waste direction possibilities and offer an ongoing contribution towards rental and management overheads.

The work of the Waste and Transport Manager with regard to the project was recognised.

Consideration was given to:

- The ongoing reduction of waste to landfill
- The welcomed efficiencies and savings that the partnership agreement would bring

RESOLVED that:

- a) Entering into a shared savings partnership agreement on the terms shown within the report be agreed;
- b) Delegated authority be given to the Director of Finance, Assets & Resources in consultation with the Cabinet Member for the Environment to agree precise terms of the transfer station(s) arrangements with DCC in order to minimise associated onward transfer of waste to disposal sites either inside or outside of the District.

(Proposed by Cllr N V Davey and seconded by Cllr Mrs M E Squires)

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

76. **FINANCIAL MONITORING (00-45-25)**

The Cabinet had before it a * report of the Director of Finance Assets and Resources presenting financial monitoring information for the income and expenditure for the financial year 2016/17.

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund showed a proposed deficit of £297k and he highlighted the most significant service movements within the month which comprised of:

- £(65)k salary savings on digital strategy - difficulties with staff recruitment and some projects on hold
- £(22)k savings following Business Development restructure
- £31k increase in rent and rates for the new waste depot
- £30k reduction in forecast savings on housing benefit subsidy
- £20k forecast shortfall on pay & display parking income

Consideration was given to:

- Forecasts within the Housing Revenue Account
- Some slippage within the Capital Programme
- Poor interest rates and the need to make investments elsewhere
- Completion dates for building projects.

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

77. **PERFORMANCE AND RISK - QUARTER 1 (00-48-56)**

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 2016/17 as well as providing an update on the key business risks.

The Head of Communities and Governance outlined the contents of the report stating that the majority of indicators were on target.

Consideration was given to:

- The very low percentage of missed collections
- Timescales for the provision of affordable housing
- An increase in users of the leisure centres
- Improved sickness levels
- A review of the risks taking place

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

78. **SCHEDULE OF MEETINGS 2017/18 (00-59-41)**

The Cabinet had before it a * draft schedule of meetings for 2017/18.

| **RECOMMENDED** that the schedule of meetings for 2017/18 be approved.

(Proposed by the Chairman)

Note: *Draft schedule previously circulated, copy attached to minutes.

79. **NOTIFICATION OF KEY DECISIONS (1-09-00)**

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

Some movements within the plan were identified.

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

(The meeting ended at 3.17 pm)

CHAIRMAN

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**REPORT OF THE HEAD OF PLANNING AND REGENERATION
STATEMENT OF COMMUNITY INVOLVEMENT (SCI)**

Portfolio Holder: Cllr Richard Chesterton
Responsible Officer: Jenny Clifford, Head of Planning & Regeneration

Reason for Report: To approve the Statement of Community Involvement (SCI) for adoption by Council.

RECOMMENDATION: That Cabinet recommend to Council that the Statement of Community Involvement be adopted.

Relationship to Corporate Plan: Implementation of the revised Statement of Community Involvement will help to ensure that our services are accessible and meet the needs of our community as well as maximise the potential health and well-being of our communities.

Financial Implications: The revised Statement of Community Involvement commits the Council to carrying out specific consultation procedures which will have financial implications, for which there is an existing budget within the planning service.

Legal Implications and Risk Assessment: Failure to follow the revised Statement of Community Involvement (once adopted) could lead to the Council's planning policy documents being found unsound and planning application decisions legally challenged.

1.0 Introduction

1.1 A Statement of Community Involvement (SCI) is required by Section 18 of the Planning and Compulsory Purchase Act 2004. It is intended to set out in detail how the Council will consult on its local plans, supplementary planning documents and planning applications. If the Council does not accord with its provisions in publicising a local plan then it may be found unsound. A planning application which has not been consulted on in accordance with the SCI could be legally challenged and planning permission potentially quashed.

1.2 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 has 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.

2.0 Consultation

2.1 Consultation on the revised Statement of Community Involvement took place from the 23rd May 2016 to 18th July 2016. A total of 14 valid representations were received and have been considered when producing the final document.

2.2 A summary of the main issues raised during the consultation and how they have been addressed is provided in Appendix 2 of this report.

3.0 Planning Policy Advisory Group

3.1 The Planning Policy Advisory Group (PPAG) has considered the revised Statement of Community Involvement (SCI) and recommended that Cabinet approve the document for adoption by Council.

3.2 The contents of policy SCI7 'Application Consultation' were debated at the PPAG meeting with differing views being presented. The policy has been amended to state that the Council will continue to publish a list of applications in a local newspaper for as long as is required by the Government. Notification of whether the application is to be determined at Planning Committee to those that have made representations was also debated. Some members wished this notification to take place in all instances, whilst others recognised that this would only be done electronically where such contact details were available. An amendment to the policy now explains that the Council will now notify anyone making representations if the application is to be determined by Planning Committee on an electronic basis where possible.

3.3 PPAG Members also considered the reference in policy SCI (e) to the provision of copies (of live applications and supporting information) where required when the information is available for free on the Council's website. Fee charges for making copies of documentation do not cover the true cost to the Council as it does not include staff time. The concern at the retention of this reference in the policy is whether it is likely to lead to a significant number of copying requests, much of the cost of which is borne by the Council. There were a range of views expressed on this at PPAG with some Members wishing the reference to remain.

4.0 Further Review

4.1 At a meeting of Cabinet on 7 July 2016, a recommendation was made to Council that a Strategic Plan be prepared for the development of the Greater Exeter area intended to cover the period up to 2040 and that it be jointly prepared by East Devon, Mid Devon and Teignbridge District Councils and Exeter City Council with the support of Devon County Council. A further review of the SCI may be required to clarify any consultation requirements associated with preparing a Joint Strategic Plan. Any amendments would be subject to public consultation and approval by Cabinet and Council.

Contact for more information: Arron Beecham, Forward Planning Assistant, 01884 234221 (abeecham@middevon.gov.uk)

Circulation of the Report: Cllr Richard Chesterton (Cabinet Member), Cabinet

List of Background Papers:

The draft SCI review and representations received during consultation can be found at:

<https://www.middevon.gov.uk/residents/planning-policy/statement-of-community-involvement-future-page/>

Statement of Community Involvement (SCI)

September 2016

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1 INTRODUCTION

- 1.1 This document sets out how the Council intends to engage with communities through the planning process. This includes the preparation of new local plans and Supplementary Planning Documents, and procedures for consulting the public on the planning applications we receive. However, this does not apply to minerals, waste and county council developments which fall within Mid Devon as these are addressed in Devon County Council's SCI.
- 1.2 The Localism Act 2011 introduced the ability for town and parish councils in Mid Devon to draw up their own neighbourhood plans which can add detail beyond the strategic elements of the district council's local plans. In accordance with planning legislation, the Statement of Community Involvement does not include a policy on neighbourhood planning. However, the Council has a duty to support neighbourhoods in the preparation of their plans, and may set out procedures or intentions for this outside of the Statement of Community Involvement.
- 1.3 The preparation of a Statement of Community Involvement is required under Section 18 of the Planning and Compulsory Purchase Act 2004. Mid Devon District Council's first Statement of Community Involvement was adopted in February 2007 and was updated in 2012 to reflect the current legislation, including 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. This review has 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. The Council is legally obliged to comply with its Statement of Community Involvement, once it is adopted.

2 CONSULTATION APPROACH

- 2.1 The Council will adopt an inclusive approach to community involvement ensuring as far as possible all sections of the community can be involved. No one will be unfairly discriminated against or receive less favourable treatment on grounds of race, colour, ethnic or national origin, sexuality, gender, disability, age, religious beliefs or social class.
- 2.2 All documents will be written in plain and clear language, aimed at being understood by non-planning professionals. Jargon will be avoided and glossaries will be provided to explain the necessary technical terms. The Council will make reasonable effort to ensure that people with particular requirements will not be overlooked. Documents in other formats will be available where necessary, for example, large print, audio or translation in other languages.
- 2.3 The Council will promote the earliest possible consultation with and involvement of interested parties and will promote consensus solutions where possible. Where conflicting views cannot be resolved, the Council will take into account the various points of view, and will aim to take a balanced decision based on the full facts. All comments received as a result of consultation exercises will be considered and the Council will set out public responses to issues raised when decisions are made.
- 2.4 The Council will balance wide involvement in the planning process with the need for effective operation of the planning system. This difficult balancing act will reflect the level of resources available to the Council, the level of discretion that the Council has over a particular decision and the likely social, environmental, and economic impacts of the policy or proposal under consideration.

3 LOCAL PLANNING – GENERAL POLICIES

- 3.1 The National Planning Policy Framework (NPPF), published in 2012, reintroduced the requirement to produce a single local plan. Local plans (also known as Development Plan Documents) set out strategic planning policy, land allocations for development, and detailed policy on development management and allocated sites. Supplementary Planning Documents provide additional detail on any environmental, social, design and economic objectives that help to achieve sustainable development.
- 3.2 The Local Plan is accompanied by the Authority's Monitoring Report, the Statement of Community Involvement, and the Local Development Scheme. The contents of the Local Plan are set out in a document called a Local Development Scheme. This contains a timetable for production of local plans and other documents as appropriate.
- 3.3 Consultation Requirements are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012. It is the role of the Statement of Community Involvement to provide an approach to public involvement tailored to the local area by supplementing these.
- 3.4 The Localism Act 2011 introduced a Duty to Cooperate on strategic planning matters that are 'larger than local'. The Council will cooperate with its neighbouring local authorities and public bodies as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.5 The Mid Devon Local Plan will go through clear stages of preparation and scrutiny. A simplified illustration of the process is shown overleaf.

Preparation	<p>Survey and evidence gathering</p> <p>Formulation of policy options</p> <p>Report to Cabinet</p> <p>Consultation</p> <p>Consider consultation responses</p> <p>Policy formulation</p>
Publication	<p>Report to Cabinet and full Council</p> <p>Publication of local plan</p>
Submission	<p>Submission of local plan to Secretary of State</p> <p>All associated documents including consultation responses are submitted with the local plan.</p>
Examination	<p>Examination in Public</p> <p>Planning Inspector holds an examination into the Local Plan, usually including public hearings.</p> <p>Inspector's report published</p> <p>Determines if plan is 'sound'</p>
Adoption	<p>Report to Cabinet and Full Council</p> <p>Council adopts the Local Plan</p>

The Council will make local plans and supplementary planning documents widely available. They will be:

- a Placed on the Council's website for viewing and downloading;**
- b Deposited at Council offices and public libraries within Mid Devon during consultation periods;**
- c Sold at a price reflecting their production cost;**
- d Provided free to parish and town councils and on request to statutory consultees and local voluntary organisations.**

- 3.6 The Council will use its website to provide the opportunity for everyone to view and print copies of the local plan or supplementary planning documents. Consultation documents, approved policy documents and other papers of planning interest will be made available to download.
- 3.7 Copies of all local plans and supplementary planning documents, as they are produced, will be available for inspection during normal office hours at the Council's main office at Phoenix House, Tiverton and at public libraries throughout Mid Devon.
- 3.8 Anyone wishing to purchase a paper copy of the plan will be charged a reasonable price reflecting the production cost. In the case of parish and town councils, statutory consultees and local voluntary organisations, a free hard copy will only be provided where requested as people are encouraged to use the website wherever possible.

4 LOCAL PLANS

- 4.1 The Council will consult a range of stakeholders on all local plans and Supplementary Planning Documents. Technical guidance from other organisations such as the Environment Agency or Natural England may be sought specifically, and will carry significant weight. In more general terms the Council will publicise its plans and seek to engage the community in the planning process through a wide range of methods. The Council will create opportunities for all sections of the community to contribute to the planning process and have a real say in the shaping of Mid Devon.

Local Plan Preparation

SCI2

The Council will prepare a report setting out the subject, scope and potential content of a local plan. Relevant stakeholders will be invited to comment on what the local plan ought to contain. The Council will use direct contact methods to consult the following stakeholders:

- a relevant specific and general consultation bodies as defined in the regulations.**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

The Council will publicise the local plan to notify all other stakeholders, using the following methods:

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public exhibitions**
- v) Public meetings if requested by a town or parish council**
- vi) Site notices when development allocations are proposed**

The Council's report will be made available for public inspection at Council offices and public libraries within Mid Devon.

In preparing the local plan, the Council will take into account any representation made in response to this consultation.

- 4.2 The Council will seek to understand the policies and priorities of a range of stakeholders in order that these can be reflected in the local plan if possible. If

necessary, the Council will meet with interested parties to discuss proposals for the local plan. When considering strategic planning matters, specific and general consultation bodies and those who have made representations will be invited to attend workshops in which particular issues will be debated in detail. Direct contact will be made by letter, email or other such communication. As a minimum, these will give details of the location of documents on the Council's website. Specific methods will be used to reach underrepresented groups. These could include attendance at relevant community group meetings or forums, and publicity of local plans via social media.

- 4.3 Representations must be made in writing and include the sender's full name and postal address to be taken into account. Information and comments provided to the Council during planning involvement will be made publicly available. The name and address of each representation will be published but all other personal details (e.g. signatures, email addresses and telephone numbers) will be redacted.
- 4.4 Public consultation does not commence until the Council's Cabinet has considered the report on the proposed local plan and approved it for consultation. When a local plan proposes the allocation of specific sites for development, the Council's Cabinet will hold separate meetings in Tiverton, Crediton, and Cullompton to discuss the sites relevant to that area. These meetings will be well publicised.

The Council will publish the local plan before it is submitted to the Secretary of State for examination, to enable interested parties to make formal representations on its contents. The following consultation methods will be used:

Direct contact with:

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

General contact methods to notify all other stakeholders, using the following methods:

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public exhibitions**
- v) Public meetings if requested by a town or parish council**
- vi) Site notices when development allocations are proposed**

The local plan will be made available for public inspection at Council offices and in public libraries within Mid Devon.

- 4.5 When a local plan proposes the allocation of specific sites for development, the Council's Cabinet will hold separate meetings in Tiverton, Crediton, and Cullompton to discuss the sites relevant to that area.
- 4.6 If the Council approves the local plan at this stage, there is a formal period of consultation followed by submission to the Secretary of State. Any representations received at this stage are submitted to the Secretary of State along with the local plan, Sustainability Appraisal, any proposed changes that the Council considers appropriate and all other relevant documents. The Inspector who will hold the examination into the local plan must take account of public and other opinion in judging whether the plan is sound.
- 4.7 The Inspector will determine the procedure to be adopted at examination, subject to the right to attend and be heard. Informal hearing sessions may be held over several days or weeks. When all matters have been considered the Inspector will prepare a report. The Council must publish the Inspector's recommendations as soon as

reasonably practicable after receiving the report, and notify anyone who has requested notification at this stage. The Council must make the local plan and any associated documents available for public inspection once the plan has been adopted.

5 SUPPLEMENTARY PLANNING DOCUMENTS

Supplementary Planning Documents: Masterplans SCI4

In preparing a masterplanning Supplementary Planning Document, the Council will carry out two stages of consultation. Direct contact methods will be used to consult the following stakeholders:

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**
- d immediately adjoining residents who are likely to be affected**

Masterplanning Supplementary Planning Documents will also be publicised as follows:

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public meetings if requested by a town or parish council**
- v) Site notices**

In preparing the Supplementary Planning Document, the Council will take into account any representation made in response to this consultation.

- 5.1** The Council will carry out an informal scoping consultation, primarily aimed at gathering evidence and information before a Supplementary Planning Document is produced. A Supplementary Planning Document often builds upon more strategic policies in a local plan, providing detail on the Council's environmental, social, design or economic objectives for development. At the evidence-gathering and research stage, consultation is directed at those who are known to have technical expertise, relevant knowledge or have asked to be notified of any new Supplementary Planning Documents.
- 5.2** The Council will prepare the draft Supplementary Planning Document taking into account any responses received to the scoping consultation. A formal public

consultation will take place before the Supplementary Planning Document is adopted. Consultation will be carried out using a mixture of direct contact and general publicity, with additional measures to reach underrepresented groups, which could include attendance at relevant community groups, meetings or forums, and publicity of masterplans via social media. Direct contact will be made by letter, email or other appropriate means. When a masterplan is being considered for an area within Mid Devon, early community involvement is to be encouraged. In addition to the methods listed in Policy SCI4, the Council will consider whether further measures such as leaflet-dropping, exhibitions or workshops are warranted. The level of consultation will endeavour to be proportionate to the likely impact of the plan.

- 5.3 In certain circumstances the Council may consider it unnecessary to undertake two stages of consultation on sites where a masterplan requirement exists. For example, if a currently adopted masterplan already sets guiding principles, design considerations or infrastructure delivery requirements/phasing which apply over the proposed site, then it would be unnecessary to re-determine such issues through a scoping consultation. In these circumstances the framework set by the adopted SPD forms the starting point, and preparation could commence on the draft version of the masterplan, subject to one further stage of consultation. Where only one stage of consultation is proposed, the Council will provide a full justification.

Supplementary Planning Documents: Other SCI5

The Council will prepare the draft Supplementary Planning Document and make this available to view on its website and in public libraries and district Council offices. Direct contact methods will be used to consult the following stakeholders:

- a relevant specific and general consultation bodies as defined in the regulations**
- b parish and town councils adjoining or within Mid Devon**
- c residents or other persons carrying on business in the area, who are registered on the Council's Forward Planning consultation database and have requested to be notified**

General contact methods to notify all other stakeholders, using the following methods:

- i) Press release**
- ii) Information on the Council website**
- iii) Social media**
- iv) Public meetings if requested by a town or parish council**

The Council will take into account any representation made in response to this consultation.

- 5.4 There is only one consultation period for Supplementary Planning Documents that are not masterplans. It is therefore important that the draft document is clear about the proposals which are likely to be approved.
- 5.5 Consultation will be carried out using a mixture of direct contact and general publicity, with additional measures to reach underrepresented groups, which could include attendance at relevant community group meetings or forums, and publicity of Supplementary Planning Documents via social media. In addition to the methods listed in Policy SCI5, the Council will consider whether further measures such as leaflet-dropping, exhibitions or workshops are warranted. The level of consultation will endeavour to be proportionate to the likely impact of the plan.
- 5.6 Representations must be made in writing and include the sender's full name and postal address to be taken into account. Comments made during the course of any workshops will be gathered and summarised by the Council, then taken into account as the final Supplementary Planning Document is produced.

6 PLANNING APPLICATIONS

Summary of planning applications processes

- 6.1 A planning application is an application to the Council for the development of land and may include changes in use and extension to property. Applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications can be made as follows:
- **Outline;** to establish the principle of development. Outline applications can only be made for the erection of buildings.
 - **Full;** all details of the application should be submitted when the application is made.
 - **Approval of Reserved Matters;** details submitted following the grant of outline permission
 - **Permission in Principle;** to be granted on sites in plans and registers and for minor sites providing greater certainty of development based on 'in principle matters' such as land use, location and amount of development.
 - **Technical Details Consent;** Following permission in principle, full planning permission will only be secured once technical details consent has been obtained.
 - **Prior Approval;** a developer may require approval from the local planning authority that specified elements of the development are acceptable before work can proceed.
- 6.2 There are other forms of consent considered by the Local Planning Authority, such as Listed Building and Tree Preservation Order consents. These are not covered by the Statement of Community Involvement. The consultation requirements associated with permission in principle will be carried out in accordance with the regulations.
- 6.3 The Council has an adopted 'Scheme of Delegation' to exercise all the powers of the Council as a Local Planning Authority to determine certain planning applications that do not need to be referred to the Planning Committee.
- 6.4 Amendments and variations – an amendment may be made to an application for planning permission before consent has been granted, provided that (i) it is of a very minor nature and would not need re-advertising or re-consulting, or (ii) it is of a minor nature and any consultation or re-advertising could be conducted within the timeframe for determination of the application. Where re-consultation is required, neighbours and those who have made objections or representations on an application may be notified, depending on the significance of the changes to be made. In cases where changes are material and are likely to have an impact a new application would

normally be required. Amendments and variations can also be made once planning permission has been granted. A non-material amendment is for very minor changes and will not require neighbour notification. Minor material amendments can be made via a 'variation of condition' application and in this case neighbour notification must be undertaken.

- 6.5 Section 106 Obligations are binding legal agreements between the Council, developers and sometimes others associated with a grant of planning permission. They relate to matters linked to the proposed development, for example contributions toward public open space, affordable housing and education or infrastructure works to highways, sewage works or flood defences. The Council may receive requests from developers / landowners to vary or remove planning obligations. Once a request is received, the relevant consultees, the Chairman of Planning Committee, Ward Members and Parish / Town councils should be advised of the request and its nature and given 14 days within which to respond with comments. The Community Infrastructure Levy introduces an alternative system for infrastructure provision outside of a development site. This will streamline the process for taking contributions for necessary infrastructure and will supersede the need for the use of Section 106 agreements in most cases.
- 6.6 There are legal minimum requirements for publicity on planning applications, set out in The Town and Country Planning (Development Management Procedure) (England) Order which require publication on the Council's website, publication of a site notice and/or that neighbours are notified directly (depending on the type of planning application). In some cases, such as for major developments, an advertisement is required in the local newspaper. Section 122 of the Localism Act 2011 has amended the Town and Country Planning Act 1990 to require applicants to carry out pre-application consultation where a proposed development is of a description specified in a development order.
- 6.7 Pre-application discussions can significantly reduce the length of time it takes to determine a planning application, allowing for potential barriers to development to be identified early and addressed if possible. The level of consultation required will vary with the significance of the proposal and the likely impact. The Council is committed to seeking consensus solutions where possible, subject to planning policies and principles. It is proposed to set up a three tier approach to planning applications relating to their scale. Policy SCI6 sets the recommended pre-application approaches for major applications.
- 6.8 Non-major applications are unlikely to raise issues of the scale and complexity of a major application, but they can be contentious in their own right. Accordingly, the Council may wish to recommend to scheme promoters that they consider some forms of public consultation before submitting. The Council does not necessarily endorse a proposal by assisting in pre-application consultation. Applicants are recommended to

liaise with the community and to talk informally to their neighbours before submitting an application. This will minimise refusals and the possibility of neighbour disputes.

Major Applications Pre-Application Consultation SCI6

- a Promoters of development proposals which would fall into the category of major applications (unless they are clearly of a non-controversial or straightforward nature) are strongly recommended to contact the Council at least 12 months before they expect to make an application to discuss the contents of their proposal and agree any necessary public involvement . Scheme promoters will be expected to resource the necessary surveys and consultation procedures.**
- b The Council will recommend to the promoters a level of local pre-application consultation, which reflects the scale, complexity, controversy, and policy/sustainability issues raised and the sensitivity of the area to change. The Council may wish to negotiate a planning performance agreement with promoters to agree timescales, actions and resources for handling particular applications.**
- c The following methods of local involvement on pre-application proposals may be appropriate:**
 - i Newspaper Notice**
 - ii Press Release**
 - iii Public meetings if requested by a town or parish council**
 - iv Individual or group discussions**
 - v Public exhibitions**
 - viii Summary leaflets**
 - ix Response forms**
 - x Letters to specific landowners/residents.**
- d The scheme promoter will need to submit a document outlining the nature and results of this public consultation exercise for consideration with the planning application.**

6.9 Major developments are proposals containing a minimum of:

- For residential developments: 10 or more dwellings, or a 0.5 hectare site area; or
- For non-residential developments, 1000 sqm gross floor area or a 1 hectare site area.

- 6.10 Pre-application discussion is a good way for the scheme promoter to confirm the principle of development and clarify the supporting information required by the planning authority. Pre application consultation by promoters for some applications is now required under the Town and Country Planning Act 1990 as a result of the Localism Act 2011.
- 6.11 Early public involvement in a scheme is beneficial to applicants, especially on major or controversial development proposals. It facilitates the process as applicants can understand local concerns before submitting the formal application. Applicants will be in a position to negotiate and build consensus with the public on the development proposal to avoid objections and subsequent delay during the formal application stage.
- 6.12 The level of public involvement should increase with potential difficulties and controversy. This will allow for misunderstandings to be reduced, key areas of concern to be clarified and potential compromise solutions to be reached. In order to ensure that sufficient time is allowed for these discussions, promoters are strongly advised to approach the Planning Authority 12 months before they plan to submit an application. This will allow time to undertake any necessary surveys, discuss alternative approaches and carry out appropriate local consultations. Where a major application is clearly uncontroversial or straightforward, then a shorter timetable is appropriate. The Council does not necessarily endorse a proposal by assisting in pre-application consultation.

Application Consultation

SCI7

The Council will undertake the following on receipt of a planning application:

- a Consult all relevant statutory bodies once a planning application has been validated. In most cases, 21 days will be allowed for a response, unless provision exists for an extension of time by reference to relevant legislation.**
- b Consult relevant town and parish councils with a request for observations, allowing at least 21 days for response. Adjoining district, parish and town councils will also be consulted on development proposals for:**
 - i. wind turbines exceeding 10m height (to hub)**
 - ii. ground mounted solar arrays**
 - iii. agricultural buildings over 500m² gross floorspace**
 - iv. anaerobic digesters**
- c Publicise all planning applications by means of a notice posted on or near the site or write to notify immediately adjoining neighbours giving 21 days for response.**

- d Publish a list of planning applications received on the Council's website and in a local paper as long as is required by government.**
- e Make live applications and any supporting information available for inspection at the Main Council Office and provide copies where required. All applications will be available to view free of charge on the Council's website.**
- f Keep an online register of planning applications and decisions for public inspection.**
- g The results of any consultation will be taken into account in decisions made by, and on behalf of, the Council.**
- h Take account of written comments on applications.**
- i Notify anyone making representations, on an electronic basis where possible, if the application is to be determined at the Planning Committee Meeting. The agenda and reports for these meetings will be made publicly available on the website prior to the committee.**
- j Publish the decision and the reasons for it, on the Council's website.**
- k When an appeal has been lodged against the refusal of a planning application or to remove or vary conditions the Council will notify those who have made representations on the application and advise them of the process for making further representations.**

- 6.13 Once a planning application has been submitted, there is a limited time period within which a decision should be made. It is therefore difficult to carry out more than the minimum legal requirements on public involvement. This emphasises the importance of pre-application consideration and involvement on the more significant proposals. It should be noted that there is no requirement to consult certain bodies where they have published standing advice detailing their requirements for proposed development.
- 6.14 The Council will notify anyone making representations, on an electronic basis where possible, if an application is to be determined by Planning Committee. However, notification letters will still be posted to those who do not provide an e-mail address or to those who wish to receive notification in writing.
- 6.15 The Council has an adopted 'Scheme of Delegation' to exercise all the powers of the Council as a Local Planning Authority to determine certain planning applications that do not need to be referred to the Planning Committee. Planning Committee meetings are public, and provide an opportunity for applicants and town/parish councils to make representations directly to the committee. One spokesperson is allowed to speak for the application (generally the applicant or agent).

- 6.16 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 than those adjoining the application site.
- 6.17 Policy SCI7 applies only to applications for planning permission, when Mid Devon District Council is the Local Planning Authority responsible for determining the application. Express consent is not always required, and development or works may be subject to a prior notification procedure only. Policy SCI7 does not apply to the following notification procedures:
- Agricultural or forestry development
 - Hedgerow Removal Notice
 - Telecommunications development
 - Demolition
 - Works to a tree in a Conservation Area
 - Change of use

7 GLOSSARY

Allocations -

are proposals that a certain site or area of land should be developed for particular uses and/or buildings. They are shown on a Proposals Map, contained within the Local Plan. There will be a related policy setting out any parameters and criteria for the site, contained within the local plan.

Authority's Monitoring Report –

a document the Council produces annually, setting out how planning policies have been implemented for the previous financial year and whether it has achieved the milestones set out in its Local Development Scheme.

Development Order -

an order made under section 59 of the Town and Country Planning Act 1990 which either gives planning permission for certain kinds of development or allows Councils to grant permission if the provisions of an order are met.

Development Plans -

are plans which set out policies and proposals for changes of land use, new buildings, changes to existing buildings and other proposals which require planning permission.

General Consultation Bodies -

are organisations with an interest in the social, economic and environmental development of an area, and which may be consulted on the preparation of local plans and Supplementary Planning Documents.

Local Development Scheme (LDS) –

a project plan for the preparation of local plans.

Local Planning Authority (LPA) -

is a council with planning powers. For most purposes, this is Mid Devon District Council, but Devon County Council is the LPA for minerals and waste.

Local Plans -

are part of the Development Plan, covering the whole of a District (except for any areas within a National Park) and giving comprehensive policy coverage at a detailed level. They are also known as Development Plan Documents.

Major Planning Applications -

are applications for residential development with a minimum of 10 dwellings or a 0.5 hectare site area, and planning applications for non-residential development with a minimum of 1000 square metres gross floor area, or a 1 hectare site area.

Non-Major Planning Applications -

are planning applications which are not categorised as major. .

Other Planning Applications -

are change of use applications and householder applications.

Permission in Principle –

to be granted on sites in plans and registers, and for minor sites providing greater certainty of development based on ‘in principle matters’ such as land use, location and amount of development

Policy –

a written guideline or set of criteria which describes how the planning authority will deal with development proposals. Policies may relate to the whole district, or defined areas within the district and may be relevant to particular types of development or a range of developments. Policies contained within a local plan are the primary consideration for decisions on planning applications.

Primary Consideration -

planning applications are required by law to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This means that when the local authority determines a planning application it will look at what Development Plan policies and proposals apply to a particular parcel of land or building and then see how closely the development proposal complies with the Plan. It will then consider other relevant issues (known as material considerations) and decide whether these are important enough to outweigh the policies of the Development Plan in that instance.

Prior Approval –

means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed.

Proposals –

see Allocations.

Proposals Map / Adopted Policies Map –

a map showing the areas or sites to local plan policies and proposals apply.. It will contain Inset Maps, showing particular areas in more detail.

Registered Bodies -

for the purposes of this Statement, are individuals or organisations which have asked to be consulted on development plan preparation details of whom are kept on a Council register. They will include all relevant General Consultation Bodies.

Soundness -

is a term describing the tests against which a local plan will be assessed at the Examination.

Specific Consultation Bodies -

are the bodies defined in the Local Planning Regulations which must be consulted when a local plan is produced. They include parish and town councils, Historic England and similar statutory bodies.

Statement of Community Involvement (SCI) –

a statement that sets out the Council's policies for the public involvement in the preparation of Local Development Documents and planning applications.

Supplementary Planning Document (SPD) –

a document that sets out more detailed policies in support of those contained in a local plan. It does not form part of the Development Plan, but is a material consideration on planning applications.

Sustainable Communities

are places where people want to live and work, now and in the future.

Sustainable Development –

is development which meets the needs of the present while not preventing future generations meeting their own needs. The sustainability of local plans must be assessed through Sustainability Appraisals and Strategic Environmental Assessment (SA/SEA).

Technical Details Consent –

Following permission in principle, full planning permission will only be secured once technical details consent has been obtained.

Underrepresented Groups -

are groups that rarely get involved in planning processes, including young people, minority ethnic groups, people with disabilities, new residents, people on low incomes and people who have difficulty reading, writing and speaking English.

Useful Abbreviations:

- CS** - Core Strategy
- DPD** - Development Plan Document
- LDS** - Local Development Scheme
- SA** - Sustainability Appraisal
- SCI** - Statement of Community Involvement
- SEA** - Strategic Environmental Assessment
- SPD** - Supplementary Planning Document



Consultation Statement

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Local Planning) (England) Regulations 2012

Regulation 12

Statement of Community Involvement (SCI) Review 2016

The Council is reviewing its Statement of Community Involvement to reflect a number of changes to the planning system and to reconsider the most effective methods of involving the community in the planning process. Consultation ran from 23rd May 2016 to 18th July 2016.

The Council wrote to 3398 people on the Forward Planning consultation database. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils
- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)

- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Newspaper notice
- Information on the Council website
- Social media updates

The Council invited people to make representations by post or email. A total of 14 valid responses were received. The following table sets out a summary of the main comments raised during the consultation, along with a response explaining how these have been addressed in the revised Statement of Community Involvement.

Summary of Representation	Response
General Comments	
The Council should continue to make planning documents available at local libraries for inspection as not all residents are computer literate.	Policy SCI1 sets out how the Council will continue to make documents available for inspection. It states that copies of all local plans and supplementary planning documents will be available for inspection at the Council's main office at Phoenix House and at public libraries throughout Mid Devon.
Within the planning department at Mid Devon, there is no longer the all-important balance between the overall policies and the wider local needs of the people which the administration is supposed to represent. Planning Committee often choose to vote against Officer's recommendations.	Comments noted. However, respondent does not suggest any potential changes to the Statement of Community Involvement.

Press releases should go to village magazines such as 'Focus on Thorverton'.	Comments noted. The SCI only lists general contact methods that may be used to notify stakeholders, it does not provide an exhaustive list.
The process that the Council is proposing in the SCI does not seem to allow Mid Devon District Council (MDDC) to revise the Local Plan in light of comments received prior to submission to the Secretary of State.	Following consultation on the publication version of the Local Plan, the Council drafts a list of proposed changes it considers appropriate having considered any representations received. The Local Plan, Sustainability Appraisal, any proposed changes and all other relevant documents are then submitted to the Secretary of State for examination. This has now been clarified within the supporting text of paragraph 4.6.
Organisations & Public Bodies	
Devon County Council (DCC) considered that the scope of the term 'community' needed to be made clearer and the SCI should refer to the Duty to Cooperate. In addition, it should be stated that the SCI only applies to plans and applications for which the district council is responsible and minerals, waste and county applications are addressed in DCC's SCI.	Agreed. The document now clarifies that it only applies to planning documents and applications for which Mid Devon District Council is responsible. In addition, a new paragraph has been added to section 3.0 'Local Planning – General Policies' to reference the Duty to Cooperate. Mid Devon District Council is also a signatory of the Devon Protocol which provides a basis for discussing and understanding strategic issues, evaluating options to address such issues and agreeing shared outcomes and conclusions wherever possible.
Tiverton Civic Society supports the SCI and considers it to be clear and comprehensive. It was suggested that more detail of amendments and variations is added and definitions of 'material' and 'non-material' amendments are added to the glossary. A small section should be included with regards to procedures for dealing with requests to vary or delete pre-existing planning obligations.	<p>Comments noted. However, it is beyond the scope of the SCI to detail exactly what constitutes a 'material' or 'non-material' amendment.</p> <p>With regards to procedures for dealing with requests to vary or delete pre-existing planning obligations, it was agreed at Planning Committee on 8th January 2014 and 6th July 2016 that parish and town councils be advised of requests and its nature and given 14 days within which to respond with comments. The following text has now been added to Section 6 – Planning Applications; 'The Council may receive requests from developers /</p>

	landowners to vary or remove planning obligations. Once a request is received, the relevant consultees, the Chairman of Planning Committee, Ward Members and Parish/ Town Councils should be advised of the request and its nature and given 14 days within which to respond with comments.
<p>Network Rail made the following comments:</p> <ul style="list-style-type: none"> • A policy should be added to confirm the Council's statutory responsibility to consult the statutory rail undertaker where a proposal for development is likely to affect a level crossing over a railway. • Any application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment and the developer is required to fund any required improvements to the level crossing as a direct result of the development proposed. • Network Rail should be consulted on applications for wind turbines as standard as well as involvement in pre-application consultation with Network Rail Asset Protection Team. • Any proposal for a wind turbine or solar farm that necessitated any cabling/high tension lines over the railway would be objected to pending negotiation with the National Business Team. • The Council should provide Network Rail with an opportunity to comment on any future applications should they be submitted for sites adjoining the railway, or within close proximity to the railway. • The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure 	<p>Comments noted. The SCI states that the Council will consult all relevant statutory bodies once a planning application is validated. Network Rail is consulted on any applications for sites adjoining the railway or within close proximity of the railway. Given the limited extent of rail infrastructure in Mid Devon, it is not considered necessary to specifically require consultation with Network Rail on all applications for wind turbines. It is beyond the scope of the SCI to set out a strategic context requiring developer contributions towards rail infrastructure.</p>

where growth areas or significant housing allocations are identified close to existing rail infrastructure.	
The Woodland Trust would like to be consulted on Local Plans, Supplementary Planning Documents and other general policies as a 'General Consultation Body'. The Woodland Trust would also like to be consulted on any planning applications that affect the habitat of ancient woodland.	The Woodland Trust is registered on the Council's Forward Planning consultation database and is already consulted on all Local Plans, Supplementary Planning Documents and other general policies as a general consultation body. A weekly list of planning applications is published on the Council's website at: https://www.middevon.gov.uk/residents/planning/weekly-list/ . The Woodland Trust are able to check this for any applications that they may wish to comment on.
Natural England supports the principle of meaningful and early engagement of the general community, community organisations and statutory bodies.	Support noted.
Devon County Council Public Health supports the intention to use specific methods to ensure that underrepresented groups are reached and involved in the planning process although the SCI should clarify what these methods are. The SCI should use plain English and state at what point the Council would prepare large print, easy read or versions in other languages.	The SCI does state that specific methods may be used to reach underrepresented groups stating that these could include attendance at relevant community group meeting or forums, and publicity of local plans via social media. In addition, the revised SCI now states the following, "All documents will be written in plain and clear language, aimed at being understood by non-planning professionals. Jargon will be avoided and glossaries will be provided to explain the necessary technical terms. The Council will make reasonable effort to ensure that people with particular requirements will not be overlooked. Documents in other formats will be available where necessary, for example, large print, audio or translation in other languages."
Devon and Cornwall Police would find it useful to be more involved in pre-application discussions where issues such as permeability could be discussed before layouts are agreed; where potential sites for public open space to be	Comments noted. Whilst the Council does not consider these comments to require a change to the SCI, Planning Officers will endeavour to work closely with Devon and Cornwall Police on planning matters.

<p>used for youths and gypsy and traveller sites. Designing out Crime Officers always request further consultation following outline application so details can be looked at. If Design and Access Statements are still being submitted with major applications, there should be a crime and disorder section.</p>	
Parish & Town Councils	
<p>Crediton Town Council noted that there is an assumption that every person has access to a computer. Other methods of consultation are required particularly for planning applications. With regards to consulting town and parish councils at the earliest opportunity, would MDDC be prepared to consider this meaning immediately after pre-application discussions and before application submission?</p>	<p>The SCI states that hard copies of all documents will be made available for inspection at the Council's main office at Phoenix House and at public libraries throughout Mid Devon. It also notes that all planning applications will be publicised by means of a notice, within a local newspaper and make any live applications available for inspection at the Main Council Office.</p> <p>Parish and town councils are already consulted after pre-application discussions and before application submission where the Council considers it appropriate to do so. However, given the confidential nature of pre-application discussions and that there is no guarantee of a subsequent planning application being submitted; no further changes to the SCI are considered necessary. Generally, with pre-application discussions on major applications, Officers would encourage potential applicants to engage early on in the process with parish and town councils.</p>
<p>Willand Parish Council stated that paragraph 2.3 under 'Consultation Approach' partially negate the principles set out in the previous two paragraphs.</p> <p>The SCI should state that significant weight will be given to the views of parish and town councils, that parish and town councils should be represented from the outset in pre-application discussions and they should be consulted on all applications in adjoining parishes.</p>	<p>Comments noted. It is not agreed that paragraph 2.3 partially negates the principles set out in the first two paragraphs. It clarifies that there needs to be a balance between the effective operation of the planning system and wide involvement of the community, notwithstanding the level of resources available to the Council.</p> <p>The Council publishes a list of planning applications received in a local newspaper and on the Council's website on a weekly basis. As a result, it is not considered necessary to amend the SCI to consult parish and town</p>

Furthermore, parish and town councils should be notified of 'minor material amendments' involving 'variation of condition' as well as neighbour notification.

councils on all applications in adjoining parishes. However, adjoining town and parish councils will be consulted on all development proposals for wind turbines, ground mounted solar arrays, agricultural buildings over 500m² and anaerobic digesters.

Parish and town councils already receive e-mail alerts for variation of condition. E-mail alerts will be set up for minor material amendments.

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MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2017/18.....

Ratified by Council on

MEETING	Normal day and Time	1	2	3	4	5 2018	6	
Planning Committee <i>(first meeting of cycle)</i>	Wed 2.15pm	17 May	12 July	6 Sept	1 Nov	3 Jan	28 Feb	
Planning Committee <i>(second meeting of cycle)</i>	Wed 2.15pm	14 June	9 August	4 October	29 Nov	31 Jan	22 Mar 18 April	
CABINET <i>(first meeting of cycle)</i>	Thurs 2.15pm	11 May	6 July	31 Aug	26 October	4 Jan	1 March	
CABINET <i>(second meeting of cycle)</i>	Thurs 2.15pm	8 June	3 August	28 Sept	23 Nov	1 Feb	5 April	
Environment PDG	Tues 2.00pm	16 May	11 July	5 Sept	7 Nov	9 Jan	6 March	
Housing PDG	Tues 2.15pm	23 May	18 July	12 Sept	14 Nov	16 Jan	13 March	
Economy PDG	Thurs 6.00pm	18 May	13 July	7 Sept	9 Nov	11 Jan	8 March	
Community PDG	Tues 2.15pm	6 June	1 August	26 Sept	28 Nov	30 Jan	27 March	
Scrutiny <i>(first meeting of cycle)</i>	Mon 2.15pm	22 May	17 July	11 Sept	6 Nov	15 Jan	12 March	
Scrutiny <i>(second meeting of cycle)</i>	Mon 2.15pm	19 June	14 August	9 October	4 Dec	12 Feb	16 April	
Audit Committee	Tues 5.30pm	30 May	25 July	19 Sept	21 Nov	23 Jan	20 March	
Away Days	Fri 9.30am							
COUNCIL	Wed 6.00pm	28 June	30 August	25 October	13 Dec	21 Feb	25 April	9 May 2018

Note: (i) *Annual meeting of the Council is now at the normal time of 6.00pm. **Annual Meeting in 2017 is on 10 May**

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 12 September 2016 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs C P Daw, S G Flaws, Mrs S Griggs,
T G Hughes, Mrs J Roach, J L Smith,
T W Snow and N A Way

Apologies

Councillor(s)

Mrs G Doe

Also Present

Councillor(s)

R M Deed, Mrs M E Squires and R L Stanley

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

48 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs G Doe.

49 PUBLIC QUESTION TIME

There were no members of the public present.

50 MEMBER FORUM

There were no issues raised under this item.

51 MINUTES OF THE PREVIOUS MEETING

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

52 DECISIONS OF THE CABINET

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

53 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Cllr S Flaws to the Committee and welcomed Cllr T G Hughes back following an injury.

54 ESTABLISHMENT

The Committee had before it and **NOTED** a report * from the Director of Corporate Affairs and Business Transformation updating Members on numbers of staff, staff movement and any areas of concern. The officer explained that a significant amount of change had been undertaken during the past 12 months and this continued to deliver a more effective and efficient service. It was clear, however, that more needed to be done and changes to the structure of the Council would be ongoing. As a result of service restructures, 16 posts had been removed from the establishment. In addition, 7 employees were dismissed, 5 completed their fixed term contracts, 1 was a non-starter and the remaining 43 were voluntary resignations/retirements. The officer explained the thorough process that had to be completed in order to gain authority to fill a vacancy, which included asking the manager to consider other options such as reduced hours or splitting the role.

Discussion took place regarding:

- Succession planning and the need to ensure that staff had the right skills to move forward in the future;
- 6 apprentices had been taken on and some had been appointed to permanent posts;
- Agency workers and the fact that they could be used to cover annual leave and sickness;
- Discussions that were taking place with Waste and Recycling staff regarding 'catch up' Saturdays following Bank Holidays;
- Managers had been trained to help them identify the signs of stress;
- Staff turnover was 12.75% with the national average being 9%;

It was **AGREED** that a report regarding the establishment be received annually by the Committee.

Members thanked officers for the work that had been done to bring down stress levels from 17% to 10%.

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

55 PERFORMANCE AND RISK

The Committee had before it and **NOTED** a report * providing Members with an update on performance against the Corporate Plan and local service targets for 2016-17 as well as providing an update on the key business risks.

The Audit Team Leader explained that the Performance Indicators within the report had been amended to reflect the new Corporate Plan.

Discussion took place regarding:

- An officer had been appointed in conjunction with Exeter City Council to look at initiatives to bring empty homes back into use;
- Planning performance and the fact that 37 applications had exceeded 13 weeks;
- Car parking issues at leisure centres and the options available to relieve the problem;
- Structural issues at the Pannier Market with the glass doors and the potential to make changes to the area.

A staircase in a property at St Andrews Street that did not meet current building regulation standards due to conservation requirements was discussed and it was **AGREED** that further clarification be sought regarding this.

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

56 **CABINET MEMBER FOR HOUSING**

The Committee had before it and **NOTED** a briefing paper * from the Cabinet Member for Housing updating it regarding areas covered by his remit.

The Cabinet Member outlined the contents of the report and discussion took place regarding:

- DARS (Deposit and Rents), a loan scheme that provided deposits so that people could rent a property privately;
- The number of repairs that were carried out and procedures that were in place to recharge when appropriate;
- The housing stock was old and therefore expensive to maintain;
- Tenancy Agreements stipulated that properties and gardens must be kept in good order;
- The caretaker service which maintained communal areas;
- The cost of repairs for void properties;
- Rent reductions imposed by Government and the impact on funding available for future repairs and investments;
- The potential future expense of removing asbestos from properties;
- The project at Palmerston Park which had fallen behind schedule and the work that had been undertaken with the contractor in an attempt to resolve issues;

- Waddeton Park and the possibility that the developer would not be progressing the project at this stage;
- The potential to buy 'off plan' from developers;
- 'Pay to Stay' and the difficulties in operating the scheme.

The Committee commended the Cabinet Member for his report.

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

57 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

- Planning Design Guides – how do Mid Devon Planners agree housing design?
- Flood Prevention, Land drainage responsibilities
- An overview of the expenditure Section 106 monies
- Clinical Commissioning Group

(The meeting ended at 4.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 October 2016 at 2.15 pm

Present

Councillors

F J Rosamond (Chairman)
Mrs C P Daw, Mrs G Doe, R Evans,
Mrs B M Hull, Mrs J Roach, J L Smith,
T W Snow and N A Way

Apologies

Councillor(s)

Mrs H Bainbridge, Mrs S Griggs, T G Hughes,
Mrs A R Berry and S G Flaws

Also Present

Councillor(s)

C J Eginton, P H D Hare-Scott and R Wright

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Nick Sanderson (Head of Housing and Property Services), Tina Maryan (Area Planning Officer) and Julia Stuckey (Member Services Officer)

58 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs H Bainbridge, Cllr Mrs S Griggs who was substituted by Cllr R Evans, Cllr T G Hughes, Cllr Mrs A R Berry and Cllr S G Flaws who was substituted by Cllr Mrs B M Hull.

59 PUBLIC QUESTION TIME

Cllr B Warren, Chairman of Willand Parish Council, I referring to item 8 on the agenda said that within the report it is recommended by the officer that the Committee 'note the progress as outlined in this report'. There are some areas of the report which show limited progress or conclusions have not been reached. It could also be argued that there is a need to resolve the question of confidentiality and the questionable use of the data protection act as a reason to withhold information from Members, Town and Parish Councils and members of the public who have raised planning enforcement issues.

Would Members feel it helpful and expedient to have more information on performance indicators and the results of 'bench marking exercises' before bringing forward the Local Enforcement Plan to Cabinet in November? Paragraph 2.9.1 states 'This is in progress with exploration undertaken of how performance in planning enforcement is measured in other authorities. Draft performance indicators have been produced and will be taken to the Planning Committee for their consideration.'

Although it may be helpful to know what others are doing is not MDDC capable of setting its own policy which could then be a leader in setting robust performance indicators.

Are the responses from the other authorities available for inspection?

Knowing how sensitive Planning Enforcement – or the perceived lack of it – is in the District would it not be wise for the stated proposed performance indicators to be available for consultation or discussion before being placed before the Planning Committee? Without this it could be noted that the only view the Planning Committee will have is that of the officer.

Paragraph 2.12 states 'Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and reporting back to this Committee within 4 months.'

Paragraph 2.12.1 states 'A benchmarking exercise has been undertaken in order to understand how other authorities deal with this issue and has found that little information on live enforcement cases is regularly disseminated to Town and Parish Councils. Whilst MDDC Members can be briefed with a legal expectation of confidentiality, when information goes to Towns and Parishes, we cannot work on the same presumption of confidentiality.'

Are Members content with this explanation which appears to infer a slight on the integrity of Town and Parish Councillors who invariably raised the issue in the first place? Why does this need to be delayed by 4 months?

The Chief Executive in front of this Committee and at our Parish Council meeting has emphasised his wish to see more opened with appropriate communication. The comment in paragraph 2.12.1 could go against this commendable statement of intent and allow the Head of Planning and Regeneration to go back to the earlier position that anything to do with planning enforcement is confidential. We have sufficient examples of this being the case where 'confidentiality' has been used to try and hide activity or failures by certain officers.

May I please end on a positive note in that our current Enforcement Officer has been a breath of fresh air? She responds promptly and positively when issues are raised. She responds with appropriate updates as to actions taken or reasons for not taking any action which are understood and appreciated by the Parish Councillors. No mention of Data Protection Act or breaches of trust and anything mentioned which could be sensitive is responsibly dealt with without any problems to date. We feel that her approach is in tune with the intentions of the Chief Executive in relation to communication. Long may it continue.

My final question is will you please thoroughly scrutinise this report and ensure that the improvement in communication which we are currently experiencing is maintained thus restoring confidence in the system?

Mr Keith Grantham, referring to item 8 on the agenda said that this question relates to the Local Enforcement Plan put forward by the Head of Planning and Regeneration paragraphs 2.12, 2.12.1. At various meetings I have attended the theme the Chief Executive has taken is MDDC must be more open and accountable.

This is happening, with a lot more information being put on the Council's website and many of the officers being helpful. This is why I cannot understand the Head of Planning and Regeneration wanting to take a retrograde step and move back to the old days by proposing not to inform Town and Parish Councils on enforcement matters. This suggests that Towns and Parishes cannot be given and trusted with information. This is a smear on the integrity and trustworthiness of Parish Councillors. All Councillors are elected in the same way, as far as I am aware, no District Councillor signs any form on confidentiality. If they do then this could be rolled out to Parishes too. The Head of Planning appears to choose to hide behind confidentiality. Why? She states in her report a benchmarking exercise has been undertaken and in a sweeping statement says other councils do not pass on information to Towns and Parishes, but there is no definitive information to back up this statement. At this moment in time, we have a very good relationship with the enforcement officer who covers the east area and hope this will not change. Will the Planning and Regeneration department follow the Chief Executives instructions and be more open and accountable?

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

60 **MEMBER FORUM**

There were no issues raised under this item.

61 **MINUTES OF THE PREVIOUS MEETING**

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

62 **DECISIONS OF THE CABINET**

The Chairman informed the Committee that there had been a Call In regarding the Aids and Adaptations Policy which had been approved by Cabinet on 29th September 2016.

The Monitoring Officer outlined the Call In process, explaining that in correspondence with Councillor Mrs Roach she had explained that in this instance the correct decision making process had been followed and that in her opinion she did not consider there to be a valid reason for Call In, however the Constitution permitted Members to Call In against her advice.

Cllr Mrs J Roach had called in the matter and was supported by Cllrs R M Deed, J L Smith, N A Way and R Wright.

Cllr Roach gave the grounds for Call In as:

- The Council does not appear to have considered the option of seeking to make all bungalows (whenever possible) in the council's ownership accessible for future tenants or their visitors who use wheelchairs or mobility aids. This could be part of a programme of works when the council has a void.

- The council has shown a lack of vision in preparing for the challenges that will happen as the population lives longer than any previous generations.
- Para 12, the Council does not appear to have considered the possibility that some people might not be able to cope with the requirements of this section, either because they do not feel able to cope with the actual filling in of forms etc. or do not have the money to fund the requirements.

Cllr Mrs Roach explained that her concerns were with regard to the policy not being very visionary. She considered that with an aging population more and more people would require mobility scooters and that properties would need adaptation to accommodate them. Cllr Roach would like the Authority to look at this matter in a more positive manner and when dealing with void properties, or undertaking modifications consider installing wider doorways or hard standings.

Cllr J L Smith had supported the Call In and he suggested that when developing property it would be financially viable to undertake works when properties were empty rather than undertaking retrospective adaptations on occupied properties. He suggested that it would cost more in the long run and that adapting each void as it occurred would be cost effective.

Cllr N A Way, who supported the Call In, suggested that it, would be short-sighted not to adapt bungalows as and when they became vacant.

Cllr B Wright, in support of the Call In, suggested that adopting suitable properties such as bungalows could mean someone being mobile and not suffering from isolation in the future.

The Head of Housing and Property Services explained that the Aids and Adaptions Policy did not say that adaptations would not be undertaken but that they would only be done for free if there was an Occupational Therapist report confirming need. He informed the Committee that the Housing Service spent in the region of £300k per annum on adapting its housing stock. He further explained that works with a cost of over £1000 needed to be approved by an Occupational Therapist and that work would be carried out within three months of the agreement. The Occupational Therapist's report would need to indicate that the use of a mobility scooter was a necessity and not just a preference. He explained that housing stock was upgraded when it became empty but it was not practical to provide facilities in properties where they may not be required.

Cllr Mrs Roach said that there were visions to make the country accessible to everyone, even those in wheelchairs. The adaptations would help if a disabled person visited the property and that every property should be able to accommodate a mobility scooter even if the householders did not meet the criteria. She suggested looking at access points to a property when it was a void as this would cost less in the long run.

Discussion took place regarding the possibility of a tenant moving to a suitable property should one become available, the fact that some properties could not be adapted and the need to consider budgets.

It was **RECOMMENDED** that Council accept the Aids and Adaptations Policy with the exception of 12.5 which should be looked at in greater detail by the Homes Policy Development Group

(Proposed by Cllr Mrs J Roach and seconded by Cllr J L Smith)

Note: - The Chairman informed the Committee that he considered Call In should be used for exceptional circumstances only and that on this occasion he did not consider the matter to be appropriate for Call In as the correct decision making process had been carried out.

63 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that at the last meeting of the Committee concerns had been raised regarding a staircase in a property at St Andrews Street, Tiverton which did not meet current Building Control Regulations and read the following statement from the Head of Housing and Property Services:

The staircase at St Andrews Street was an original feature that was restored as part of the refurbishment in consultation with the Council's Conservation Officer. The Conservation Officer had a duty to retain as much of the original features of the properties as possible that was reviewed at the time of Listed Building Consent being granted, this also formed part of the Planning Conditions for the development and which was detailed on a schedule of works.

The staircase was restored and additional measures were put in place to ensure that the residents had hand rails fitted where possible, this was also reviewed by a Building Control Officer from Mid Devon.

It is appreciated that the staircase is not to a modern standard but it remains an historic feature of a listed building and is not dangerous – thousands of houses have similar steep staircases. When viewing, prospective tenants are advised of this by the Housing Officers.

The Chairman also reminded Members that the CCG would be attending the December meeting of the Committee and that an email containing a document 'Your Future Care' had been sent to them. The Chairman asked that Members look at this consultation with a view to questions for the CCG.

64 **CAR PARKING 6 MONTH UPDATE (0.38)**

The Committee had before it a report * from the Director of Finance, Assets and Resources providing an update on the new car parking charging strategy 6 months after implementation.

The Director outlined the contents of the report, providing updated figures for September which were not available at the time the agenda was published. Figures so far were reasonably close to the 2016/17 budget that was set £141k higher than in the previous year, but members should still exercise caution when making predictions/observations based on limited vend and income data.

A Member Working Group was looking into statistical information that had been compiled to try to drill down vend patterns, to see if demand and supply were compatible and to put forward recommendations to the Policy Development Group regarding any changes that might need to be made from April 2017.

Discussion took place regarding:

- The removal of the £1 tariff and perceived drop in footfall in the town centres;
- Customers sharing £2 day tickets and the need for vending machines that provided a vehicle registration system;
- Trader information being anecdotal and the difficulties in establishing the impact of parking charges on the towns;
- The increase in on road parking and the problems that this can cause;
- The need to make difficult choices and the fact that the increased charges have generated higher income;
- Free parking was being utilised but this could be reducing dwell time.

Members were invited to join the Car Parking Working Group should they wish.

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

65 PLANNING ENFORCEMENT UPDATE (1:03)

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

The Area Planning Officer outlined the contents of the report which updated Members on progress made since a report from May 2016 which had detailed various measures for improvement within the service.

The officer explained that since the initial review, progress had been made in many areas, although it was recognised that this improvement journey was not yet complete and that the service would wish to continue to address the actions on the list as well as identifying new areas for continual improvement.

Discussion took place regarding Data Protection training that had been undertaken by officers. This had been arranged following concerns raised by Members that officers were using Data Protection as a way to justify non-sharing of information. The training had been put in place in order that officers could be certain what information could not be shared to allow them to be confident to share anything else.

Members were informed that a new Enforcement Officer had been appointed recently and that another part time officer was due to start shortly. This would bring the current structure to 2.5 FTE, although a restructure was being considered in order to allow the Planning Service to respond to the requirements placed upon it.

Measures had been put in place to speed up the process for Section 106 Agreements.

Benchmarking had been undertaken and officers had looked into what performance indicators were used by other authorities. Most English authorities did not have them but Welsh authorities did and these were being looked into.

Officers would investigate how performance indicators and performance reports could be extracted to update Members and then be disseminated on to Town and Parish Councils.

The Chief Executive indicated that he would like to see the restructure of the Planning Service in place for the new financial year.

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

66 **CABINET MEMBER FOR FINANCE (1.35)**

The Committee had before it a position statement * from the Cabinet Member for Finance. The Cabinet Member outlined the contents of the report, informing the Committee that most services had been under budget at the year end and that the authority had been one of the first in the country to submit its accounts. He stated that he considered the Finance team to be extremely well run and thanked the Director for Finance, Assets and Resources for this.

The report highlighted items of interest in the last year such as the acquisition of Market Walk, the successful depot move for Waste Services, increased income to car parking, joint working with other authorities and areas of challenge such as changes to Business Rates, Universal Credits and uncertain times following Brexit.

Discussion took place regarding;

- Changes to Council house rents;
- New Homes Bonus;
- Statutory and non-statutory services;
- Lobbying that District Councils can do to be stronger together;
- The four year funding programme.

The Chairman thanked the Cabinet Member for his report.

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

67 FLOOD PREVENTION (2.01)

At the request of Members the Committee had before it a report * from the Head of Housing and Property Services informing it of the Council's responsibility for flood prevention.

The Officer outlined the contents of the report highlighting the responsibilities of the authority in time of flood and what help the public could expect to receive. He informed the Committee that sandbags were provided to protect the Council's own housing stock and buildings and that the public were helped to ensure that they had their own flood prevention in place.

Discussion took place regarding:

- The difficulty the public have in knowing which authority to contact in time of flood;
- Private landowners and their responsibilities in flood prevention;
- Resources available to deal with flood issues;
- Planning responsibilities regarding Sustainable Urban Drainage;
- Leaf clearance to prevent drains blocking.

Note: - i) * Report previously circulated and attached to Minutes

ii) Cllr N A Way declared a personal interest as he was a Member of Devon County Council.

68 CHANGES TO THE MANAGEMENT STRUCTURE (2.22.30)

At the request of the Chairman the Chief Executive updated Members on his Management Restructure and the role of the Director of Operations.

The Chief Executive reminded the Committee that he had taken a report to Cabinet in July setting out his plans. He had considered that the current structure required reorganisation in order to move forward with a strategic officer resource in order to affect a programme of change.

He had taken the decision to restructure into three areas, Finance Assets and Resources, Corporate Affairs and Business Transformation and for forwarding facing services a Director of Operations. These posts had been ring fenced internally, but he had not recruited at this stage and advertisements were now out to the market for this post. Members would be involved as part of the recruitment process.

The Chief Executive explained that it was his intention that the Director of Operations post would provide the kind of leadership to Operations that was now in place for the other service areas.

69 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Control of Feral Pigeons
Performance and Risk
Section 106 Monies
Questions for the CCG
Member Development Annual Update
Safeguarding update

(The meeting ended at 4.53 pm)

CHAIRMAN

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AIDS AND ADAPTATIONS POLICY

Cabinet Member Cllr Ray Stanley
Responsible Officer Mark Baglow, Building Services Manager

Reason for Report: To review the Aids and Adaptations Policy.

RECOMMENDATION(S): Cabinet approves the revised Aids and Adaptations Policy.

Relationship to Corporate Plan: The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework. The Council must consider the impact of an aging population and help people to retain their independence and remain in their own homes.

Financial Implications: The financial implications will be contained within the Housing Revenue Account. It is important to prioritise financial management of the HRA to ensure the all available funds are used to the best effect.

Legal Implications: As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the regulatory framework which is administered by the Homes and Communities Agency (HCA). The Home Standard states that RPs shall co-operate with relevant organisations to provide an adaptations service that meets tenants needs.

Risk Assessment: Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

1.0 Introduction

- 1.1 The review of this policy reflects changes in good practice and legislative changes. It provides a framework for staff which sets out the Council's approach to providing aids and adaptations for tenants or their household members to help them remain and live independently in the home.
- 1.2 The Aids and Adaptations Policy was approved at the meeting of the Decent and Affordable Homes Policy Development Group in July 2013. The policy is due to be reviewed by June 2017.
- 1.4 Tenants Together approved the draft Aids and Adaptations Policy at their meeting on 11 August 2016.
- 1.5 Cabinet is asked to consider the proposed changes and to agree the adoption of the reviewed policy.

2.0 Proposed policy changes

- 2.1 The policy has been reviewed earlier than expected to bring the Council's policy in line with other providers. Minor amendments to the existing policy have been made. The layout and sub headings have also been amended to take into account changes made.
- 2.2 The policy has been updated to take into account who is eligible for assistance from the Council for aids and adaptations. For example, the policy applies to Council tenants and members of their household including lodgers and sub-tenants (where eligible, in line with the terms and conditions of the tenancy agreement).
- 2.3 The policy has been amended to highlight who qualifies for assistance. For example, where a tenant or household member has a disability or a long term illness, the Council will consider providing equipment or adaptations to the home to enable that individual to remain living independently.
- 2.4 A new section on servicing, repairs and maintenance has been introduced which explains that the Council has in place an annual programme to undertake servicing and maintenance of equipment such as stair lifts and lifting equipment.
- 2.5 The policy updates the section on installing your own adaptations. This explains that all adaptations installed by the tenant or household member are at their own expenses. The tenant is required to obtain written permission from the Council prior to carrying out any works.
- 2.6 The policy emphasises that the Council will not fund any alterations or adaptations that may be required to the property following the purchase of a mobility vehicle. If the tenant needs to make changes to the property such as vehicle access, hard standing, pathways or shelters or electric charging points, these will need to be funded by the tenant or household member unless a statement of need is received from an Occupational Therapist making the recommendation.
- 2.7 The previous section relating to transfer has been amalgamated to a new section called moving, transfers and mutual exchanges. An additional clause has been added which states secure and flexible tenants who have adaptations in their home have the right to mutual exchange with other eligible tenants. However, the Council can refuse a mutual exchanges on grounds outlined in legislation.

Contact for more Information: Mark Baglow, Building Services Manager (01884 233011) mbaglow@middevon.gov.uk)

Circulation of the Report: Councillor Ray Stanley, Management Team

List of Background Papers: A copy of such papers to be made available for public inspection and included on Website

Mid Devon District Council

Aids & Adaptations Policy

Policy Number: HSG v2.3

September 2016

Version Control Sheet

Title: Aids & Adaptations Policy

Purpose: To review the Aids & Adaptations Policy in accordance with good practice and any changes in legislation.

Owner: **Building Services Manager**
mbaglow@middevon.gov.uk
Telephone number 01884 233011

Date: **September 2016**

Version Number: v2.3

Status: Review of Policy

Review Frequency: **Every 4 years or sooner if required and in accordance with changes in good practice and legislation**

Next review date: **September 2020**

Consultation **This document was sent out for consultation to the following:**

Cabinet Member

Staff

Tenants Together

Management Team

Decent and Affordable Homes PDG

Document History

This document obtained the following approvals.

Title	Date	Version Approved
Cabinet Member	15.7.16	
Tenants Together	11.8.16	
Management Team		
Decent and Affordable Homes PDG		
Cabinet		

1. Introduction

This policy statement outlines Mid Devon District Council's (MDDC) approach to providing aids and adaptations for tenants or their household members who have a disability or suffering from long term ill health, to help them remain and live independently in the home. It is recognised that in some instances the accommodation they live in may no longer be suitable to support their needs.

2. Scope

This policy sets out the Council's provision of providing aids and adaptations within their housing stock and how they will be delivered. It covers the following points and should be read in conjunction with the related documents as stated below:-

- Who is considered under this policy
- Who qualifies for assistance
- Minor and major adaptations
- Cost of aids and adaptations
- Servicing, repairs and maintenance
- Installing your own adaptations
- Removing adaptations
- Recycling adaptations
- Letting adapted properties
- Moving, transfers and mutual exchanges
- Change of circumstances
- Applications falling outside of this policy

3. Related Documents

- a) Tenancy Agreement
- b) Recharge Policy
- c) Improvements to Council Properties Policy
- d) Allocations Policy
- e) Devon Home Choice Scheme
- f) Decant Policy

4. Definitions

For the purpose of this policy, the following definitions apply:-

- **Aids and adaptations:** Is the provision of fixed equipment and/or modification to the property or associated land where there has been an identified need to enable the tenant or household members to live independently and safely in their home.
- **Minor adaptations:** Involves non-structural alterations or additions to a property. These include aids or adaptations costing less than £1,000, examples include grab-rails, special taps, over-bath showers, shower seats, ramps or hard standing.

- **Major adaptations:** Involves extensive structural adaptations to a property costing more than £1,000, examples include installation of stair lifts, level access showers or building an extension.
- **Disabled:** A person is defined as “disabled” under the Housing Grants, Construction and Regeneration Act 1996 if:
 - a) Their sight, hearing or speech is substantially impaired;
 - b) They have a mental disorder or impairment of any kind; or
 - c) They are physically substantially disabled by illness, injury or impairments that have been present since birth or otherwise.

Generally the impairment of the applicant must have lasted or is likely to last for at least twelve months.

- **Tenant:** This means anyone who holds a Council tenancy with MDDC.
- **Household member:** This means relatives, partners, lodgers or subtenants who reside at the property.
- **Family member:** This means relatives such as spouse, civil partner, children including partners who reside at the property.

5. Who is considered under this policy?

- 5.1 This policy applies to Council tenants and members of their household including lodgers and subtenants (where eligible, in line with the terms and conditions of the tenancy agreement). Leaseholders, owner occupiers, private and Registered Provider tenants are not included within the scope of this policy. However, they will be signposted to the relevant agencies.

6. Who qualifies for assistance?

- 6.1 Where a tenant or household member has a disability or a long term illness, the Council will consider providing equipment or adaptations to their home to enable them to remain living in that property. The Council will take into account any advice or recommendations provided by health professionals in agreeing works with the tenant and/or family/household member.
- 6.2 Before adaptations are carried out, the Council will consider whether they are reasonable and practicable, taking into account the type of works required, the age and condition of the property. Alternatively, where it may be more appropriate for the tenant or household member to move to another property, including accommodation with a different housing provider, the Council will discuss the options available to them. The Council will ensure that it makes the best use of its housing stock.
- 6.3 Examples of cases where it will generally be considered not reasonable or practicable for major adaptations works to be undertaken include:
- In a family dwelling where under or over occupation exists
 - Where there is a requirement to provide an additional bedroom or living room space and suitable alternative accommodation exists within the near locality
 - Where a level access shower is required in properties at first floor or above, where there is no lift, or in bathrooms of family sized accommodation, which is under occupied

- Where parking bays and access ramps would adversely affect the amenity of the area
- Where the works would significantly affect the Council's ability to let the property in the future and there is suitable alternative accommodation available
- Where the Council are seeking possession of a property because of a breach of tenancy conditions.

6.4 The above list **under point 6.3** is not exhaustive and individual circumstances will be taken into account. Factors affecting the decision on whether it is reasonable or practicable include:

- The extent to which the property is capable of being adapted
- The cost of the works
- The availability of suitable alternative accommodation
- The degree of occupation in the premises
- The extent to which the tenant is complying with the terms and conditions of their tenancy agreement.

6.5 Adaptations for lodgers or subtenants, will only be carried out in exceptional circumstances. This will be determined by the Housing Services Manager and Building Services Manager.

6.6 For household members who are not a named tenant on the tenancy agreement, they must be registered as living at the property for council tax purposes and if aged over eighteen years, they should be registered on the electoral role for that address.

6.7 Adaptations for a child will only be carried out at the main residence of a child who has a disability whose parents are separated. This is normally the residence of the parent who is in receipt of child benefit, if applicable, for that child.

7. Minor adaptations

7.1 The Council will provide minor adaptations for works under £250 where the tenant feels that they may help them or their household member to live more independently. This can be achieved by the tenant contacting their Neighbourhood Officer or directly to the Repairs Service.

7.2 Examples of aids and adaptations under £250 include: lever taps, special handles, grab rails, handrails, flashing doorbells, lowering of light switches or raising floor level sockets.

7.3 The Council will require a referral from the Occupational Therapist for adaptations costing between £250- £1,000. Examples of adaptations include: ramps, hard-standings, safety glass, over-bath showers or minor internal alterations to the kitchen or bathroom.

8. Major adaptations

8.1 The Council will provide major adaptations to help eligible tenants and household

members to live independently. A referral from an Occupational Therapist will be required before carrying out any works. Major adaptations can involve extensive structural alterations and will normally cost more than £1,000.

- 8.2** Examples of major adaptations include: property access (ramps, drop kerbs) widening doorways, level access showers, change of heating or lighting controls, stair lifts or changes to the configuration of the bathroom or kitchen and extensions to the property.
- 8.3** Approval of works that exceed £1,000 will be made on the condition that:
- An Occupational Therapist completes an Assessment of Need which outlines clear recommendations that the work is necessary to sustain independent living;
 - An assessment is carried out with the tenant and household member to check whether a move to a more suitable property may resolve the need for adaptations and present a better long-term solution to their circumstances; and
 - The proposed works comply with all regulatory requirements and permissions.

9. Cost of adaptations

- 9.1** The Council will set a budget for the provision of aids and adaptations which will be reviewed annually.
- 9.2** Adaptations that are carried out by the Council within the scope of this policy will normally be funded up to £30,000. Tenants or household member's may need to contribute (children are exempt) towards the cost of works over £1,000 and under £30,000. An assessment will be based on an individual's financial circumstances.
- 9.3** Where top up funding is required for major adaptations to a property, the Council will work with other agencies to make recommendations to support additional funding and to evidence that other long term options and other funding sources have been explored.
- 9.4** Where another organisation has agreed to part fund the cost of works, this must be done in agreement with the Council and the Occupational Therapist.
- 9.5** Any adaptations funded or part funded by the Council must remain in the property and should not be removed or altered by the tenant, household member or anyone acting on their behalf without the agreement of the Council. Even if the tenant or household member contributes towards the cost of works, the adaptations must remain in the property unless agreed otherwise.

10. Adapted properties

- 10.1** All aids and adaptations work completed at a property will be recorded as part of the property details held on the housing management system. Wherever practical, this information will be used to ensure any future allocations are made to applicants requiring such adaptations.

- 10.2** If major adaptations are required to a property which requires the tenant or family member to move, the Council will only decant the tenant as a last resort and where all other possible solutions have been investigated. All decants will be dealt with in accordance with the Council's Decant Policy.

11. Servicing, repairs and maintenance

- 11.1** An annual programme to undertake servicing and maintenance of equipment such as stair lifts and lifting equipment will be put in place by the Council.
- 11.2** The Council will meet the cost of all routine repairs and maintenance to any adaptations provided or adopted by them. This will be funded through the Disabled Facilities Grant (DFG) budget.
- 11.3** Where adaptations have aged and there are persistent repairs, the Council will liaise with the Occupational Therapist to check that the adaptation is still required.
- 11.4** If any aids or adaptations have been wilfully damaged by the tenant, a household member or visitor to the property, the tenant will be recharged for any costs incurred for putting the property right.
- 11.5** If a tenant moves, any adaptations fitted by the Council are to remain at the property. Any adaptations fitted by the tenant are to be removed unless agreed otherwise by the Council.

12. Installing your own adaptations

- 12.1** For all adaptations installed by the tenant or household member at their own expense, the tenant is required to obtain written permission from the Council before carrying out any works. The Council will only refuse permission with good reason, such as if the work:
- Would interfere with any maintenance to the property;
 - May cause a potential health and safety risk; or
 - Would breach any regulatory requirements.
- 12.2** The written request will need to state what works and adaptations the tenant requests to carry out and include a plan of the required works. Completed works may be inspected to ensure they have been carried out to a satisfactory standard.
- 12.3** The tenant will be responsible for obtaining the necessary planning permissions and/or building regulations and any costs incurred by doing so.
- 12.4** The Council will not be responsible for maintaining, servicing or repairing any aids or adaptations installed by the tenant or household member. At the end of the tenancy, the tenant may be required to remove any approved aid or adaptation they or their household member have fitted and make good any damage to the property. Alternatively, if the Council agrees to take responsibility for the alterations, the tenant or household member will be required to sign over ownership free of charge.
- 12.5** The Council will not fund any alterations or adaptations that may be required to the

interior or exterior of the property following the purchase of a mobility vehicle. If the tenant needs to make changes to the property such as vehicle access, hard standings, pathways or shelters or electric charging points, these will need to be funded by the tenant or household member unless a statement of need is received from an Occupational Therapist making the recommendation. The tenant will be required to obtain written consent from the Council for carrying out such works.

12.6 If adaptations have been carried out at the tenant's or household member's expense without written permission, then the Council may:

- Agree to take over the ownership of the adaptations;
- Ask the tenant to seek retrospective consent;
- Ask the tenant to remove the adaptation and make good any damage to the property; or
- Recharge the tenant for the removal of adaptations or repair any damage after a tenancy has ended and the former tenant will be liable for any costs incurred for such works.

13. Removing adaptations

13.1 Where adaptations have been carried out to a property designated for elderly or a person with a disability, these will normally not be removed, for example where a bath has been replaced with a level access shower.

13.2 The Council advertises adapted properties through the Devon Home Choice Scheme, and every effort will be made to re-let an adapted property to a person who has a need for that type of property. Where this is not possible, and a non-disabled tenant accepts an offer of an adapted property, adaptations such as level access showers will not usually be removed. However, the Council reserves the right to remove the adaptation if they consider it to be unsuitable for the property.

14. Recycling adaptations

14.1 Where the Council has reserved their discretion to remove adaptations from the property, they will recycle adaptations where possible, for example stair lifts, hoists or through floor lifts. However they will not remove structural adaptations that have been carried out to a property, such as door ramps, level access showers and widened doors.

15. Letting adapted properties

15.1 Properties available for allocation will be placed on Devon Home Choice Scheme, this will include adapted properties to ensure the process is open and transparent. There may be individual cases where significant adaptations have been carried out where a direct let may be made to match the property to the applicant most in need of the property.

16. Moving, transfers and mutual exchanges

16.1 Following a major adaptation the Council would normally expect the tenant to remain at the property for a reasonable period before moving again. Where applicants

are on the transfer list then each request will be considered on an individual's basis.

16.2 However, the Council understands that there may be exceptions where the tenant or household member's needs have changed, for example, there is a need to move to more suitable accommodation. Where the Occupational Therapist and Council agree a move is necessary, if the new home requires adaptations, it will be assessed and adapted in accordance with this policy.

16.3 Secure and flexible tenants who have adaptations in their home have the right to mutual exchange with other eligible tenants. However, the Council can refuse a mutual exchange on grounds outlined in legislation.

17. Change of circumstances

17.1 If a tenant or household member needs have changed after adaptations have been installed, for example, they can no longer do something that they could manage before, then the applicant will be advised to make contact with their Occupational Health Therapist or the relevant organisation such as Care Direct.

18. Applications falling outside of this policy

18.1 The Council accepts that there may be circumstances that warrant exceptions to this policy. Applications for assistance that fall outside of this policy will be considered by the Housing Services Manager and, where appropriate, and reasonable to do so, they may agree exceptions to this policy

19. Service standards

19.1 The Council are committed to the principle of openness and transparency and for this reason we will ensure that this policy is well-publicised. If there are any operational matters which impact upon our ability to operate this policy, we will ensure that information about this is given to tenants and other stakeholders.

20. References

- Chronically Sick and Disabled Persons Act 1970
- The Housing Act 1985
- Housing Grants, Construction and Regeneration Act 1996
- Equality Act 2010
- The Care Act 2014

21. Equality and Diversity

21.1 The Council will tailor its services to meet the diverse needs of individuals. They will foster good relations with people when providing services to eliminate discrimination and to promote equality of opportunity.

22. Review

This Policy has been written in line with good practice and current relevant legislation. Unless there are any changes to such legislation beforehand, the next review of this Policy is due September 2020 and every four years thereafter.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 20 September 2016 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs J B Binks, Mrs C Collis, R M Deed, T G Hughes and
F W Letch

Apology

Councillor

R F Radford

Also Present

Councillor

P H D Hare-Scott

Present

Officers

Andrew Jarrett (Director of Finance, Assets and Resources), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Catherine Yandle (Internal Audit Team Leader) and Sarah Lees (Member Services Officer)

Also in

Attendance

G Daly (Grant Thornton)

35. **APOLOGIES**

Apologies were received from Cllr R F Radford.

36. **PUBLIC QUESTION TIME**

There were no members of the public present.

37. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman stated that the South West Audit Partnership was running some training for Audit Committee members in October at two locations in Buckfast Abbey or Sparkford Motor Museum. Having attended the free event the previous year and found it very useful, he intended to attend the Sparkford Motor Museum event again. He highly recommended the training and hoped that other Members of the Committee would consider attending as well.

38. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 15 July 2016 were approved as an accurate record and **SIGNED** by the Chairman.

39. **PERFORMANCE AND RISK FOR THE FIRST QUARTER OF 2016-17 (00:03:20)**

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

Corporate Plan and local service targets for 2016-17 as well as providing an update on the key business risks.

It was explained that some of the performance indicators had been amended to reflect the new Corporate Plan and the four Policy Development Groups.

Discussion took place regarding:

Environment

- The amount of residual household waste per household going to landfill and the fact that the Cabinet were regularly kept up to date.
- The need for the three different shades of green used within the reports to be more distinct and therefore clearer in terms of meaning.

Homes

- There was a target to achieve '80 homes to be delivered' with only 16 having been achieved in quarter one which was about 20% down on where the Council should be, however, that could be reversed very quickly at any point in the next three quarters with the proposed developments.
- Average days to re-let local authority houses and the fact that a comment was made that 'the team struggled to meet the target of 16 days'. The Chairman asked whether anything had been done to assist that team? The Director of Finance, Assets and Resources stated that he would speak to the Head of Housing to get an update and pass it on the Committee. It was further explained that there were different void types with some needing a major upgrade. Legally the Council was not allowed to insist that tenants pay a deposit before occupying a property, however, it did proactively charge tenants who caused damage or who had not given a property back in a satisfactory condition. The Chairman was concerned that realistic targets be set which were attainable.

Corporate

- The response times in relation to Freedom of Information requests had improved due to a new member of staff being appointed to look after this area.
- The quarter one figure for the number of working days lost due to sickness absence was slightly higher this year than last year but was still within target.
- Additional information was provided by the Internal Audit Team Leader who had received an update from the Head of Planning and Regeneration that day regarding staffing levels in her department. For 'the planning guarantee' it was permissible to arrange extensions of time for a planning determination as long as it was in writing and agreed with the client. She further explained that some of the performance indicators had been removed from these reports to try and reduce the volume, however, as a result, the Committee lost a bit of context. The Planning Committee had been informed that major applications processed within 13 weeks were 75% and minor within 8 weeks were 72% both of which was over their targets. Perhaps a couple of performance indicators needed to be added back in to provide some relevant context to all committees. It was confirmed that the Planning Department still had some

unfilled vacancies. In addition to this the Head of the Department was planning a restructure in the near future.

- The Chairman stated that for the private sector the average number of working days lost through sickness absence was less than it was for the public sector and that he would like to see the target reduced next year so that it was more realistic.

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

40. **INTERNAL AUDIT PROGRESS REPORT (00:23:29)**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader updating it on the work performed by Internal Audit for the 2016/17 financial year. This report covered the period up to 31 August 2016 and included six audit opinions.

Discussion took place regarding each of the following internal audits:

Standby

- It was explained that there were two different functions within standby. The first were the standby operatives who went out to deal with emergencies and the second was the officers who provided advice from home and did not therefore need to be in the lone workers scheme as they were effectively treated as 'office based'.
- It was noted again that the date for the approval and implementation of the Transport Policy had slipped but this had been due to the depot move.

Voids

- Pre-vacation inspections, where a tenant had given notice, were not optional, this provided an opportunity, where a property was not in a fit state, for the tenant to bring it up to standard and make any repairs before finally vacating. The Internal Audit Team had spoken to the Voids Supervisor and it had been confirmed that most of the properties that were in a bad state had been due to issues such as eviction, abandonment, or death. The Voids Management Policy had not had a significant effect on the major voids it was the ones that were classified as minor that would be improved.

Sickness & Other Time Off

- It was the overall opinion of the auditor that the sickness and other time off system in terms of HR's responsibility was adequately controlled, although the part of the process which involved managerial responsibility was weak and therefore poorly controlled.
- The Committee commented that they had received the same feedback last year and had made their feelings known then. They were extremely disappointed to see the same comments being made again this year. A manager's job was to manage and it came with an expectation. The advice from HR should be taken and acted upon and there should be no discretion.

It was **AGREED** that, as the issues discussed affected managers across the whole Council, the Chairman would write to the Chief Executive and ask him to attend the next meeting to explain what actions were being taken to address the concerns of the Committee.

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

41. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (00:51:00)**

As there was a need to discuss information that was of a commercially sensitive nature, it was:

RESOLVED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in section 100I and paragraph 3 of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Proposed by the Chairman)

42. **LICENSING (00:52:00)**

Since the last meeting the Committee had received, and **NOTED**, a detailed report regarding the Licensing audit. An update was provided to it during the meeting which was also noted.

The meeting returned to open session where discussion continued regarding the software system used by the Licensing team known as 'Lalpac'. It was explained that whilst this was perfectly adequate for issuing licenses and reminders the report functionality within the software package was poor. However, although the system did not quite meet all the requirements adequate work arounds were in place.

43. **ARRANGEMENTS FOR THE APPOINTMENT OF EXTERNAL AUDITORS FROM 2017/18 (01:06:35)**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader summarising the key proposals contained in the Public Sector Audit Appointments Ltd prospectus. The Internal Audit Team Leader explained that a formal recommendation would now be brought to the Committee for its January meeting. It was **AGREED** that officers would draft a response to questions posed in the Public Sector Audit Appointments prospectus as a way of responding to the consultation and would be circulated to the Committee.

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

44. REVISIONS TO THE FINANCIAL AND CONTRACT PROCEDURE RULES (01:08:50)

The Committee had before it, a report * from the Director of Finance, Assets and Resources presenting some amendments to the Financial Regulations of the Authority.

RECOMMENDED to Council that:

- a) Changes to the Procurement Procedure, as detailed at Appendix B, be approved; and
- b) Changes to the various thresholds of the Financial Regulations of the Council, as detailed at Appendix A, be approved subject to the following amendments:
 - i) Table A, Ref no. A3 be amended to say '£250k' and not '£2500k' and that the heading 'Cabinet Member' be amended to 'Cabinet';
 - ii) Table A, Ref no. A4 be amended to say 'Over £250k' and not 'Over £2500k' and that 'Council' be amended to read 'Cabinet';
 - iii) Reference no. F4 be amended to state the 'Cabinet and Section 151 Officer' with authority to write off stock deficiencies / obsolete stock;
 - iv) Table H, 'European Union Procurement Thresholds' should state that this is 'Valid up until 31/12/16' and the following should be inserted under 'Replaced by':

Goods:	£164,176
Services:	£164,176
Works:	£4,104,394
 - v) Reference K1, against 'Best possible price' it should state 'Value less than or equal to £1,000' and not 'greater than'.
- c) Changes to the Constitution in line with the above recommendations be approved.

(Proposed by the Chairman)

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

45. ANNUAL AUDIT LETTER FROM GRANT THORNTON (01:24:44)

The Committee had before it, and **NOTED**, a report * from the external auditors presenting the Annual Audit Letter from Grant Thornton summarising the key findings arising from the work they had carried out for the year ended 31 March 2016.

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

46. EXTERNAL AUDIT PROGRESS REPORT AND UPDATE (01:26:30)

The Committee had before it, and **NOTED**, a report * from the external auditors providing a progress report and update. The Audit Plan for 2016/17 would be issued early in 2017. A number of emerging issues within the report were highlighted including an income generation workshop and a seminar highlighting Mid Devon's success in achieving a faster closure of accounts at which the Council's Finance Manager would co-present.

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

47. GENERAL DISCUSSION ON THE IMPACT OF BREXIT (01:30:37)

At the last meeting a request had been made to briefly discuss the implications of Brexit as far as they affected the Council and as far as they were known at the current time. The Director of Finance, Assets and Resources informed the Committee that they needed to be aware of the following:

- Certain projects relied on EU funding and may therefore be in jeopardy.
- The effect on the base rate might have both positive and negative effects upon the Council.
- Returns on short investments had reduced which made the Council's fixed dividend property investment with the Churches, Charities and Local Authorities (CCLA) even more attractive.
- If the Council wanted to do more innovative things, for example, build more industrial units and needed to borrow money from the Public Works and Liability Board, it might be possible to borrow money more cheaply.
- The effect of the exchange rate would not have a significant effect upon the Council itself but might have in terms of local businesses with whom it undertook projects. Any struggling companies were advised to approach the Council through its Economic Development Officer who could provide advice.

He concluded by stating that as soon more information was available he would update the Committee.

48. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:38:30)

In addition to the items already identified for the next meeting it was requested that the Chief Executive be invited to attend the next meeting.

(The meeting ended at 7.23 pm)

CHAIRMAN

REVISIONS TO THE FINANCIAL REGULATIONS

Cabinet Member	Cllr Peter Hare-Scott
Responsible Officer	Director of Finance, Assets and Resources: Andrew Jarrett

Reason for Report: To make recommendations for amendments to the Financial Regulations of the Authority.

RECOMMENDATION(S): That the following proposals be recommended for acceptance by full Council:

- a. **Changes to Procurement Procedures as detailed at Appendix B**
- b. **Changes to various thresholds of the Financial Regulations of the Council as detailed at Appendix A**

Relationship to Corporate Plan: The safeguarding of assets and the provision of practical efficient processes to provide value for money.

Financial Implications:

Legal Implications: No issues.

Risk Assessment: Failure to comply with legislation could lead to prosecution and claims for damages. Failing to review thresholds and procedures could lead to inefficient practices damaging value for money assessments.

1.0 Introduction

- 1.1 It is now three years since the revised Financial regulations were introduced and subsequently approved by Council. Following their introduction there have been changes to our external regulatory framework and various amendments have been suggested to improve our internal processes. This report collates the various proposals and recommends that changes are made to ensure our procedures and thresholds are fit for purpose.

2.0 Procurement

- 2.1 Following the incorporation of the EU Procurement Directives 2014 into UK law via the Public Contract Regulations 2015, we have reviewed the Procurement Procedures set out within the Financial Regulations to ensure full alignment and compliance with the legislation.
- 2.2 There were also some recommendations from a recent internal audit seeking clarification around some parts of this section.

2.3 Appendix B shows the changes which have been made.

3.0 **Thresholds**

3.1 The authorisation to order goods and to pay invoices is an important safeguard to protect the public purse. The existing limits need to be revised to reflect operational demands, whilst not contravening anything contained within the constitution. Some further bands have therefore been added at A1 in appendix A.

3.2 Budget virements – the transfer of budget from one area to another has been consolidated into a single table.

3.3 Till discrepancies, petty cash limits and de minimus refund limits have been rationalised into a single amount of £50.

3.4 The limits for inclusion on the equipment registers have been increased to £1,000.

3.5 The disposal of assets thresholds changed:

- Best price needed from £1,000 and the Capital Strategy Asset Group to give approval for the sale of assets >£20,000.

4.0 **Conclusion**

4.1 The various recommendations above are proposed to ensure compliance with current legislation and maintain best practice. Some of the proposals have been identified as a direct result of the work undertaken by the internal audit team. Improving the efficiency of our operations, whilst safeguarding the Council's assets remains an ongoing commitment. Going forward therefore further revisions will need to be made from time to time to ensure these goals continue to be met.

Contact for more Information: Andrew Jarrett 01884 234242

Circulation of the Report: Cllr Peter Hare-Scott and Management Team

Appendix A

SUMMARY OF FINANCIAL LIMITS APPEARING IN THE MDDC FINANCIAL REGULATIONS

The following tables summarise the financial limits quoted in these Regulations. When looking at a specific level where there are two or more “X” the requirement is that authority needs to be made by **ALL** parties highlighted.

Financial Thresholds

A General Authorisation Limits – To exceed agreed budget for the financial year

Former:

Ref No	Factor	Limit (£)	Cabinet	Portfolio Holder	S151 Officer	Head of Service	Manager	Comments
A1		Up to £10k					X	
A2		£10.01k to £50k				X		
A3		£50.01k to £100k		X	X			
A4		Over £100k	X					

Replaced By:

Ref No	Factor	Limit (£)	Council	Cabinet Member	S151 Officer	Head of Service	Manager	Comments
A1		Up to £10k					X	
A2		£10.01k to £50k			X	X		
A3		£50.01k to £2500k		X				
A4		Over £2500k	X					

A1 Authorisation to Pay Invoices within budget, including relevant earmarked reserves

Former:

Ref No	Factor	Limit (£)	Cabinet	Portfolio Holder	S151 Officer	Head of Service	Manager	Comments
A11		Up to £10k					X	
A12		£10.01k to £50k				X		
A13		£50.01k to £100k		X	X			
A14		Over £100k	X					

Replaced By:

Ref No	Factor	Limit (£)	Cabinet	S151 Officer	Head of Service	Manager	Comments
A11	Level 1	Up to £100k				X	
A12	Level 2	£100k to £250k		X	X		Once approved by Cabinet a Head of Service can approve an individual order up to £5m
A14		Over £250k	X				

B Bank Payment Limits

Unchanged:

Ref No	Factor	Limit (£)	Manager	Comments
B1		Up to £50k	X	One nominated signatory required
B2		Over £50k	XX	Two nominated signatories required

C Budget Virements (Movement of Budget from one service area to another)

Former:

C Budget Virements - Within a service unit

Ref No	Factor	Limit (£)	Cabinet	Portfolio Holder(s)	S151 Officer	Head of Service	Manager	Comments
C1		Up to 10,000					X	
C2		10,001 to 20,000				X	X	
C3		20,001 to 50,000			X	X	X	
C4		Over 50,000	X		X	X	X	

D Budget Virements - Between service units

Ref No	Factor	Limit (£)	Cabinet	Portfolio Holder(s)	S151 Officer	Head of Service	Manager	Comments
D1		Up to 10,000				X	X	
D2		10,001 to 50,000			X	X	X	
D3		Over 50,000	X		X	X	X	

Replaced By:

Ref No	Factor	Limit (£)	Cabinet	S151 Officer	Head of Service	Manager	Comments
C1		Up to 10,000				X	
C2/C3		10,001 to 50,000		X	X	X	
C4		Over 50,000	X	X	X	X	

D Till Discrepancies (See 2.4.6()) / Petty Cash claim limit / De Minimis refund limit

Former:

Ref No	Factor	Limit (£)	Cabinet	Portfolio Holder	S151 Officer	Head of Service	Manager	Comments
E1		£20						If greater than £20 report to Internal Audit.

Replaced By:

Ref No	Factor	Limit (£)	Comments
E1		£50	If discrepancy greater than £50 report to Internal Audit.

E Write Off of Individual Bad and Doubtful Debts (Excluding bankruptcy administration or Debt Relief Orders)

Unchanged:

Ref No	Factor	Limit (£)	Cabinet	Cabinet Member	Finance Manager	Head of Service	Manager	Comments
E1		£3,000					X	Revenues Manager has a limit of £100 in respect of Council Tax and NNDR income.
E2		£3,000.01 to £10,000			X	X		
		£10,000.01 to £50,000		X	X			
E3		Over £50,000	X					

F Stock Deficiencies / Obsolete Stock Written Off

Former:

Ref No	Factor	Limit (£)	Cabinet	Cabinet Member	S151 Officer	Head of Service	Manager	Comments
G1		Up to £3,000 on any stock item				X		
G2		Over £3,000 on any stock item			X			
G3		Up to £10,000 in total for one store location, per occasion			X			

Replaced By:

Ref No	Factor	Limit (£)	Cabinet Member	Finance Manager	Head of Service	Manager	Comments
F1		Up to £3,000 on any stock item				X	
F2		Over £3,000 on any stock item		X	X		
F3		Up to £10,000 in total for one store location, per occasion		X	X		
F4		Over £10,000 up to £25,000 in total for one store location, per occasion	X				

G Equipment Registers

Unchanged:

Ref No	Factor	Limit (£)	S151 Officer	Head of Service	Manager	Comments
G1		Over £1,0000 but less than £20k			X	Service manager to record in equipment register - REVENUE
G2		Over £20k	X			Asset recorded in fixed asset register maintained by Finance CAPITAL

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H European Union Procurement Thresholds (Valid up until XXXXX)

Former:

<i>Goods</i>	<i>£173,934</i>
<i>Services</i>	<i>£179,934</i>
<i>Works</i>	<i>£4,348,350</i>

Replaced By:

Goods	£
Services	£
Works	£

I Stock Adjustments/Write Offs

Unchanged:

Ref No	Factor	Limit (£)	Cabinet	Cabinet Member	S151 Officer	Head of Service	Manager	Comments
I1		Up to £10k					X	
I2		£10.01k to £50k			X	X		
I3		£50.01k to £100k		X	X			
I4		Over £100k	X					

J De Minimis Invoice Limit

Unchanged:

Invoice amount	£250.00
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K Disposal of Assets

Former:

N1	Best possible price	Value less than or equal to £500
N2	Competitive tender	Value more than £500

Replaced By:

K1	Best possible price	Value greater than or equal to £1,000
K2	Competitive tender	Value more than £5,000
K3	Capital assets	Value > £20,000 To be approved By the Capital Strategy Asset Group

L Money Laundering Cash Receipt Limits

Former:

<i>Cash Receipt</i>	<i>£2,000</i>
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Replaced By:

Cash Receipt	£5,000
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5.0 Procurement and Contracts

- 5.1 Contract procedure regulations**
- 5.2 Employment status - Use of consultants and service companies**
- 5.3 Construction industry scheme**
- 5.4 Receipt of goods**
- 5.5 Authorisation for payment**
- 5.6 Payments**
- 5.7 Contract register**

PROCUREMENT OF WORK, GOODS AND SERVICES

Why is this important?

Public money should be spent with demonstrable probity and in accordance with the Council's policies. Local authorities have a statutory duty to achieve best value, in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements and reduce the following risks:

Risks:

- Goods or services may be ordered for personal use and later paid for by the Council;
- The incorrect volume, number or quality of goods and services may be received;
- The Council may be committed to spending on goods and services for which no budgetary provision has been determined;
- Officers failing to follow contract and tendering procedures may leave both themselves and the Council open to accusations of favouritism, unfair contract terms and legal challenge
- Goods or services ordered may fail to meet the Council's environmental, health and safety and other strategies and policies.

The procedures which should be followed when considering any spend of Council money are set out in the Contract Procedure Regulations.

5.1 CONTRACT PROCEDURE REGULATIONS

Why do we have Contract Procedure Regulations?

- 5.1.1 The Council is obligated by Section 135 of the Local Government Act 1972, to make Contract Procedure Regulations for the supply of goods or services or for the execution of works.
- 5.1.2 The purpose of Contract Procedure Regulations is to provide a framework within which the Council can get value for money when obtaining supplies of goods, services and works.
- 5.1.3 Officers must comply with these Contract Procedure Regulations, which lay down minimum requirements for procuring goods, services and works. Guidance on the procurement process can be obtained from the Procurement Team. Officers must always seek advice from the Procurement Team in the first instance and from the Council's Legal Services department when in any doubt and in particular for all contracts where European Law applies. If any authorising officer has any questions about the Contract Procedure Regulations, they should contact the Head of Finance.

- 5.1.4 Every contract made by the Council shall comply with these Contract Procedure Regulations.
- 5.1.5 Every Contract made by the Council shall comply with European Directives. In the event of any conflict between the Contract Procedure Regulations and European Directives the European Directive shall prevail.
- 5.1.6 Contract Procedure Regulations must be followed unless the law (in particular, European Procurement Directives, but also UK law) requires something different.

Who do the Contract Procedure Regulations apply to?

- 5.1.7 These Contract Procedure Regulations apply to:
 - a. All contracts made and to all orders placed by, or on behalf of the Council for the procurement, hire and commissioning of goods, services and works including where the Council is acting on behalf of public bodies;
 - b. All Officers and Members of the Council;
 - c. Any person or organisation engaged to manage a contract or undertake work that involves procurement on behalf of the Council. In each case the requirement to comply with the Contract Procedure Regulations is to be included in the terms of engagement;
 - d. The selection of sub-contractors where these are nominated by the Council under a main contract.

Reviewing and Changing the Contract Procedure Regulations

- 5.1.8 The Head of Finance is responsible for maintaining a continuous review of the Contract Procedure Regulations and submitting any additions or changes necessary to the Council for approval. The Head of Finance is also responsible for reporting, where appropriate, breaches of the Contract Procedure Regulations to the Council via the Cabinet.
- 5.1.9 Any non-compliance with the Contract Procedure Regulations must be reported to the Head of Finance or his representative. Any Officer that breaches the Contract Procedure Regulations may be subject to the Council's disciplinary procedures.
- 5.1.10 Anyone wishing to act outside the provisions of these Contract Procedure Regulations in a specific instance not covered by these Contract Procedure Regulations must seek the prior written approval of the Head of Finance and use the designated [FIN300](#) Waiver Form.

- 5.1.11 All instances of working outside these rules will be reported to the next meeting of the Cabinet, Audit, and Scrutiny Committees.

Compliance with the Contract Procedure Regulations

- 5.1.12 Service managers are responsible for ensuring that all of their staff fully comply with the Contract Procedure Regulations and other internal regulatory documents such as Procurement policies and procedures. The Contract Procedure Regulations is available on a centrally accessible ICT location and hard copies can also be made available.
- 5.1.13 Staff required to use Contract Procedure Regulations as part of their job will be required to confirm that they have read and understood the Contract Procedure Regulations as part of their induction. If further clarification or training is required, this can be provided by the Procurement Team.

Procurement Principles

- 5.1.14 The Council will adopt the following principles relating to the procurement of goods, services and works:-
- Base its procurement requirements on the principles of Best Value to ensure that it achieves efficiency, effectiveness and value for money.
 - Take a long-term strategic view of how it procures its requirements including the potential for alternative methods of service delivery, innovative funding methods and partnership working.
 - Expect that externally sourced requirements will be procured as a result of a competitive process unless there are compelling or practical reasons to the contrary.
 - Ensure that sustainability is an important criterion in any procurement activity and that so far as possible procurement operates in accordance with the Council's Procurement Strategy guidance on Sustainability.
 - Where appropriate develop procurement on a partnering basis in which both the Council and the supplier seek to achieve continuous improvements and maximise mutual benefit through longer term clearly worded contracts. These contracts will be based on measurable outcomes and performance that define the obligations of both parties.
 - Where appropriate seek to work with others and through legitimate consortia in the procurement of its requirements in order to widen the scope of its experience and focus expertise, maximise purchasing power and harness economies of scale.

~~5.1.15~~ The Council acknowledges that cheapest is not always best and shall award the contract based on ~~either:~~

~~5.1.16~~

~~5.1.17~~ ~~Value for money, including price and quality~~

a. The most economically advantageous tender (to the Council)

5.1.16 The method of contract evaluation will be included in the quotation specification or the invitation to tender.

Application and Interpretation of Contract Procedure Regulations

Definitions

Definitions with regard to these Contract Procedure Regulations can be found in the Glossary.

Aggregation of Orders

5.1.17 It is an offence under the European Directives to disaggregate the value of a contract so as to deliberately avoid the European Directive.

Exemption

5.1.18 Exemption from any Contract Procedure Regulations may be authorised by the Head of Service and Head of Finance, provided that:

- The decision maker or authorised officer is satisfied that the exemption is justified by special circumstances; and
- The exemption is reported in writing to the decision maker specifying the circumstances justifying the exemption.

~~Compliance to Contract Procedure Regulations and exceptions to Contract Procedure Regulations~~

~~5.1.19 All contracts shall comply with these Contract Procedure Regulations. No exception shall be made from any of the following otherwise than by direction of the Cabinet or in an emergency by the Chief Executive or in his absence a Head of Service, in consultation with the relevant Cabinet Member, where he is satisfied that there are.~~

~~5.1.20 The Cabinet shall be informed of the circumstances of every emergency exception made in accordance with these Contract Procedure Regulations and a record of any such exceptions shall be made in the minutes of the Cabinet.~~

Exceptional cases where Contract Procedure Regulations shall not apply (urgency etc.)

~~5.1.21~~5.1.19 Contract Procedure Regulations shall not apply where in exceptional circumstances approval to proceed would be needed from The Leader, the Chief Executive, the Cabinet Member, the Head of Finance and the Chair of Scrutiny and that:

(i) The work, goods or materials are urgently required, and loss would be entailed by delay in advertising; or

(ii) The work, goods or materials required are of such special nature that no advantage would accrue by inviting competitive tenders; or

(iii) There is no effective competition for the goods or materials required by reason of the fixing of prices under statutory authority or that such goods or materials are patented or proprietary articles or materials.

(iv) Transactions, which, because of special circumstances, may (either individually or as a class) be excepted from time to time by the Cabinet of the Council.

Transactions effected through public sector purchasing organisations

~~5.1.22~~5.1.20 Contract Procedure Regulations shall still apply to transactions effected through well-established public sector and other purchasing and distribution organisations. A full list of these is kept by the Procurement team. The procedure will depend on the nature of the framework agreement;

~~5.1.23~~5.1.21 Further Competition Procedure should be used where the statement of requirements when developed, cannot be met by the standard catalogue of goods or services or if there is no such catalogue. The contract procedure rules will then apply to the further competition process.

~~5.1.24~~5.1.22 Advice must be sought from the Procurement Team, prior to purchasing through any purchasing organisation or consortia.

Contracts and Official Orders

~~5.1.25~~5.1.23 The table below provides an overview of the approach to be applied to the different thresholds of spend along with a reference to where the process is explained within these regulations :

Value	Form of Agreement	Methodology	Reference to Regulations	Decision Route
>£1,000	Official Purchase Order	Best endeavours	5.1.28	Budget holder
£1,000 - £50,000	Official Purchase Order	Minimum of 3 Quotations	5.1.35	Budget holder
£50,000 – EU Threshold	Formal Written Contract & Purchase Order	Tender(advertised locally)	5.1.41	Assuming that there is agreed budget in place, Budget holder may approve up to £250k.
Over EU Threshold	Formal Written Contract & Purchase Order	Tender(advertised in OJEU)	5.1.44	Contracts in excess of £250k will require approval by Cabinet

~~5.1.26~~5.1.24 Prior to commencing any procurement or raising any order, the Officer must be assured that there is sufficient budget in place for the proposed purchase and establish the expenditure code relating to where the budget is held.

~~5.1.27~~5.1.25 Consideration to both the value of the contract and the risk of exposure to the Council should be made by the relevant Head of service when deciding whether to execute a formal written contract.

Estimated Contract value less that £1,000

~~5.1.28~~5.1.26 In the case of goods, where the Authority purchases a significant number of items and the aggregate total spend exceed £1,000 per year, prices must be renegotiated with supplier annually. If the total spend exceeds £50,000 per year, a contract should be executed in line with the **tender process** below.

~~5.1.29~~5.1.27 In the case of works or services, where the Authority appoints a supplier for a significant number of low value jobs and the aggregate total spend exceeds £1,000 per year, quotations for rates should be obtained in line with the **quotation process** outlined below. If the total spend exceeds £50,000 per year, a contract should be executed in line with the **tender process** below.

~~5.1.30~~5.1.28 In the case of a contract whose total does not exceed £1,000, the officer may place a single order without inviting quotations provided they are satisfied that they have used their Best Endeavours to ensure that the most favourable prices and terms are obtained, having regard to the principles of value for money and that the supplier is financially sound and technically competent.

~~5.1.31~~5.1.29 If the contract is related to a service or works provision, appropriate pre-qualification of suppliers must be carried out to ensure that their status in relation to Health and Safety, financial standing, customer care, contract management and provision of insurance is suitable for the level of the contract.

~~5.1.32~~5.1.30 Pre-qualification through an industry recognised method such as Constructionline or Exor will be deemed acceptable although the relevant Head of Service may require further checks to be carried out in this regard.

~~5.1.33~~5.1.31 In the event that competitive tenders or quotations are sought, these shall be obtained from such number of contractors/suppliers as the relevant Head of Service deems appropriate having regard to the principles of Best Value

~~5.1.34~~5.1.32 The officer is required to obtain written evidence of the quotations and the evidence is required to be kept in accordance with the Councils Document Retention guidance. [This is 12 months or the life of the contract, whichever is the greater.](#)

Estimated Contract value between £1,000 and £50,000

~~5.1.35~~5.1.33 Competitive quotations shall be invited unless a Head of Service considers that it is not in the best interests of the Council to seek competitive tenders.

~~5.1.36~~5.1.34 Where possible quotations should be sought from three contractors. For further details on quotations refer to the section on the quotation process.

~~5.1.37~~5.1.35 The officer is required to obtain written evidence of the quotations/tenders and the evidence is required to be kept in accordance with the Councils Document Retention guidance.

Quotation Process

~~5.1.38~~5.1.36 Where possible at least three written quotations will be sought.

~~5.1.39~~5.1.37 The Service Manager will ensure all appropriate documentation is provided. The [FIN301 Request for Quotation form](#) should be used; however this may be supported by additional supplementary information which will further assist the supplier in providing their quotation. The Service Manager should ensure that such contract documentation shall be approved by Legal Services if required before quotations are requested.

~~5.1.40~~5.1.38 The information contained in the request for a quotation will state:-

- The description or specification of the requirement avoiding the use of proprietary or brand names and using available recognised standards.
- The quantity required
- The delivery time and place
- The basis of the price to be quoted
- Which conditions or contract or other approved condition will apply to any order
- The date by which quotations are to be received by the Council this will normally be not less than 5 working days from the date of the request.

5.1.45 Suppliers shall be required to address their quotations to the Service manager.

5.1.46 Quotations may be requested and received using recommended electronic methods. The retention and administration is dealt with under the document retention policy.

5.1.47 Quotations received late will be disallowed. They will be retained unopened until after the quotations properly received have been opened and will be returned to the sender with an explanation. Prior to award the Head of Service in consultation with the Cabinet Member may meet with one or more of the lowest tenderers to finish and quantify the value for money being obtained for the Council.

5.1.48 The quotation from the Supplier who has offered the lowest acceptable price taking into consideration the required quality, delivery, cost of use and cost of disposal will normally be accepted provided this is within the estimated total cost.

5.1.49 Written acceptance will be notified to the Supplier by the officer from the service dealing with the procurement. They will also be responsible for notifying the Procurement Team in order for them to update their records with details of the Contract and how they have selected the chosen supplier.

5.1.50 If the contract is for goods currently maintained or which are going to be maintained on the eProcurement catalogue, a full list of products should be forwarded to procurement on the [FIN302 Product Upload Template](#) to allow them to be added to the catalogue prior to ordering.

5.1.51 The relevant Service Manager may accept a quotation other than the lowest where it is in the best interest of the Council and best value is achieved. Such a decision and its reasons shall be recorded and this information submitted to the Procurement Team.

- 5.1.52 An order will be raised on the Councils eProcurement system at the point of awarding the contract.
- 5.1.53 If requested the unsuccessful suppliers can be notified and given reasons without breaching the commercial confidentiality of the other suppliers.

Estimated Contract value over £50,000 but below European thresholds

5.1.39 The contract opportunity shall be advertised on the Councils eTendering portal and on UK Contracts Finder in line with UK Procurement legislation.

~~5.1.41~~ 5.1.40 Competitive tenders shall be invited. Where possible tenders shall be invited from four contractors.

~~5.1.42 Where possible there shall be two reserves in the event that any contractor withdraws or is unable to tender.~~

~~5.1.43~~ 5.1.41 Where it can be demonstrated that there are insufficient suitably qualified contractors to meet the competition requirement set out above all suitably qualified contractors should be invited so far as is practical.

Estimated Contract value exceeds European Thresholds

~~5.1.44~~ 5.1.42 Where the estimated Value of the Contract exceeds the thresholds laid down in the European Directive Appendix A - Table I, EU procurement rules will apply

~~5.1.45~~ 5.1.43 The opportunity will be advertised in the Official Journal of the European Union (OJEU) and all legislative requirements must be met.

~~5.1.46~~ 5.1.44 A full description of the EU procurement rules can be found on the Authorities website.

The Tender Process

- 5.1.55 Before starting a tender process, and with suitable advance notice, the relevant Officer will inform the Procurement Team of the proposed contract details using the [FIN303](#) Tender Initiation Form..
- 5.1.56 Unless the relevant Service manager decides otherwise, all draft contract documents to be sent out with a request for tender shall be approved by Legal Services prior to being sent to any supplier.
- 5.1.57 Consultation will occur between the Procurement Team, Head of Service and where necessary Legal Services, and where relevant agree:

i) The roles and responsibilities in respect of:

- The selection process
- The tender process
- The evaluation of the outcomes
- Post tender negotiations
- The contract award
- Contract management

ii) A procurement plan that:-

- Identifies scope for working with others
- Identifies the use of the best practice contracting and procurement methods including partnerships and partnering
- Reflects any additional requirements and choice of procedure for a contract that exceeds the EU procurement thresholds.
- Identifies the use of European standards where these are available.
- Details timescales and major events
- Identifies and allocates responsibilities.

iii) The selection criteria for suppliers to be invited to tender are based on commercial consideration and include:

- Financial viability and capacity
- Operational capacity
- Technical competence and capacity
- Relevant environmental issues
- The council's policies
- Legislative compliance
- Health and Safety

iv) The evaluation and award criteria for the contract to achieve Value for Money or MEAT taking into account such aspects as:

- Proposed methods and approach
- Total costs to the Council over the life of the contract including disposal costs
- Quality
- Delivery
- Sustainability
- Risk including the suppliers insurance details
- Health and Safety

5.1.58 In the case of contract values in excess of £250,000, and any contracts in respect of which the relevant Service Manager may so direct depending on the strategic relevance of the contract, the evaluation and award criteria to be used for award will be agreed in advance of the Invitation to Tender being issued, by the Head of Service and relevant Cabinet Member.

5.1.59 Tenders will be advertised and submitted electronically via Supplying the Southwest Procurement Portal using the Council's Standard Form of Tender. Any amendment to this form must be approved in advance by Legal Services.

~~5.1.60 If any tenderer is unable to submit their Tender in this way, a written tender will be accepted.~~

Tenders – manner of submission

~~5.1.61 Every invitation to tender shall state that tenders will be only considered if it is received either electronically via Supplying the Southwest Procurement Portal, or by hard copy as described at 5.1.60 above by the date and time specified unless a valid reason is supplied.~~

~~5.1.62 Where a written tender is to be accepted, it must:~~

- ~~* Be received in a plain sealed envelope ; and~~
- ~~* Bear the word "Tender" followed by the subject to which it relates; and~~
- ~~* Bear no name or mark indicating the sender; and~~
- ~~* Bear the date and time for the return of the tender as specified in the invitation.~~

~~5.1.63 Such tender envelopes shall remain in the custody of Member Services, until the time appointed for their opening.~~

5.1.65 No tender received by any means after the time and date specified in the invitation shall be accepted or considered under any circumstances

Tenders – Procedures for opening

5.1.66 All tenders for a Contract shall be opened via the verification process within the eTendering portal.

5.1.67 The designated Verifier for the tender will be a member of the Internal Audit section and only those Officers delegated with Verifier status will be able to access the tenders and remove the Tender seal.

5.1.68 The tenders may then be accepted and released for evaluation or declined and reasons given.

5.1.69 Documentation from the eTendering portals audit log should be produced to show the following:

- a) The name of the Tenderers who submitted their tender on-time
- b) The name of the Tenderers who submitted their tender late
- c) The name of the Tenderers who opted out of the Tender process and the opt out reason (if supplied)

- d) The date and time of the submission
- e) The Tendered price for each on-time submission as it appear on the Form of Tender.

~~5.1.70 Where a written tender is to be accepted, all tenders for a Contract shall be opened in the same place and at the same time. Any such tenders shall only be opened in the presence of a minimum of three officers who shall include:-~~

- ~~a) A representative from Member Services; and~~
- ~~b) An officer from the procuring service; and~~
- ~~c) A representative from Internal Audit.~~

~~These should include the same Officer who has verified any electronic tenders received for the same contract.~~

~~5.1.72 During the opening process tenders will not be accepted if:~~

- ~~▪ The submission provided by the company wishing to tender is different to the basis on which tenders have been invited; or~~
- ~~▪ The company submitting the tender cannot be identified from the tender paperwork.~~

~~5.1.73 Details of all written tenders received shall be recorded in a register maintained by the Internal Audit section. That register shall be open to inspection by Members of the Council.~~

Tenders – Procedures for acceptance

~~5.1.74 Prior to award the Head of Service in consultation with the Cabinet Member may meet with one or more of the lowest tenderers to finish and quantify the value for money being obtained for the Council.~~

~~5.1.75~~ 5.1.73 Where tenders have been invited in accordance with these Contract Procedure Regulations, the winning tender based on ~~VFM or~~ MEAT as defined at 5.1.15 ~~(a) and (b)~~ shall be awarded the contract.

~~5.1.76~~ 5.1.74 The winning tender will be defined as the one who scores highest based on the pre-defined evaluation criteria which was agreed at 5.1.57 and published with the Invitation to Tender.

~~5.1.77~~ 5.1.75 For contracts under £250k the Head of Service will authorise.

~~5.1.78~~ 5.1.76 For contracts above £250k, or where there is 10% excess on the budgeted tender provision, the Head of Service will refer to Cabinet prior to authorising the acceptance.

Tenders- Record Retention

~~5.1.79~~5.1.77 A full record of the procurement process followed for Quotation and Tenders will be maintained, including but not limited to:

a. Quotations:

- Invitation to Quote
- Submitted quotation
- Waivers
- Reason for not accepting lowest price and post quotation clarification including establishing value for money.
- Communication with successful supplier
- Feedback (if requested) supplied to unsuccessful suppliers

b. Tenders:

- Business case
- Pre-tender market research
- Method of obtaining bids
- Contracting decisions/ reasons
- Waiver
- Award criteria
- Tender documents
- Tender submissions
- Post tender clarification and establishing value for money
- Legal Advice
- Evaluation
- Post contract monitoring

Standing Lists of Selected Suppliers

~~5.1.80~~5.1.78 Where quotations or tenders are regularly obtained for the same or similar types of goods, services or works that are below the EU tender process value a standing list of selected suppliers may be used in the interest of efficiency and value for money.

~~5.1.84~~5.1.79 Each Head of Service is authorised to compile maintain and review in consultation with the Procurement Manager such standing lists as are appropriate for the contracts for which they are responsible.

~~5.1.82~~5.1.80 Each standing list shall be reviewed and updated by the relevant Head of Finance at least once in any 24-month period and copy sent to procurement.

~~5.1.83~~5.1.81 A list of the established select lists is held by Procurement.

Orders for Goods, Works and Services

Once a contract has been awarded or a quotation accepted, the following rules in relation to transactional process of ordering through to payment should be followed.

Rules:

- 5.1.83 The system to be used for the ordering of works, goods and services shall be the eProcurement Corporate Finance System or any successor system as agreed by the Head of Finance. Only orders in a format agreed by the Head of Finance shall be used.

Includes:

- Hire/ rent/ lease of goods (See 6.6 Asset Leasing arrangements)
- Delivery of recruitment/ consultancy
- Appointment of Counsel
- Obtaining Finance

- 5.1.84 Any amendments or changes in procedure to the agreed system must be approved by the Head of Finance in consultation with the Head of ICT if appropriate, prior to being updated.

- 5.1.85 Every officer and member of the Authority has the responsibility to declare to the Monitoring Officer any links or personal interest that they may have with purchasers, suppliers and/or contractors (including sub-contractors) if they are engaged in contractual or purchasing decisions on behalf of the Authority in accordance with the appropriate Codes of Conduct.

Ordering

- 5.1.86 Official orders, either in whole or in part, must not be used to obtain goods or services for private use. Any officer found to be breaching this Rule, will be subject to disciplinary proceedings.

- 5.1.87 Official eProcurement orders shall be raised for all work, goods and services to be supplied to the Council. No work is to be placed to an outside contractor without an order being raised.

- 5.1.88 All ordering must be conducted through the Procurement Team. Under no circumstances are verbal orders to be placed except as at 5.1.89.

- 5.1.89 In the case of an emergency situation, the order must be placed as soon as is reasonably possible and in all cases prior to the supplier submitting their invoice.

- 5.1.90 Guidance must be sought from the Procurement Team for any officers placing an emergency order or orders relating to exceptional circumstances.

- 5.1.91 Prior to engaging any new supplier, Officers should consult with the Procurement Team to ensure that there is not already a contract in place which could meet their requirement.

To use the new supplier, a [FIN304](#) Request for Supplier set up form should be completed with all relevant details for verification with HMRC including where applicable:

- UTR (unique tax reference)
- National Insurance number
- Company registration number
- VAT registration number

Consideration of employment status, see 5.2 below and if the work involves construction, 5.3 below, also needs to be made before a new supplier is created.

- 5.1.91 All orders must be raised, in advance of the works, goods or services being received by the Council. A designated authorised signatory, will need to authorise orders prior to the order being raised and placed by the Procurement Team.
- 5.1.92 It is the responsibility of the designated service Authoriser to confirm with the relevant budget holder and / or Accountant as to whether there is budget available prior to requisitioning the works, goods or services.
- 5.1.93 Spending limits must be observed at all times and officers must not avoid overspending on the correct expenditure code by applying an incorrect underspend code to an order.
- 5.1.94 Spending limits will be reviewed and approved by the Head of Service on an annual basis.
- 5.1.95 Officers initiating an order must consult the appropriate Accountant and jointly decide if a virement is required from an underspent code to the correct code before the ordering process continues. Any doubt or difficulty in correctly coding an order shall be referred to the appropriate Accountant for advice.
- 5.1.96 Orders are not to be split into smaller orders solely to avoid the value limits and procedures laid down in the Council's Contract Procedure Rules.
- 5.1.97 Orders are not required for:
- a) Rents;
 - b) Rates;
 - c) Supply of Utility Services (Gas, Mains Water, Electric, Telephone);
 - d) Petty Cash reimbursements; and
 - e) S151 treasury transfers.

Variations to official orders can be made by submitting a properly completed [FIN305](#) variation order to the Procurement Team.

Full details of how to use the eProcurement system can be found in the eProcurement User Guide which is available on Sharepoint.

5.2 Employment Status - Use of Consultants and Others

- 5.2.1 Employment status of non Mid Devon District Council employees should be a concern for all service managers. This guidance lays out the basic position and shows how to work out the status of an engagement.
- 5.2.2 It is vital to resolve the issue of status and inform the individual how they will be paid, **before** they undertake the work. This will prevent delays in payment and disagreements if someone is paid subject to deductions via payroll, when they were expecting to be paid gross, against invoices submitted via the Creditors system. .
- 5.2.3 The service manager engaging someone to perform a task has the responsibility of determining their employment status and whether they should be paid via payroll. It is not up to the individual being asked to perform the task to indicate what their status is. If the Council treats someone incorrectly, and HMRC imposes interest and penalties these will fall on the service that has commissioned the work. (HMRC will normally go back as far as six years plus the current for unpaid tax, NI, interest and penalties.)
- 5.2.4 Even if an individual can demonstrate that they are registered with HMRC as self-employed this does not mean that they should necessarily be treated as such when they undertake an engagement for Mid Devon District Council. It depends upon the contractual arrangement with the individual (See Below)
- 5.2.5 If the working arrangement is such that the individual is deemed to be employed by the Council then the HR Manager needs to be informed so the appropriate contract of employment can be drawn up and issued **before** the individual commences any work for the Council.
- 5.2.6 If you engage an individual via a registered company or employment agency then so long as payments are made to the registered company or agency name the Council do not have to consider employment status. Payment must not be made to the individual employed in this circumstance
- 5.2.7 Employment status can still be an issue for individuals who fall under the Construction Industry Scheme. (CIS). To avoid this complication the Council should not provide tools and equipment, and ensure these individuals have other self-employment in addition to the works they do for the Council. This will ensure tax is only payable under CIS, and the Council does not have to consider whether they could be employees or not.

Points to consider

- 5.2.8 The following are extracts from: “Are your workers employed or self-employed for tax and National Insurance contributions” HM Revenue and Customs leaflet ES/FS2.

An individual worker is likely to be **employed** if the answer is ‘**yes**’ to most of the following questions:

- Does the worker have to do the work themselves?
- Can you tell the worker where to work, when to work, how to work or what to do?
- Can you move the worker from task to task?
- Does the worker have to work a set number of hours?
- Is the worker paid a regular wage or salary?
- Can the worker get overtime pay or bonus payments?
- Is the worker responsible for managing anyone else engaged by you?

Your worker is likely to be **self-employed** if the answer is ‘**yes**’ to one or more of these questions:

- Can the worker hire someone to do the work, or take on helpers at their own expense?
- Can the worker decide where to provide the services of the job, when to work, how to work and what to do?
- Can the worker make a loss as well as a profit?
- Does the worker agree to do a job for a fixed price regardless of how long the job may take?

If you can’t answer ‘yes’ to any of the above questions, your worker is still likely to be **self-employed** if you can answer ‘**yes**’ to most of the following questions:

- Does the worker risk his own money?
- Does the worker provide the main items of equipment (not the tools that many employees provide for themselves) needed to do the job?
- Does the worker have to correct unsatisfactory work in their own time and at their own expense?

An example:

If an individual contracts to paint Phoenix House for £20k and to complete the work in eighteen months at times that suit him with as many workers as he sees fit to employ it would indicate self-employment. The costs incurred could generate either a profit or a loss and there is a financial risk to him.

However, if he is to report to a service manager on Monday and paints the building using our paint and equipment, cannot contract others to do the work, and effectively works the hours we decree, then there is no financial risk to him and this would be employment.

There is an online tool that can be used to help determine the status of individuals at:

www.hmrc.gov.uk/calcs/esi.htm

However the online ESI tool should **not** be used for determining the status of:

- individuals who provide their services through a limited company (known as IR35)
- contracts with agencies to provide services to another person (client).

If you have any doubt as to the correct treatment, the matter should be referred to the Head of Finance or Head of HR and Development without delay.

5.3 Construction Industry Scheme

- 5.3.1 Under current tax legislation the Council is a deemed Contractor and those working for the Council are sub-contractors. The Head of Finance will arrange for nominated staff to check the validation at the HMRC website when Procurement have advised of a new potential CIS subcontractor.
- 5.3.2 Payment in full can **only** be made to such a sub-contractor (company or individual) in the construction industry who has been validated by HMRC and is allowed to be paid Gross. Procurement will check the status of individuals with HMRC when creating new suppliers
- 5.3.3 Those classified to receive monies net by HMRC, will be paid with a tax deduction of 20% from the labour element of the invoice. These individuals or companies should submit invoices which clearly apportion the materials element of the charge from other elements before VAT is added. A failure to do so will mean that the invoice is not paid and returned to the supplier.
- 5.3.4 If the subcontractor is not validated the payment can only be made with 30% tax deduction.
- 5.3.5 Monthly electronic returns of CIS deductions will be made to HM Revenue and Customs by no later than 19th of each calendar month by officers nominated by the Head of Finance.

Retentions

- 5.3.6 Payments to contractors will only be made on a certificated invoice of the designated service manager, or where engaged by the Council, the Private Architect, Engineer or Consultant. Certificated invoices shall show the value of the work, retention money, amounts previously certified and amounts now certified.
- 5.3.7 All variations to contracts are to be in writing and in the form of a properly authorised [FIN305](#) Variation Order.

- 5.3.8 The final payment for any contract will not be issued until the Head of Service has had a copy of the final account and has carried out such examination as he/she considers necessary in order to satisfy themselves as to the accuracy of the account.
- 5.3.9 It is recommended that for contracts in excess of £100,000, best practice would be to include a standard retention of 5% until practical completion of a contract and then 2.5% to be held until 12 months after practical completion of the contract, which should be specified in the contract.
- 5.3.10 It is the responsibility of the Service Manager in conjunction with the Head of Finance to agree a suitable level of retention for the specific contract on a case by case basis.

5.4 Receipt of Goods and Services

- 5.4.1 Goods works and services received by the Council will be “delivered” by approved staff on the financial system upon **receipt** of the goods or services so as to ensure the liability is promptly recorded on the financial ledger.
- 5.4.2 Certification of work undertaken by external contractors engaged by the Council is to be authorised by suitably experienced and qualified staff prior to delivery being entered on the financial system.
- 5.4.3 Documentation relating to deliveries such as Delivery notes or Job completion sheets should be kept in accordance with the Councils Document Retention guidance.
- 5.4.4 Where possible the delivery note should be scanned and attached to the eProcurement system at the point of entering the Good Received Note.

5.5 Authorisation for Payment

- 5.5.1 The Head of Finance will ensure that procedures are in place to ensure that orders made for goods and services on behalf of the Council can only be placed by suitably trained authorised individuals, up to authorised limits, covered by an appropriate budget provision.
- 5.5.2 The limits for approval of expenditure are set out in Appendix A.
- 5.5.3 Service managers will be responsible for the authorisation of orders raised in the pursuit of their agreed service plans. All requests to add or amend authorisation amounts must be made to Head of Finance in advance and approved prior to their use..
- 5.5.4 HR are to supply a monthly report to the Head of Finance to ensure prompt removal of former employees.

- 5.5.5 Contract retentions in accordance with contractual arrangements are always to be made and the Accounts Payable section is to be authorised only to pay net amounts due.

5.6 Payments

Why is this important?

The Council spends significant amounts of public money on the purchase of goods and services in order to provide its services in accordance with statute and policy decisions. .

Risks:

- The Council pays for goods and services that have not been received;
- The Council pays for goods and service twice or more in error;
- The opportunity for fraud or loss is increased;
- Financial and accounting records are not correctly updated.

Regulations:

- 5.6.1 The Council will pay invoices within 30 days from receipt of invoice or on other terms as maybe agreed. All staff involved with paying creditors shall ensure that invoices are dealt with promptly.
- 5.6.2 In the cases of invoices relating to work which is covered by the Construction Act 2009, payment will be made in accordance with the protocol set out in the statutory scheme for Construction Contracts.
- 5.6.3 No amendments, changes or avoidance of the system laid down for the processing of invoices for payment must be undertaken without the approval of the Head of Finance.
- 5.6.4 Invoices will only be accepted on which details are written in ink, typewritten, printed or generated by computer. Payment against faxed or photocopied invoices require the prior approval of the Head of Finance, or his/her appointed representative..
- 5.6.5 All Invoices must be received centrally in the Accounts Payable section of Financial Services.
- 5.6.6 It is the responsibility of the paying department to check the following:
- That an order has been raised, where appropriate and in accordance with
5.1 Procurement of Work, Goods and Services.

- The invoice is addressed to Mid Devon District Council
 - That the details listed on the invoice match the order, including the description, units, amount and VAT and that they are within the acceptable validity limit of +/- 5%.
 - That the goods and services have been supplied/delivered to the Council and recorded via the 'enter goods receipt' section of the eProcurement system.
- 5.6.7 It is the responsibility of the Accounts Payable section to check the following:
- That any trade and cash discounts have been deducted
 - That the invoice is a genuine invoice and is not faxed or photocopied
 - That the invoice has not previously been paid.
- 5.6.8 The refunding of any payment made by a member of the public can only be considered if there are genuine reasons for doing so, e.g. cancellation of event, overpayment of Council Tax, etc. The refund request must be correctly authorised and accompanied by proof that a payment was made to the Council.
- 5.6.9 Payments on Council pre-printed forms, e.g. pro forma invoices such as Petty Cash reimbursement are to be signed by the appropriate authorising officer and checked for correct completion by the appropriate Officers and Accounts Payable staff before payment.
- 5.6.10 The Internal Audit Section will carry out checks on the Creditors system in accordance with the Audit Plan.
- 5.6.11 Payment for goods and services not yet received i.e. training courses should only occur in exceptional circumstances and with the prior approval of an authorising officer. A record of the payment should be made on the order and checks should be carried out to ensure that delivery subsequently takes place.
- 5.6.12 All Creditors cheques returned to the Council, whether by hand or by post, shall be passed immediately to the Accounts Payable section of Financial Services and not to the instigating officer. The instigating officer is, however, to be informed of any cheque having been returned.
- 5.6.13 Creditors will be paid by BACS whenever possible with a remittance advice forwarded within 24 hours of payment. All Bank details to enable payment will be held on the Creditor's individual file records and amended by Procurement staff only on receipt of official notification in writing, from the Creditor.

5.7 Contracts Register

- 5.7.1 Upon award of any contract, a [FIN306](#) Contract Award Notification will be sent by the Procurement Team to the relevant Head of Service, Service Manager, Cabinet Member and Accountant and to the Head of Finance to notify them of the award.
- 5.7.2 It will remain the responsibility of the Procurement Team to maintain a contract register of all contracts awarded on behalf of the Council.
- 5.7.3 The register will document the supplier, value and duration of the contract and be available for review on a centrally held electronic file by Officers and Members.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 6 September 2016 at 2.00 pm

Present

Councillors

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

Apologies

Councillor(s)

J D Squire

Also Present

Councillor(s)

Mrs A R Berry, N V Davey and Mrs M E Squires

Also Present

Officer(s):

Andrew Jarrett (Director of Finance, Assets and Resources), Stuart Noyce (Waste and Transport Manager), Joe Scully (Operations Manager), Catherine Yandle (Internal Audit Team Leader) and Sally Gabriel (Member Services Manager)

24 APOLOGIES AND SUBSTITUTE MEMBERS

An apology was received from Cllr J D Squire.

25 PUBLIC QUESTION TIME (00-01-21)

There were no members of the public present.

26 MINUTES OF THE PREVIOUS MEETING (00-01-29)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

27 CHAIRMAN'S ANNOUNCEMENTS (00-02-18)

The Chairman congratulated the Director of Finance, Assets and Resources on his new role and on his recent cycle ride for charity.

28 PERFORMANCE AND RISK (00-03-37)

The Group had before it and **NOTED** a * report of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2016/17 as well as providing an update on the key business risks.

The Internal Audit Team Leader outlined the contents of the report highlighting the different appendices to the report and the fact that the majority of the performance indicators were above target.

Discussion took place regarding residual household waste and the amount of waste that was being recycled.

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

29 **FINANCIAL MONITORING (00-09-28)**

The Group had before it and **NOTED** a *report of the Director of Finance, Assets and Resources presenting financial monitoring information for the income and expenditure of the 2016/17 financial year.

He outlined the contents of the report stating that the General Fund forecasted a deficit of £202k, it was however early days within the financial year. The most significant service movements to date comprised of funding the move to the new waste depot, an overspend on leisure and additional housing benefit subsidy.

Discussion took place regarding:

- The new waste depot which was a fit for purpose site and would allow possible expansion in the future.
- The proposed savings agreement with Devon County Council
- Income from car parks
- Waste vehicle maintenance costs

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

30 **WILD FLOWER BEDS (00-25-05)**

The Group had before it and **NOTED** a *briefing paper produced by the Operations Manager providing an update on the options and proposals for wildflower displays within Mid Devon in the future.

He stated that in recent years many local authorities had examined the options to increase biodiversity within the public realm. A number of options had proved to be popular and now formed the basis of the routine program of work in areas that could lend themselves to the new methods.

The options available included:

- Wild flower meadow displays
- Natural grassland meadows
- Slow growing or sustainable planting

He explained the trial that had taken place in the Tiverton cemetery, however the trial had highlighted that the wild flower scheme required continued maintenance and therefore there may be other options with the use of slow growing or sustainable planting which could reduce maintenance costs and therefore save money. It was

his intention to develop a long term programme in consultation with District, Town and Parish Councils along with “Friends” Groups to move the project forward.

Discussion took place regarding:

- Possible locations for the various options
- Height implications on roundabouts
- Advertising for sponsorship

Note: *Briefing paper previously circulated, copy attached to minutes.

31 VERBAL WASTE UPDATE (00-39-09)

The Waste and Transport Manager informed the Group that the changes to the waste scheme had bedded in; the collection rates were better than expected; Members had received an informal briefing in the last few weeks and a full 6 monthly report would be provided at the next meeting.

Discussion took place regarding:

- Education and enforcement and how the service could continue to improve
- Possible improved performance
- Possible rescheduling of rounds
- Local issues and the need to report issues through the correct channels so that they could be monitored.

32 LITTERING AND WASTE ISSUES IN THE DISTRICT (00-49-41)

The issue of littering in various parts of the district had been raised by individual Members and therefore it was felt that the Group should discuss the matter and seek officers’ views as to what could be achieved to reduce the issue.

Discussion took place regarding:

- The responsibility of the owners of fast food outlets to encourage the disposal of litter
- The reduction in packaging
- Possible “flash hits” on particular areas of the district
- The issuing of Fixed Penalty Notices
- The Clean Neighbourhood powers
- Education, the role of Devon County Council, reaching young people possibly through social media and engaging with the press
- Community litter campaigns
- Dog fouling issues
- Planning regulations

The Waste and Transport Manager stated that a street cleaning review was taking place which would be completed by the end of the year and that a full report would be put before the group for consideration in the new year.

33 VISIT TO ENERGY FROM WASTE PLANT (1-10-40)

Following a recent visit to the Exeter Energy from Waste Plant, Members were invited to provide feedback on the visit.

The visit had been very well received and it was felt that other Members of the authority should be encouraged to attend as the work taking place at the plant complimented the work of the local authority.

34 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

The following items were raised for future meetings:

- Waste and Recycling 6 monthly update
- Gypsy and Traveller Policy
- Performance and Risk – Quarter 2
- An update on the Mills Project
- Traffic figures on the Crediton Link Road and the effect on air quality
- Garden Waste update
- 6 monthly car parking review to include the number of vends and footfall statistics
- Motions 528 and 529 from Council

(The meeting ended at 3.30 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 13 September 2016 at 2.15 pm

Present

Councillors

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

Also Present

Councillors

Mrs J B Binks, Mrs J Roach, R L Stanley and N A Way

Present

Officers

Nick Sanderson (Head of Housing and Property Services), Claire Fry (Housing Services Manager), Roderick Hewson (Principal Accountant), Mark Baglow (Building Services Manager), Michael Parker (Housing Options Manager), Angela Barrett (Accountant), Nicky Chandler (Auditor) and Sarah Lees (Member Services Officer)

28 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

29 **PUBLIC QUESTION TIME**

Mr Gerald Conyngham spoke in relation to item 5 on the agenda (Motion 527). He explained that he was attending the meeting as a representative of 'Welcoming Refugees in Crediton' organisation. He asked whether the Group were aware that there were offers of support within the Crediton community if Syrian refugees needed to be re-housed within the district. Twenty seven offers of help and support had been received with 17 of those offering a welcome in their homes and 6 offers of accommodation. He was aware of a local landlord who would have vacant properties ready for occupation by Christmas. He stated that his organisation also had strong links with 'Refugee Support Devon' and they were currently working very closely together. He asked whether Councillors could provide assurance that the Council could cooperate with his organisation to ensure that families who come here would receive the best possible welcome and support?

The Chairman indicated that today's meeting was about whether or not to support or reject the Motion in principle only. A recommendation from the Group following today's meeting would go back to full Council on 26 October 2016 with a further recommendation that it returned to the Group to discuss the detail in the near future.

30 **MINUTES**

The minutes of the meeting held on 19 July 2016 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) He reminded the Group that its name had now changed from the 'Decent and Affordable Homes Policy Development Group' to the 'Homes Policy Development Group'.
- b) He also reminded the Group that there would be a visit to Old Road to see the housing repairs section before the next meeting on 15 November 2016.

32 MOTION 527 (COUNCILLORS MRS J BINKS, MRS J ROACH, MRS N WOOLLATT AND R WRIGHT) (00:06:49)

At Council on 31 August 2016 the following Motion was referred to the Homes Policy Development Group for its consideration.

Motion 527 (Councillors Mrs J Binks, Mrs J Roach, Mrs N Woollatt and R Wright)

"That this Council supports the Syrian Vulnerable Persons Scheme as detailed below and commits to working with the private sector to achieve placements."

The proposers of the Motion had been invited to the meeting to speak to their Motion and made the following comments:

- Mr Conyngham had precisely expressed the depth of good feeling and desire to work sensibly with private landlords.
- The Queen Elizabeth Academy Trust were keen to involve young students and for them to gain work experience in this area.
- The local community had a record of working with refugees over the past 100 years and there had been a consistent outpouring of hospitality and welcoming through that time.
- This was a matter of humanity.
- The 'Welcoming Refugees in Crediton' group were a voluntary organisation that had managed to galvanise opinion in the area.
- This was an all party Motion and party politics would not feature in any voting decision.
- Other local authorities in the area seemed to be further along in the process of housing refugees.

A briefing paper * had been included with the agenda to provide background information to the issue and the following points from the briefing paper were reiterated:

- The 'Yorkshire Migration' document referred to within the paper provided an excellent template for the processes that would be expected.
- The key part of the paper had been the considerations towards the end which had presented the facts in relation to the practicalities involved.
- Other neighbouring local authorities had only just started to house refugees or were in the process of the preparatory work.

Discussion took place regarding:

- Ideally, housing should take place within the three towns or communities where there was significant infrastructure and support (such as being on a reliable bus route) otherwise rural isolation might become a factor.
- The number of refugee families being offered accommodation would depend on the number of private landlords coming forward. The Group were reminded that there were restrictions on the amount of rent that could be charged therefore some landlords may not be interested.
- Private landlords should be directed to the Housing Options Team who could provide relevant information.
- Groups from within the voluntary sector would also be interested in providing accommodation not just private landlords.

It was **RECOMMENDED** to Council that:

- a. This Council supports the Syrian Vulnerable Persons Scheme and commits to working with the private sector to achieve placements.
- b. Following Council approval, the details regarding the practicalities involved be brought back to the Homes Policy Development Group for further detailed consideration.

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

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

33 MEETING MANAGEMENT

The Chairman stated that he would like the order of the agenda to change slightly so that item 9 be taken after item 11.

34 FINANCIAL UPDATE FOR THE THREE MONTHS TO 30 JUNE 2016 (00:31:17)

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets and Resources presenting a financial update in respect of the income and expenditure so far in the year.

The Group were referred to the General Fund (GF) and Housing Revenue Account (HRA) balances where it was stated that the forecasted GF deficit for the current year was £202k. The HRA would start and end the financial year on a surplus of £2m.

Further details were provided relating to the following:

- Property Services was a new area for this Group to cover in terms of financial monitoring and there was currently a £2k overspend for the year so far.
- GF Housing had no variances.
- Dwelling rent was 0.4% ahead of where targeted and was forecasted to lead to a £48k variance by the end of the year which was good news.
- The HRA was showing £109k overspend which related to work carried over from the previous year due to under delivery. A corresponding underspend

had shown within the figures in the previous year. This was to do with the painting and repairs contract.

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

35 PERFORMANCE AND RISK FOR THE FIRST QUARTER OF 2016-17 (00:37:58)

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 the first quarter of 2016/17 as well as providing an update on the key business risks.

The variances within the report had officer notes beside them to provide explanation and the Group were content with this.

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

36 SERVICE STANDARDS REVIEW (00:39:25)

The Group had before it a report * from the Housing Services Manager reviewing the Service Standards for the housing service. It was explained that some minor changes had been made to the existing document to reflect what was shown in the regulatory framework. It was further explained that the policy previously stated that a review would be undertaken every two years but in the current climate the housing service would be looking to extend that period unless there was a very good reason to bring it back before Members.

RECOMMENDED to the Cabinet that the revised Service Standards be approved.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr W J Daw)

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

37 INTRODUCTORY TENANCY POLICY (00:42:00)

The Group had before it a report * from the Housing Services Manager reviewing the Introductory Tenancy Policy. It was explained that the implications of the Housing and Planning Act would be quite profound and the group needed to bear that in mind. Changes in the legislation would provide the opportunity to increase the length of time somebody could have an Introductory Tenancy. The report set out the changes to the policy which also included changes to the authorisations needed. The number of officers available to sit on a panel should a tenant seek to appeal would be extended. Once officers had a firmer idea regarding the implications involved with the new legislation an updated policy would be brought before them outlining the options regarding future forms of tenure.

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

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs E Andrews)

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

38 **PAY TO STAY (00:48:15)**

The Group had before it a briefing paper * from the Housing Services Manager providing information in relation to the Governments' 'Pay to Stay' scheme.

It was explained that this seemed to be a popular policy with the public. The Government wanted to promote home ownership and if tenants had to pay more for rent they might consider alternative options. However, regulations were still awaited meaning that local authorities were unsure how to proceed at this stage.

Those with a joint household income of £31k or more would be expected to pay more rent. The DCLG was expecting 20% of those tenants not in receipt of Housing Benefit or Universal Credit to have to pay additional rent. In Mid Devon that equated to approximately 200 households, given that the Council had just over 3000 tenants and about 60% of those were in receipt of Housing Benefit. The Government was still expecting this policy to be implemented by April 2017 but there could be a delay. The delay in issuing the regulations seems to suggest that the implementation date may slip. The Council would be offered some financial support for administration but it was unclear at the current stage how this would operate and a shortfall in being able to cover costs was expected.

Further implications would mean that new policies would need to be written, for example, a Fraud Policy, as well as a re-write of some existing policies.

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

39 **AIDS AND ADAPTATIONS POLICY (01:05:25)**

The Group had before it a report * from the Building Services Manager reviewing the Aids and Adaptations Policy. It was explained that the revision to the policy contained only minor changes. Principally the revised document provided clarity to both officers and tenants. It included an update regarding tenants installing their own adaptations and who was responsible for repairs and maintenance. It also considered issues such as mobility scooters and who paid for what.

Discussion took place regarding the services of the repairs and maintenance team being offered to the private sector as a means of generating income for the Council. It was confirmed that the Council had undertaken approximately £100k of private sector work in the previous financial year but there were more commercial opportunities to be explored.

RECOMMENDED to the Cabinet that the revised Aids and Adaptations Policy be approved.

(Proposed by Cllr D R Coren and seconded by Cllr Mrs G Doe)

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

40 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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

- Draft Budget for 2017/18
- The Syrian Refugee Motion (should Council approve the recommendation on 26 October 2016)
- A report on the 'Decent Home' situation – was the Council up to standard?

(The meeting ended at 3.30 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 15 September 2016 at 6.00 pm

Present

Councillors

Mrs B M Hull (Chairman)
Mrs A R Berry, J M Downes, K Busch,
Mrs S Griggs, F J Rosamond and
Mrs N Woollatt

Apologies

Councillor

R Evans

Also Present

Councillor

R J Chesterton

Also Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jenny Clifford (Head of Planning and Regeneration), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Andrew Cawdron (Finance Manager), John Bodley-Scott (Economic Development & Regeneration Manager), Chris Shears (Economic Development Officer), Alan Ottey (Market Manager) and Sarah Lees (Member Services Officer)

24 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R Evans.

25 PUBLIC QUESTION TIME

There were no members of the public present.

26 MINUTES

The Minutes of the previous meeting were confirmed as a true and accurate record and **SIGNED** by the Chairman.

27 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make other than to state that, Andrew Cawdron, the Finance Manager, would support the Group in the future regarding any financial matters.

28 FINANCIAL MONITORING - 3 MONTHS TO JUNE 2016

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets and Resources presenting a financial update in respect of the income and expenditure so far in the year.

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

- The forecasted General Fund deficit for the current year was currently showing as £202k.
- There was a £20k deficit for market income however the Market Manager was actively seeking new traders and it was still early in the financial year.

Discussion took place regarding:

- Footfall figures for Tiverton being down. The question was asked as to how footfall figures were collected and what they were measured against. It was confirmed that in relation to the market counts were undertaken on market days and at three different time slots throughout the day. It could not be possible to guarantee 100% accuracy but they would typically be within 10% and would indicate a trend.
- The Group had responsibility for holding service managers and their budgets to account for the areas that fell within the Economy remit. This would be especially important during the budget setting exercise at the end of the year.
- The fact that this Group was now responsible for overseeing car parking and there would be an update on vends at the next meeting and regular six monthly reviews.
- There had been a need to incur some expenditure in relation to commissioning some work to support the Local Plan, for example, traffic assessment modelling, the Council did not have this type of expertise in house.
- There needed to be further clarity regarding the areas the Group would be responsible for in terms of financial monitoring and the Constitution needed to reflect this.

The Finance Manager stated that in future the report would be clearer in terms of showing which committee various budget lines came under.

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

29 BUSINESS RATES CONSULTATION RESPONSE

Following a request made at the last meeting, the Director of Finance, Assets and Resources and the Finance Manager provided the Group with a presentation regarding the Business Rates Consultation exercise currently being run nationally.

This included the following relevant information:

- The Government required a response from local authorities by 26 September 2016. More technical consultation would be issued in the autumn and

legislation itself in early 2017. By April 2017 the first pilot scheme would commence.

- A document containing thirty six questions had been sent to all local authorities.
- Currently 50% of Business Rates were retained nationally with Mid Devon District Council keeping 13% of what it collected.
- A key principle of the new scheme would be that 100% of Business rates would be retained by Councils nationally but the Government needed to decide how to allocate 'fairly' across the country and between different authorities.
- The Government wanted to reward growth whilst recognising the need to manage risk in a new system.
- The first group of questions covered a review of Councils to establish a new baseline for each Council and their 'relative' need'.
- The second group of questions covered how to account for tax growth but no details were provided on how local tax growth would be reflected in future funding allocations.
- The third group covered how to transition to the new scheme funding levels which could be more or less for an individual Council. It was not possible at this stage to say whether Mid Devon would benefit or be penalised by the new system.
- Even if the Council received more monies in the future it would have more responsibilities and as a result more risk which would require more ear marked reserves to provide a buffer against possible funding swings.

The Director of Finance, Assets and Resources stated that he would draft a response to the questions and copy it to all Members the following week together with the slides that had been shown during the meeting.

30 PERFORMANCE AND RISK Q1

The Group 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 the first quarter of 2016/17 as well as providing an update on the key business risks.

Discussion took place regarding:

- The number of apprentices working for the Council was not seen as an adequate indicator for the aim 'Focus on business retention and growth'.
- It was confirmed that performance indicators were being looked at corporately.
- The Group were requested to identify the indicators that it would find meaningful in the future. Some existing indicators were based on annually produced national statistics which may not have much meaning locally.
- The question was asked as to why the 'annual target' for the number of empty shops seemed to be higher than on the 'actual number' for the previous year, surely the target should be lower. It was confirmed that officers would look at these targets again.
- It was reiterated that the funding to support economic projects reflected Mid Devon District Councils share of the Exeter & Heart of Devon Business Support Funding (£53,092) and the Devon Enabling Fund (£3,750).

- A structural survey had been commissioned to identify the cause of the bow in some of the glass doors of the market. However, this was no longer as serious as first thought and possibly related to badly fitted hinges.

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

31 **ECONOMIC DEVELOPMENT UPDATE**

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.

Discussion took place regarding the following projects:

Supporting Key Business and Inward Investment Opportunities

- At the last meeting a potential investment with Hitchcocks, a horticultural business, had been mentioned, this was now advancing to the final stages.
- It was requested that the business projects in this section be listed in the report in future.

Exeter and the Heart of Devon (EHOD)

It was confirmed that the workshop referred to at the last meeting had now taken place with all the planning leads to discuss how economic development teams would feed into the planning process. An update would be provided at the next meeting.

Better Business for All

TESCO were undertaking an engagement exercise with the supplier network seeking honest opinion as to what the issues were. The Council was working to partner with them in order to get feedback on the regulatory services in the south west and how the Council could help to improve the relationship with the supplier network.

Growth Hub

It was reported that the bid for the diagnostic and bespoke support element of the Growth Hub had been successful. Devon County Council would be the contract holder and sitting under that would be a partnership of 5 delivery organisations which would deliver detailed diagnostics to businesses across Devon and Somerset.

It was further reported that there would be workshops and all sorts of activities to support the business community to ensure collaborative working. The project had ambitious targets and as soon as the contract was signed the Group would be informed as to what those targets were. Through the district's involvement it had ensured a strong presence in the governance of the project.

Incubator Space / Work-hub project

A feasibility study would be undertaken to explore possible expansion in the Hayridge Centre.

Tourism

A verbal update would be reported at the next meeting regarding the Tourism Strategy consultation.

The 'face to face' survey sent out to 200 businesses and which had been very detailed had been an adjunct to a number of other means of gathering feedback from the local community on the strengths and weaknesses of current provision to tourists.

Tiverton Coach Park

The Chairman stated that it was disappointing there had only been 5 bookings since April. The Head of Communities and Governance stated that the relevant officer would be actively marketing Tiverton to coach companies in the near future.

High Street Innovation Fund

- The Cullompton Farmers Market were in the process of revising their business plan and the website was a part of that. Members would be updated following the meeting as to what the sum of £9,500 allocated to them had been used for.
- The question was asked as to why footfall figures were down for Tiverton despite money being allocated to the Tivvy Bumper Trail and the Access Tiverton project? It was explained that the Museum had reported higher visitor number as a result of these two projects. The Tivvy Bumper Trail had been launched during the summer holidays and it maybe that family's had been away for much of the summer having an effect on footfall within the town.
- The Tiverton Dementia Action Alliance project was still in the early stages, part of the next stage would be to roll out training so that shop staff, for example, knew how to deal with somebody having difficulties.

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

32 **TIVERTON TOWN CENTRE ACTION PLAN AND MARKET STRATEGY UPDATE**

The Group received an update from the Tiverton Town Centre and Market Manager regarding the recent consultation on the Tiverton Town Centre Action Plan and the Market Strategy *. It was explained that there had been some recent staffing changes in that the previous Town Centre Manager had now left and that for the next 12 months at least, Alan Ottey, the Market Manager, would be covering the Town Centre Manager post for 2 and a half days while Zoe Lentell and Alan Ottey would be covering the Market Manager role for 2 and a half days each.

The Group were informed that a consultation had taken place with some helpful responses. The intention was now to amalgamate both documents into one since they were closely linked and one document would provide more clarity as to the overall vision. The finalised version for approval would be brought before the Group at their next meeting.

Discussion took place regarding:

- Strong leadership from the Council was needed together with a strong partnership with and between local businesses.
- The 'drab' appearance of the town as visitors walked from the Multi Storey Car Park up through to the High Street. The back of the shops was seen as being particularly off putting. The Group were reminded that a Tiverton Town Centre Masterplan was being commissioned which would address these very issues as well as the future role and function of the town centre and regeneration as a whole.
- The expertise of the Tiverton Town Centre Manager would be shared with colleagues in both Crediton and Cullompton.
- It was stated that previous attempts to bring groups together within the town had not been very successful, however, the new Town Centre Manager explained that it took time and that a positive attitude needed to be fostered whereby, having learnt from lessons in the past, opportunities for collaborative working for the benefit of the town needed to be promoted and encouraged.
- Food markets and arts and crafts were nationally the most popular reasons for people visiting markets.
- The Council was working with Petroc in trying to encourage young people to think about what it took to run a business.

Note: Tiverton Town Centre Action Plan and Market Strategy previously circulated; copy attached to the signed minutes.

33 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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

- An update on car park vends
- An update on Rural Broadband
- Budget planning for 2017/18
- Verbal update on the Tourism Strategy consultation
- The Joint Exeter and the Heart of Devon (EHOD) Economic Development Strategy.

(The meeting ended at 7.40 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 27 September 2016 at 2.15 pm

Present

Councillors

B A Moore (Chairman)
Mrs E M Andrews, F W Letch,
Mrs E J Slade, Mrs H Bainbridge, R J Dolley
and Mrs C P Daw

Apologies

Councillor(s)

Mrs A R Berry

Also Present

Councillor(s)

R M Deed, C R Slade and Mrs M E Squires

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Julia Stuckey (Member Services Officer), John Bodley-Scott (Economic Development & Regeneration Manager), Lee Chester (Leisure Centre Manager), Rob Fish (Principal Accountant), Andrew Jarrett (Director of Finance, Assets and Resources), Simon Newcombe (Public Health and Professional Services Manager) and Amy Tregellas (Head of Communities and Governance and Monitoring Officer)

31 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs A R Berry.

32 PUBLIC QUESTION TIME

Mr David Margetts, Trustee at Citizens Advice, referring to item 7 on the agenda asked if the total spend by the Council would remain the same irrespective of which option was selected and if it would be possible to bring the timescales forward to allow for the signing of contracts at an earlier time, which would be helpful for the groups concerned.

The Chairman informed Mr Margetts that his question would be answered at the agenda item.

33 MINUTES OF THE PREVIOUS MEETING

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

34 CHAIRMANS ANNOUNCEMENTS

The Chairman had no announcements to make.

35 PERFORMANCE AND RISK

The Group 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 2016-17 as well as providing an update on the key business risks.

The Officer outlined the contents of the report and in the discussion that followed the use of colour within the report was raised as an issue. The officer confirmed that this would be addressed.

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

36 FINANCIAL MONITORING

The Group had before it and **NOTED** a report * from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

The Principal Accountant outlined the contents of the report, explaining that figures for August had become available since the publication of the agenda.

The officer explained that the overall variance forecast for the authority stood at £200k within the report and that this figure had changed to £300k at the end of August. This represented 3.4% of the net budget.

Main areas affecting the forecast overspend relating to the Community PDG were Leisure, Planning income and Housing Benefit subsidy.

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

37 GRANT PAYMENTS TO EXTERNAL ORGANISATIONS 2016-17

The Group had before it a report * from the Grants and Funding Officer which sought Member approval for changes to the approach to Strategic Grant funding for 2017/18 to 2019/20.

The Head of Communities and Governance informed Members that a number of options had been put to a working group on 12th September 2016. The Group had discussed transferring the grant allocation for the Museum of Mid Devon Life and the Tourist Information Centre from the grants budget to the Economic Development budget as the service they provided fitted was a better fit with the economy and tourism work that was being undertaken.

The second matter discussed by the working group involved looking at the reduced pot of funding that remained and deciding how best to use it. In previous years cuts had been made in the allocation to groups in receipt of grants but it was felt that this was not the best approach and undertaking the process annually meant that the groups concerned struggled to plan strategically. An option was proposed which meant adopting a commissioning approach to the process. This would involve starting afresh, with each organisation being able to put a case to the authority as to

why they should be recipients of funding. This was endorsed by the working group who had considered that this would focus on groups that contributed to the well-being of communities.

The officer highlighted a couple of changes to the proposed timetable within the report, confirming that if approved the report would go to Cabinet on 27th October and following their approval the consultation process could commence.

In answer to Mr Margetts question the officer confirmed that the total spend would be the same regardless of the option selected but that it was anticipated that a cut to the budget would be required. The timetable was a 'best guess' as to how quickly the change could be delivered and officers would aim to bring it forward as soon as was possible.

It was **RECOMMENDED** to Cabinet that:

1. The Museum of Mid Devon Life and Tiverton Tourism Information Service be moved from the grants budget to a separate tourism budget;
2. Option 2, a commissioning approach to future grant allocations, should be adopted; and
3. Grants to be paid on an annual basis for the duration of the 2015-2020 Corporate Plan.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs E J Slade)

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

38 **LEISURE SERVICES REGULAR UPDATE**

At an earlier meeting the Group had requested a six monthly update from the Leisure Services Manager (Development and Performance). The officer gave a presentation which outlined a description of the service, areas that had changed and the short and medium term objectives. Members were shown processes that were in place to maintain housekeeping, maintenance and health and safety as well as new artwork and website design.

Discussion took place regarding:

- Campaigns that had taken place;
- Work that was being undertaken to link to GP's to relaunch the referral scheme;
- The rebrand and the potential to become a viable business.

The Chairman thanked the officer for his presentation.

39 LEISURE PRICING UPDATE

The Group had before it and **NOTED** a report * from the Leisure Manager (Development and Performance) updating Members on items within the Leisure Pricing Policy, from the PDG recommendations of 2 February 2016.

The Officer explained that in line with the recommendations the pricing structure had been applied, and further reviews had taken place to simplify the structure, improving the branding/presentation of the fees, and ensuring a corporate standard and approach to charging for lettings across the facilities.

Branding and marketing material had been presented in a format that clearly identified fees and charges for adult, junior and concessionary fees. This re branding also applied to all marketing material, and would be represented on the updated leisure website to launch early October 2016.

A corporate approach to a series of lets had been applied across the facilities for 2016/17, with a cost per area analysis to be completed in preparation for the Leisure Pricing Policy for 2017/18. This would ensure that the operational costs per activity area were reflected in the charges, and that future lettings were considered within a fully commercial context.

Discussion took place regarding:

- Aims that the service would be breaking even by 2020 net of capital charges;
- Capital charges;
- Any increase in population may help with membership figures;
- The cost of running wetside facilities.

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

40 EXE VALLEY LEISURE CENTRE EXTENSION

The Group had before it a report * from the Leisure Manager (Development and Performance) proposing a business case for constructing an extension with internal modification to the fitness facilities at Exe Valley Leisure Centre, purchasing new equipment and upgrading the changing amenities.

The officer explained that the Exe Valley Leisure Centre was considered to be at capacity, particularly at peak times, and had the potential to increase income by expanding the fitness facilities, in addition to modifying the ancillary facilities, such as the changing areas and car parking to accommodate membership growth.

An options appraisal was conducted by an independent organisation, Leisure Futures, in August 2014. One of the recommendations concluded that, an extension of the fitness facilities was the optimum invest-to-save option to accommodate an unmet demand for fitness memberships in the Centre's catchment area.

A feasibility study had been completed by AFLS&P Architects Limited, which had proposed three options for design and specification of an extension to the fitness facilities.

The officer explained that design proposals had been reviewed by a project team of officers, senior management and Cabinet Members, with option 2 provisionally identified as a preferred option.

Discussion took place regarding:

- Confidence that there was a demand for increased capacity;
- Data used during the extension at the Lords Meadow facility had proved trustworthy;
- During evenings the centre was currently at capacity.

It was **RECOMMENDED** to the Cabinet that the fitness facility development project at Exe Valley Leisure Centre be identified as a Leisure priority, and that option 2 be approved as the preferred option.

(Proposed by the Chairman and seconded by Cllr F W Letch)

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

41 **HEALTH AND SAFETY POLICY**

The Group had before it and **NOTED** a report *from the Health and Safety Officer.

It was **AGREED** that the Health and Safety Policy be reviewed by the Health and Safety Committee and actions contained within the report be undertaken prior to a future review by the Group.

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

42 **ENVIRONMENTAL HEALTH PARTNERSHIP WORKING**

The Group had before it and **NOTED** a report * from the Public Health and Professional Services Manager providing members with an update on current partnership and collaborative working to increase the resilience of the Environmental Health team and achieve public health objectives.

The Officer outlined the contents of the report explaining that the Environmental Health team, working with and alongside other public health professionals, were key partners in local and national efforts to protect, improve the health and quality of life, and reduce health inequalities of the individuals and communities in Mid Devon. Areas covered included food, environmental protection, control of communicable disease, health protection, occupational health and safety and private water supplies.

Discussion took place regarding:

- Food fraud and multi-agency work that was undertaken to detect this;
- Environmental protection;
- Markets and inspections that are undertaken;
- Proceed of crime funds.

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

43 PUBLIC HEALTH PLAN

The Group had before it a report * from the Public Health and Professional Services Manager providing a framework for public health action across Mid Devon.

The officer outlined the contents of the report informing Members that the Public Health Strategy and Action Plan aligned with and directly supported a number of key themes in the Corporate Plan such as working with private landlords to improve housing conditions, working with local communities to encourage them to support themselves and to increase physical activity and promote health and wellbeing

The production of a Public Health Plan was a priority project within the Corporate Plan for completion 2016-17.

The officer advised the Group that the Public Health Plan was informed by the priorities set out in the Devon Joint Health and Well Being Strategy to address health inequalities and the district specific health surveillance data. This data was set out in a range of clinical and health indicators measured against England, Regional and Devon averages and produced by Public Health England and Public Health Devon at Devon County Council.

The four priorities in Mid Devon were prevention of cardiovascular disease and cancer, decent high quality housing, emotional/mental health and resilience and air quality.

It was **AGREED** that this Group receive a six monthly update on Public Health.

Discussion took place regarding:

- Private sector housing and what action could be taken against landlords that did not provide decent homes;
- Lifestyle choices and how they affected life expectancy;
- The need to work with Leisure Services and to encourage links with GP's;
- The difficulties of working with a zero budget;
- Local walking groups and the benefits of them.

It was **RECOMMENDED** to Cabinet that Council be asked to approve the Public Health Strategy Action Plan for 2016 – 2019.

(Proposed by the Chairman)

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

44 EXPANDING THE ROLE OF THE CQC - CONSULTATION

The Care Act 2014 required the Care Quality Commission (CQC) to carry out performance assessments of providers of health and adult social care services. These performance assessments were provided in the form of a rating.

When ratings were introduced in 2014 they were limited to NHS Trusts and NHS Foundation Trusts, GP practices, adult social care providers and independent hospitals.

The Government would like the CQC to develop ratings for other sectors that they regulated and was seeking views on this issue.

Discussion took place regarding the consultation and it was **AGREED** that a response be sent on behalf of the Group regarding concerns about funding.

It was **AGREED** that the information regarding consultation be put in WIS for Members to complete individually.

Note: - Consultation documents previously circulated and attached to Minutes.

45 **FUTURE POLICY DEVELOPMENT**

This item was deferred to the next meeting of the Group.

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

Community Engagement Strategy
Community Engagement Action Plan
Financial Monitoring
Performance and Risk
Town and Parish Charter
RIPA
Environmental Issues in the Westex Area

(The meeting ended at 5.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 7 September 2016 at 2.15 pm

Present Councillors

Mrs H Bainbridge, Mrs C Collis,
Mrs F J Colthorpe, R J Dolley, P J Heal,
F W Letch, B A Moore, R L Stanley and
Mrs G Doe

Apologies Councillor(s)

D J Knowles, R F Radford and J D Squire

Also Present Councillor(s)

R M Deed, Mrs J Roach and F J Rosamond

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer), Christie McCombe (Area Planning Officer), Dean Titchener (Principal Forward Planning Officer), Sally Gabriel (Member Services Manager) and Ian Sorenson

64 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R F Radford who was substituted by Cllr Mrs G Doe.

Apologies were also received from Cllr D J Knowles and J D Squire.

65 PUBLIC QUESTION TIME (00-02-02)

Heather Woodman, representing her client and referring to item 12 (19 Exeter Road) on the agenda, stated that at the last meeting the Committee had spoken about the merits of the proposal. The implications report before you today sets out in detail the fact that this application does introduce change to this part of Exeter Road and that the decision on this application requires a very balanced judgement. We listened to the Members discussion on the website and looked again at the scheme following the meeting in July and the revised plans that you have today have been submitted for your consideration that address those concerns that you raised and as your planning and conservation officers advise they do improve the proposal. It is still considered that to provide two three bedroomed houses on this site is more desirable for the village in principle. Silvertown property prices are at a premium, it would be for more affordable for local people who wish to trade up to have a family house rather than a single four plus bedroomed house on this site. The two dwellings have now been set back further into the site as the Members and conservation officer indicated

they wanted and this has reduced the impact of the building on the street scene. The access into the site has been moved into the centre so that much of the stone boundary wall along the frontage is now retained and the sense of enclosure is maintained and the conservation area is enhanced because there were concerns about the loss of this stone wall so parking and turning for vehicles has now been provided behind the wall so that vehicles can enter and leave in forward gear as you indicated you desired.

Further landscaping is also proposed with the site especially on the boundary with Orchard Jeffrey, that's the house that is 22 metres to the north, so the new landscaping breaks up the gable of the north building and the modest increase in height will subsequently have little impact now. Conditions can be attached to this landscaping so that it can be maintained in perpetuity.

The consultation responses on the new plans are that the highways authority has no objection and the conservation officer has advised that this scheme is far less harmful so her previous recommendation for refusal is not repeated. The planning officer's recommendations are that the new plans are an improvement. It's considered that your previously stated concerns have now been fully considered and addressed. The consultation responses from your various officers on the changes to the submitted plans that improve the siting, scale and parking and effect on the character and appearance of the conservation area show that the reasons suggested for refusal cannot now be sustained so on the balance of consideration of all material considerations, the scheme before you is now acceptable under your planning policies and the applicant asks that you approve it now please.

Mr Ian Pike speaking in relation to item 14 on the agenda (Conigar Close, Hemyock), stated that his main concern was the affordable properties. He is Hemyock born and bred, his family had lived in Hemyock since at least 1725 and as things stand he would be the last in the family to live in the village. His daughter unfortunately had to move away from the village because she couldn't afford to live there. She works in the village, her partner has an agricultural contracting business which is based in the village and the majority of his work is in Hemyock and neighbouring parishes. They are unfortunately unable to afford market value properties because they are either on a national living wage or just above. He went on to state that he had three grandsons the eldest of whom started Hemyock Primary School on Monday and he has two year old twin brothers who started pre-school in Hemyock on Monday. They are desperate to come back to the village and it is extremely sad that families like ours who have lived there and whose ancestors have lived there and worked in the farming industry making Hemyock what it is today, cannot afford to live there. I think that affordable housing should be provided and unfortunately with the cut in government funding we have to have market value properties built as well. We need to do something for the longevity of villages like Hemyock.

Over the last 30 years I've watched it develop with the result that the majority of the houses are out of the reach of the locals and the majority of the new residents commute to and fro bringing traffic problems which a lot of people are using as an objection against this application. My daughter at the moment will be making three return trips from the village some days of the week purely to get the boys to and from school. If this application is approved and they are lucky enough to get one of these properties it's a five minute walk to and fro. My other daughter has moved away because of work. They both went to Hemyock Primary School where there were 52

children, of these there are 5 still living in the village. One of those did end up in a shared equity property so obviously the affordable housing does help.

Mr Peter Davies, referring to item 12 (19 Exeter Road) stated that he lived opposite this property. One of the reasons that the Committee were minded to refuse the application was over development. This has not been addressed at all in the revised scheme and we still have two detached houses replacing a small bungalow on a small plot. The Committee was also unhappy with the street scene. The houses will still have an overpowering visual effect. Positioning them back just one metre will be totally insignificant. The conservation officer was minded not to refuse the application on the basis that the boundary frontage would be retained to a great extent, would you clarify how this would be possible given that the 25 metre visibility display will require 80% of the boundary to be below 600 millimetres? Will the planning officer confirm that apart from the 25% of the boundary on the northern end she still maintains that the hedge bank is 900 millimetres or above? The loss of 80% of the hedge bank, an important conservation feature in this road and which was previously 1.7metres high will open up the scene completely. There will be a large open frontage creating a suburban feel and completely out of context. It will not preserve or enhance the conservation area. The visibility splay is shown on drawing 02P16 cuts across the land of both number 19 and 21 Exeter Road, is this acceptable in planning terms given the inhabitants would have no control over future developments? In conclusion therefore this scheme does not overcome the reasons for objection previously expressed.

Mr Steve Batt spoke in relation to item 13 on the agenda (Church Green, Bickleigh) and informed the Committee that he was a long term resident of Bickleigh having lived there for over 30 years. A few weeks ago we were able to view Mid Devon's working file and we could not see any of the significant input from the Parish Council within this file which gave you a lot of detailed evidence and information countermanding much of the misinformation in the planning documents. I did drop these documents into Mrs Gabriel yesterday, if you wish to see them they are all here. They include a review plan survey, which we did for the local village 2 years ago, a detailed analysis, south west archaeological report, some new historic research and a short detailed historic conservation area appraisal. Also just to remind you the 46 letters of objection from local residents. We do believe our inputs would have assisted your case officer in coming to quite a different conclusion. Do you have any evidence rather than assertions that our inputs were looked at in any detail?

The Parish Council did write to Mrs Clifford on 10 August 2016 expressing concern about the slipping in of changes at the last moment and concern about the definite lack of liaison regarding the documents and other pertinent information which was sent to you. The Parish did receive a response on the 3 September 2016 but there are still a number of inconsistencies. The two issues I really want to concentrate on are firstly the heritage asset listing of Church Green. It was recorded on the original heritage asset list. We assume that Mid Devon prior to its insertion carried out a check against Historic England criteria? The Parish Council only received notification of its delisting some time after the delisting letter from Mrs Clifford was sent to the owner. We were not consulted about the site meeting last year nor were we consulted in any way after this meeting. We wondered why it was suddenly de-listed without any reference to the parish, in fact Mrs Clifford says it was 'marginal and could be reviewed'. Whilst it was stated that both sides made submissions regarding the sites history and use we were not asked whether we had any fresh evidence of

information. We do have more information to hand now. It should be noted that our original information was backed up with evidence rather than merely assertions, for example, we offered 10 affidavits regarding regular use by members of the community going back at least 7 decades. We wonder why you did not ask for that information to be provided. Our understanding is that it is not necessary to meet all of the Historic England criteria and interestingly it does not have to be used as a green so I think there is a bit of a misunderstanding here. If you look 'green' is not even within Historic England's wording. As you may well know Historic England definition of 'social and community value', not the word 'value' and not 'green'. It's a place of local identity, distinctiveness, social interaction and coherence often residing in tangible aspects of heritage contributing to the collective memory of a place and I think we've provided a lot of information over many years to confirm that.

We note Mrs Clifford's comments received by the Parish Council this week when she said 'Church Green is an interesting, substantially undeveloped plot in the centre of a conservation area with a very important setting and view implications for the church and Bickleigh Castle as well as other listed buildings'. The conservation officer says that change must preserve and enhance the conservation area. Three questions then. Bearing in mind Mrs Clifford's comments, how can this proposed development be anything but damaging to this special site without any tangible benefits being demonstrated? The houses are not for local need and they could be built anywhere. Why have the Bickleigh Local History group not had a response from Mrs Clifford regarding the request for relisting which was sent on 27 June 2016? Finally, in the same way that you say Church Green cannot be designated as open green space because of objections then surely the Green should remain as a listed local heritage asset because of the valid outstanding objections from the village and anyway even if it is delisted how can the application suddenly become less damaging than it was before, nothing is changed in terms of the view since the last refusal?

Kerry Peters also spoke in relation to item 13 (Church Green, Bickleigh). Our understanding is that local green space designation is a product of local plan and survey. The criteria are, close proximity to the community it serves and demonstrably special, local significance, historic significance, tranquillity, wildlife, local in character and not extensive. The 1960's picture emailed yesterday of Bickleigh's historic core, which I have a copy of here, shows the Green in the foreground and show a quintessential Devon scene with a church, thatched cottages and a pretty orchard in the bottom right corner, now known as Church Green. The Parish Council submitted Church Green to be designated as local green space back in August 2013.

As an out of settlement community we also carried out our own local plan survey in March 2014 in response to your requests for parishes to feed into the review process. We supplied committee members with a copy of this survey yesterday in case you had not already seen it. Household responses were analysed by Parish Councillor, Professor Adam Scaife. We believe this is another example of where Bickleigh residents views have been ignored as it was perfectly clear from the survey that there was an overwhelming majority of households in favour of keeping the whole of Church Green as an open space. The percentage response rates in our survey were far higher than many other national response rates. Ours was 67%, with 90% in favour of the status quo i.e. keeping Church Green as an open space. The results of this survey are backed up the 46 letters of objection received in the latest planning application to build on Church Green. Are these very high numbers of letters not valid either? Our arguments for local green space listing seem therefore to have

perfect validity. We assume that this was checked by your officers last year as Church Green was included in the local plan as local green space so my question is should the fact that Church Green already appears in the draft local plan as local green space be given no weight whatsoever when so much work has been put in by both the Bickleigh community so far to reach this stage and has it in the local plan? We are all at the local level and have made decisions based on guidelines given so it's hard to see what objections can be raised about this designation going forward.

Jill Brownlow, also speaking with regard to the same application, stated that the planning officer writes in his report advising acceptance of the proposed development which although it is not policy compliant because of the absence of a 5 year plan of supply of deliverable housing land it should be given approval. However, Mrs Jenny Clifford is on record as saying that more than sufficient land has been put forward for development to satisfy the 5 year plan. In the report it is also stated that Mid Devon District Council's policies are out of date. He then goes on to justify granting approval by quoting these policies. One of my questions is, are your policies relevant or not? Secondly the historic environment is an asset, this is in policy DM27 and I quote "The historic environment is of great cultural, social, economic and environmental value". It contributes significantly to our quality of life and to the character of the village. It represents a non-renewable source which once lost is gone forever. Do you truly believe that these proposed buildings and concomitant infrastructure will preserve or enhance the very core of Bickleigh's conservation area? Your Core Strategy also states that previous experience within the district has shown that allocating market housing in the villages has not produced additional nor supported services or facilities and therefore does not help to deliver sustainable development. How can this application be sustainable and not harmful?

Mr Bill Croome speaking in relation to item 12 (Exeter Road) stated that he lived in Exeter Road and that over the past few years this part of Silverton village has come under pressure from over development. Permission has been granted for two rear garden developments, one was built out on a large scale. A third proposal is to come forward for a large house to the rear of the Three Tuns pub. As members will have seen from their recent site inspection a bungalow nearby has been replaced by a large two storey house. May I ask the planning officer if her reservations about the scaling and massing of the two houses proposed at number 19 remain unchanged in the light of the revised scheme which is on a site which is 10% smaller than a similar one in Newport Road and would she agree that the urban style of design will be out of character with the area?

Mr Nick Dyer speaking in relation to item number 11 on the agenda (Station Road, Newton St Cyres) stated that he had been a resident of Station Road for over 30 years. He had some questions regarding recommendation number 2 on the planning officers report, namely. The recommendation to approve a one way scheme in Station Road at its junction with the A377. If it is approved it would mean that the road would never be fully widened to allow two way traffic this is likely to be disastrous for road safety in the future and I have the following questions. The Committee originally approved condition 10 of the outline consent in October 2014 on the basis of plans produced to them on behalf of the applicant and the highway authority which showed the narrow section of Station Road being widened for two way traffic. The relevant part of the condition that it required highway improvement works, quote 'inclusive of and not limited to road widening'. Why is a managed one way scheme being recommended despite the wording of condition 10 when the

committee presumably anticipated on the basis of the plans submitted to them at the time that the road would be fully widened for two way traffic?

Secondly why was the proposal for a one way scheme slipped into a S106 agreement entered into in April this year, some 18 months after the original approval to grant consent without any previous public consultation or discussion when all the original objectors to the outline application had raised the Station Road issue as a major concern? Why even now was the proposal not expressly mentioned in the Council's circular letter to objectors advising them of this committee meeting leaving them to find it if they are sufficiently internet savvy in the planning report posted only last week? Why is a one way scheme being proposed when even the stage one road safety audit on behalf of the applicant recommends that the road is widened for two way traffic before the school is occupied and why does the officer report state that the safety audit had been misinterpreted by a local resident who I assume is me when I have set out in detail to the planning officer why the Council has misinterpreted it but I have received no reasoned rebuttal of the points I have made? Why does the officer report failed to mention the relevant parts of the safety audit in order to support the planning officers recommendation? I have a copy of the safety audit and also a copy of my comments on it as to why it does not recommend what the officer report states and I am happy to pass those over to anybody who is interested and indeed I have submitted a copy by email to the committee.

As I think he will be telling you later, it is known that the owner of the third party land which is required to permit widening for two way traffic has not been approached by or on behalf of the original applicant or the current developers except for an initial request, I think well over a year ago, to obtain two valuations as to the amount by which his property would be devalued if he disposed of the land. He obtained and provided those valuations but has heard nothing since from either the original applicant or the current developers. It is also know that the landowner is prepared to dispose of it for a reasonable price and does require anything like key ransom value as is claimed in the officers report. Why has the Council allowed itself to be misled by incorrect claims that the applicant or the developer have sought to enter into negotiations and an incorrect claim that the landowner has demanded key ransom value? Lastly why is there such haste to decide on recommendation 2 when a short delay would not put back start on the new school and that short delay would enable proper negotiations for the purpose of the land to take place?

66 MINUTES OF THE PREVIOUS MEETING (00-30-18)

The minutes of the meeting held on 3 August 2016 were approved as a correct record and signed by the Chairman.

67 CHAIRMAN'S ANNOUNCEMENTS (00-31-12)

The Chairman had the following announcements to make:

- She reported that Cllr Knowles was still in hospital following surgery and on behalf of the Committee conveyed her best wishes to him.
- Following decisions at Full Council (31 August 2016), some changes had been made to procedures followed by the Committee, the objector would now speak

before the applicant and Ward Members would be given 5 minutes to speak on Ward issues whether or not they were on the Planning Committee.

68 **ENFORCEMENT LIST (00-33-05)**

Consideration was given to the cases 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/16/00131/AGTIE–Breach of Condition (f) of planning permission 88/1726/OUT which states: the occupation of the dwelling shall be limited to a person solely or mainly employed; or last employed in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971 (including dependants of such person residing with him or her) or widow or widower of such a person - Nethercott, Brithem Bottom***).

The Area Planning Officer outlined the contents of the report stating that the issue to be discussed was non-compliance with an agricultural occupancy condition. An application had been received to amend the condition which had been refused on the grounds that no information had been provided to demonstrate that the property had been marketed for sale under the terms of the condition, in an appropriate way for an appropriate period of time or at an appropriate price. No substantive evidence had been provided to indicate that there was no need for an agricultural occupancy condition on the property.

The property owner stated that she had had some tenants who had complied with the agricultural occupancy but that she would like to rent the property out at a reasonable rent so she could keep the property for the family and wanted the agricultural tie lifted.

Consideration was given to the agricultural occupancy condition, the size of the dwelling and the evidence required to instigate the lifting of the condition.

RESOLVED that having regard to the provisions of the Mid Devon Development Plan and all other material planning considerations in accordance with Section 172 of the Town and Country Planning Act (1990) as amended; the Legal Services Manager be given delegated authority to issue a breach of condition enforcement notice and to take any legal action deemed appropriate including prosecution in the event of non-compliance with the notice.

(Proposed Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

Note: Mrs Emmet, property owner, spoke.

b) No. 2 in the Enforcement List (***Enforcement Case ENF/09/00048/LIS–without listed building consent the execution of works for the alteration (the works) to the listed building namely the removal of timber windows and doors in the facade and inserting uPVC windows and a door – 5 Dukes Cottages, Bow***).

The Area Planning Officer outlined the contents of the report highlighting the breach via a selection of photographs. He explained that the cottages had been listed in 1986 and that works to No 1 Dukes Cottages had taken place prior to the listing. The owners of No. 5 Dukes cottages had been requested to rectify the breach with regard to the windows and the door, but had not done so.

Consideration was given to whether the windows at the rear of the property were also uPVC and the steps required to rectify the breach.

RESOLVED that the Legal Services Manager be given delegated authority to take any appropriate legal action including the service of a Notice or Notices to reflect the breaches as outlined in the report. In addition, in the event of a failure to comply with any Notice served, authorisation for prosecution, direct action and/or authority to seek a court injunction.

(Proposed Cllr B A Moore and seconded by Cllr Mrs G Doe)

Note: Cllr Mrs H Bainbridge made a declaration in accordance with the Protocol of Good practice for Councillors dealing in planning matters as she had received a telephone call from the property owner.

69 **DEFERRALS FROM THE PLANS LIST (00-53-57)**

The Chairman informed the meeting that Item 1 (Hayden End, Blackborough) on the Plans List had been deferred.

70 **THE PLANS LIST (00-54-40)**

a) No 1 on the Plans List ***(16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End) Blackborough)***

This item had been deferred as stated in Minute 69.

(b) No 2 on the Plans List ***(16/01007/FULL– Variation of Condition (7) of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times - Gilberts Lodge, Morebath.***

The Area Planning Officer outlined the contents of the report and explained that it had been demonstrated that the property was not viable as a holiday cottage in the winter months and that the applicant had requested that the condition be varied to allow short term lets in the winter months and that it would return to holiday lodge for the summer.

Consideration was given to:

- Planning policy
- Whether enough evidence had been gathered to demonstrate the lack of viability for holiday use throughout the winter months.

RESOLVED that permission be granted to vary Condition 8 of planning permission 00/01534/FULL to allow the holiday lodge to be used as a dwelling from September to April inclusive and remain as a holiday let at all other times subject to conditions as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllr B A Moore declared a Disclosable Pecuniary Interest as he was the applicant and left the meeting whilst a decision was taken;
- (ii) Cllr R L Stanley declared a personal interest as the applicant was a fellow Ward Member and close associate;
- (iii) Cllr Mrs H Bainbridge declared a personal interest as she owned holiday cottages;
- (iv) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- (v) Cllr F W Letch requested that his abstention from voting be recorded;
- (vi) The following late information was reported: Morebath Parish Council had considered the planning at its meeting yesterday evening, and their comments are: "Morebath Parish Council has no grounds for objection, however if the property was to be converted to a dwelling on a permanent basis, the Council would expect to see a new planning application for change of use, so as to not set a precedent for development creep."

(c) No 3 on the Plans *List (16/01090/FULL– Installation of 2 replacement windows with doors at Tiverton Library and Learning Centre, Phoenix House, Tiverton)*

The Head of Planning and Regeneration outlined the contents of the report stating that the application to remove windows and replace with doors would allow weekend access to the Library without the entire Council building being unlocked.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing.

71 THE DELEGATED LIST (1-12-05)

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

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

72 MAJOR APPLICATIONS WITH NO DECISION (1-12-32)

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

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

73 APPEAL DECISIONS (1-14-22)

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.

74 APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPEN SPACE AT LAND AT NGR 288080 0982230 - EAST OF STATION ROAD, NEWTON ST CYRES (1-15-39)

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 explanation, highlighting the illustrative masterplan for the site and explaining the history to the site and the outline application determined by the Committee in 2014. Following consideration of the S106 agreement, the developers had requested that Condition 6 and 10 be amended changing pre commencement to pre-occupation.

He referred the Committee to the access issues to the site and the programme of works identified (highlighted in appendices A and B) and the original formation of a two way access to Station Road from the A377. The Road Safety Audit had however stated that a one way system would be appropriate. This would also allay problems with attaining a piece of land owned by an adjoining resident.

A representative from Devon County Council Highways Authority outlined the pre application discussions that had taken place regarding a priority scheme and the road safety audit stages that had taken place. He informed the meeting that there were concerns regarding a one way system but that it was not possible to impose a condition that required the purchase of 3rd party land.

The Area Planning Officer provided answers to questions posed in public question time:

- Why Appendix B was not included in the signed S106 agreement – ongoing work had taken place with the Highway Authority, there had been a need to discharge Condition 10, however the plan had not been discharged and that was why it was before the Committee today.
- The officer report ignored advice in the Road Safety Assessment process - Mr Sorenson had answered that, the issue was about road safety.
- The advice had been contrary to the Road Safety Audit – that was the Highway Authority view.

- The recommendation is being put to the meeting because the land had not been acquired – the update sheet clarified the situation with regard to advice from the Highway Authority, a detailed response set out in the report justified the recommendation.

Consideration was given to:

- Road safety and the issue of backing-up onto the A377 and the results of the road safety audit
- The preference of the Highway Authority
- Issues regarding the purchase of 3rd party land to progress a two way system
- The need for the developer and the 3rd party land owner to negotiate further
- Construction traffic entering the site

RESOLVED that

a) agreement in principle be confirmed (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as.

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr P J Heal)

FURTHER RESOLVED that

(b) The managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10 not be agreed and be refused on the following grounds that in the opinion of the Local Planning Authority the proposed managed one way system would be likely to lead to unacceptable inconvenience and highway danger to road users arising from the concentration of traffic flows at peak times resulting in unacceptable queuing and reversing movements contrary to policies COR9 Core Strategy (Mid Devon Local Plan Part 1) and DM2, Development Management Policies (Local Plan Part 3).

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

Notes:-

- (i) Mr Graham (Objector) spoke;
- (ii) Miss Smith (Agent) spoke;
- (iii) Mr Sorenson (Devon County Council Highway Authority) spoke;
- (iv) Cllr Mrs G Doe requested that her abstention from voting in (a) be recorded;
- (v) Cllrs Mrs H Bainbridge and Mrs F J Colthorpe requested that their vote against (b) be recorded;
- (vi) The following late information was provided: Two local residents have circulated a number of emails (via the Committee Clerk) regards this agenda item. Issues relating to highway safety and capacity are covered in the reports and the Highway Officer from Devon County Council will provide clarification at the meeting on Wednesday. This update note clarifies the issue of the process that has been followed by the parties regarding the acquisition of the land that would be necessary to complete a two passing system.

The owner of the land has stated that there has been no meaningful discussions regarding the acquisition of his land since the outline consent was granted back in 2015. Whilst it is not a condition of the planning permission for the LPA to oversee this process it would appear that, the landowner has stated in his email, t a baseline value of £20,000 has been established for the section of his garden that would be required. In addition the landowner has stated his Solicitor and Kingswood Homes (the developer) have been in contact with the landowner's solicitor setting out the basis for any negotiations. What is evident from the correspondence that has been provided to the Case Officer is that expectations of an appropriate land value exceed the baseline value as referred to above.

Members are however advised that on the basis of the advice provided by the Highway officer at Devon County the design of the junction improvements as shown on the drawing attached at appendix B to the report (a one way managed system), which has now been subject to a Stage 1 and 2 Road safety Audit, is considered acceptable in highway safety terms for existing and proposed users of the highway.

Finally to assist Members understand the operational context of the junction, based on TRICS data, the development in conjunction with existing traffic levels , would generate predicted peak hour traffic flows of no more than 2 cars per minute passing through the junction.

7th September 2016 –

One further objection has been received which raises concerns about both the recommendations covered in the report for reasons relating to highway safety concerns. It is considered that the junction improvements should include the additional land so that a two way system can be achieved.

Officer Response: The justification for the two recommendations are clearly set out in the report.

Page 86/87/91: amend the drafting of recommendation 1 and to the drafting of point 2.8 (which is to be read in conjunction with 2.7) as set out below. The drafting changes to the text as set out in the report as circulated are considered necessary to add clarity to the scope of control imposed by the revisions to conditions 6 and 10.

Page 86/87:

1. Confirm agreement in principle (subject to the submission and resolution of a formal application – section 73A) that conditions 6 and 10 are amended so that they are not pre-commencement conditions, with the trigger for the completion of the works covered by each condition set as.

6. Neither the new school building and associated facilities nor the new housing shall be occupied until the following works have been completed:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20.00 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level

10. Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377, inclusive of but not limited to road widening, Signing and lining, and the enhancement of pedestrian crossing facilities has been approved in writing by the Local planning Authority and has been constructed and made available for use.

Page 91:

2.8 Neither the new school building and associated facilities nor the new housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use.

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

75 APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (2-08-32)

The Committee had before it an implications * report of the Head of Planning and Regeneration following discussions at a previous meeting where Members were minded to refuse the application.

The Area Planning Officer answered questions posed in public question time:

- With regard to the visibility splay and the height of the bank - the Manual for Streets requires visibility up to 25 metres above a height of 600mm with no obstruction. The height of the hedge bank at 900 mm was acceptable as it was still below driver eye line. Part of the visibility splay was outside the control of the application in that it crossed the neighbouring property, but this was acceptable to the Highway Authority as at this point it crossed the neighbour's drive
- The scale and massing remained the same, the application had been considered on balance and would still sit in line with No 21 Exeter Road, there would be reasonable sized gardens and acceptable separation.

She outlined the contents of the report reminding the meeting of the site location plan, and providing photographs of the property to be demolished and the street scene; Members viewed the original plans and the revised drawings which would move the property back marginally and the amendment to the access which would allow a turning point, therefore removing the need to reverse onto the highway.

Consideration was given to:

- The revised plans that had been submitted
- The fact that some people had not been able to comment on the revised plans
- The policy for speaking to an implications report
- The consultation that had taken place
- Design issues and possible overdevelopment of the site

RESOLVED that the application be deferred to allow public speaking to take place at the next meeting in the interest of fairness.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore and R L Stanley made declarations in accordance with the protocol of good practice for Councillors dealing in planning matters as they had received correspondence regarding the application.
- (ii) Cllr Mrs J Roach spoke as Ward Member;
- (iii) A proposal to refuse the application was not supported;
- (iv) The following late information was reported: SILVERTON PARISH COUNCIL (6/9/16): the proposed development is too large, represents overdevelopment of the site, is overbearing and will dominate and change the appearance of Exeter Road. Concerns are also expressed relating to loss of Devon hedge bank and volume of traffic that will use the proposed access.

Resident (31/8/16): concern that the Conservation officer has misunderstood the revised proposal that the height of the hedgebank is ambiguously labelled

as 'below 900mm'. The revised drawings indicate that the visibility splay cuts across the neighbouring property – land beyond the applicants control.

Resident (26/8.16): comments of support withdrawn.

- (v) *Report previously circulated copy attached to signed minutes.

76 APPLICATION 16/00465/OUT - OUTLINE FOR THE ERECTION OF 4 DWELLINGS (REVISED SCHEME) AT LAND AND BUILDINGS AT NGR 294162 107150 (SITE ADJACENT TO BICKLEIGH CHURCH), BICKLEIGH (2-53-00)

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 so that a site visit could be made by the Planning Working Group.

The Principal Planning Officer and the Head of Planning and Regeneration provided responses to questions posed within public question time:

- The views of the residents had been taken into consideration; there had been opportunity for involvement in the application as there were 2 stages of consultation and at the previous committee meeting along with involvement in the site visit.
- The application had to be determined on the basis of national and local policy evidence and material consideration. A number of revisions had been made to the scheme in response to objections from the parish Council and local residents.
- The impact on the historic environment had been considered and 3 stakeholders including Historic England and the Conservation Officer had provided responses. None were recommending refusal, Mid Devon's Conservation Officer noted that only less than substantial harm arose. Devon County Council's archaeology team were satisfied that mitigation via the use of conditions was acceptable.
- With regard to the local heritage asset listing, the site was originally identified on the heritage asset list, this was subject to information coming from local parties, some of which agreed and some disagreed. The site was removed from the register and a letter sent on 16 November 2015 to that effect, having reassessed the issues against criteria for selection.
- The Conservation Officer had stated that more information was required to assess the impact – this was provided by the applicant and used to inform the assessment of impact to the historic environment.
- With regard to green space – the site was proposed as Local Green Space in the Local Plan Review – however the Local Plan Review had yet to be adopted and there were objections to the designation, it would now rest with the inspector at examination.
- With regard to the application being less damaging than the previous with regard to the historic environment - more information was available to enable a fuller assessment of the scheme's impact.
- With regard to relevant planning policies, consideration had to be given to the Uffculme appeal decision regarding land supply, in which the inspector concluded policies COR 3, COR 17 and COR 18 were not up to date. The Local Plan Review would rectify this.

- Reference to the Core Strategy and services and infrastructure, the 4 dwellings would not lead to an increase in services or facilities, however the level of facilities within the village was a consideration in reaching the recommendation to approve the scheme.

He continued by outlining the contents of the report by way of presentation, highlighting the site plan, the proposed elevations of the development, the proposed section drawings and photographs from various aspects of the site.

The representative from Devon County Council Highway Authority stated that with regard to the visibility splay, as the road was single track you could take the visibility from the centre of the carriageway. There were also a lot of brambles that could be removed which would aid visibility and result in less hedge removal.

Consideration was given to:

- The site visit that had taken place
- The possible negative impact on local wildlife
- The trees and general landscaping of the site
- The careful design work that had taken place
- Planning policy and the recent appeal decision
- The local infrastructure surrounding the site
- The condition and appearance of the site, its surroundings and the character of the village

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with 2 additional conditions stating:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

(Proposed by Cllr P J Heal and seconded by Cllr F W Letch)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore and R L Stanley made declarations in accordance with the protocol of good practice for Councillors dealing in planning matters as they had received correspondence regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as both sides were known to him;
- (iii) Mrs Hetherington spoke in objection to the scheme
- (iv) Ms Banks (Agent) spoke;
- (v) Cllr Harrison (Bickleigh Parish Council) spoke;
- (vi) Cllr R M Deed spoke as Ward Member;
- (vii) Cllrs B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (viii) The following late information was reported: Supporting information submitted –

Arboricultural Input Assessment Plan Drawing Ref 04728-AIA.TPP-Aug2016 dated 3.8.16

Since the application was considered at the Planning Committee meeting of 3rd August, the application paperwork has been supplemented with additional information and assessment of the existing trees on site. The additional information includes an assessment of amenity value of the trees by the Council's Tree Officer and an Arboricultural Impact Assessment from the applicant's arboriculturist. The Council's tree officer assessment scoring confirms their initial view that the trees do not have significant enough amenity value to warrant protection by a Tree Preservation Order.

The Arboricultural Impact Assessment provides a more detailed evaluation of the existing trees on site than previously provided by the applicant. It confirms the tree grouping to the south of the development is of moderate quality though is reasonably visible in the local landscape. The assessment states that the loss of the tree group is unfortunate, but notes that the trees are not particularly well-formed, having grown at such close spacing; the trees within the group are aerodynamically dependant on each other having developed together from a young age and recommends phased removal and replacement tree planting. These proposals have already been taken into account in the consideration of the application. One further tree, located to the west of the tree group is noted of low quality and is also recommended for removal because of its poor structural

condition. The tree has significant bark inclusion and weak union between its two main stems. The removal of this tree is not noted in the committee report, being new information arising from the impact assessment. Given its poor condition, its loss is considered a minor impact and mitigation planting would ensure provision of a more suitable long-term replacement. The impact assessment recommends the imposition of conditions for the management and maintenance of the trees and the protection of existing trees during construction phases. The following conditions are therefore proposed to be added to any permission if granted in addition to those stipulated in the report:

1.No development shall begin until a scheme for tree planting and tree management has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the completion of the development and shall thereafter be permanently retained, managed and maintained in accordance with the approved scheme. New tree planting should be in accordance with the processes laid out in 'BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations'.

2.No development shall begin until an Arboricultural Method Statement and Tree Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Arboricultural Method Statement and Tree Protection Plan shall be strictly adhered to before and during construction of the approved development.

Reasons:

1.To safeguard the character and appearance of the area in accordance with Policy DM2 of the Local Plan Part 3: Development Management Policies.

2.To ensure the development makes a positive contribution to the character and appearance of the area by protecting existing trees during development in accordance with policy DM2 of the Local Plan Part 3: Development Management Policies.

In addition, it should be noted that the officer's report incorrectly states that Bickleigh Castle (grade I listed building and conservation area) lies 1.5km to the south west of the site. The distance has been re-measured and is approximately 600 metres. This is not considered to alter the conclusions in relation to the impact on the historic environment as the less than substantial harm identified is associated with change to views to and from the church. The church has also now been able to confirm the height of the tower, which is 18.2 metres from the centre crenellation to the ground. A spiral staircase leading to the tower roof is external to the tower and has its own conical roof which adds 0.7m to the overall height. The applicant has amended the cross sectional drawings using a height of 18.9m accordingly.

The planning committee working group also asked if further consideration could be given to reducing the size of the visibility splay and the associated loss of hedgerow. Subsequently the site was visited by the case officer and Devon County Council's highway officer. The latter confirmed that the

width of the splay was at the lowest level relative the local speed limit and could not be reduced further. However, the size of the splay was measured to determine the exact extent of the impact on the hedge. The highways officer estimated that the actual loss of hedgerow may be less than that identified on the plans, potentially being down to 5m on the south side of the proposed access (as opposed to approximately 10m). Bramble growth along the frontage of the hedgerow to the south of the proposed access artificially enlarges the depth of the hedgerow, with the bank set back relatively deep. Once the overgrowth is removed the bank is unlikely to be affected to the extent identified. To the north of the proposed access the boundary the splay overlaps with the existing access so the loss of hedgerow is about 6m from the edge of the proposed access – this will be lost as it is proposed as part of the footpath to the site. In total the loss of hedgerow is likely to be approximately 16-20m (having taken account of the loss from the proposed access road of 4.5m) – the range being dependent on the amount to be reduced on the south side;

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

77 APPLICATION 16/00918/MOUT - OUTLINE FOR THE ERECTION OF 22 DWELLINGS AT LAND AT NGR 313224 113301 (WEST OF CONIGAR CLOSE), CULMSTOCK, HEMYOCK (3-48-00)

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 proposal for 14 market dwellings and 8 affordable homes. The proposed development was outside the settlement limit and she explained the policy issues with regard to the principles for development and the 5 year land supply issue. Members viewed a presentation which highlighted the proposed site layout, the extension to Griffin Close the retention of the trees and photographs from various aspects of the site.

Consideration was given to:

- The work taking place between the Community Land Trust and West of England Homes
- The application had been worked up over a period of time in response to local need
- The cascading process with regard to the affordable homes.

RESOLVED that planning permission be granted subject to:

The signing of a Section 106 agreement in respect of :

- a) The provision of 8 affordable dwellings on the site
- b) A financial contribution of £26,510 towards improvements to Higher and Lower Millhayes open spaces
- c) A financial contribution of £73,495 towards additional secondary education infrastructure and secondary education transport costs

Conditions as recommended by the Head of Planning and Regeneration with an amendment to Condition 14 to state: No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

And that negotiations take place on the allocation cascade agreement for the affordable homes

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing
- (ii) Cllr P J Heal declared a personal interest as Chairman of the Homes Policy Development Group;
- (iii) Mr Punnet spoke as a supporter of the scheme;
- (iv) Cllr F J Rosamond spoke as Ward Member;
- (v) The following late information was reported: 2nd September 2016 –

Hemyock Parish Council has noted that their comments on foul drainage have not been addressed in the officer's report. South West Water has a duty to accept connections into its system for new dwellings. SWW receives a list of all planning applications and comments only on those applications where it has concerns, for example it will object if it has concerns over the capacity of the sewage system to take additional foul drainage. SWW has not commented on this proposal and it is therefore accepted that the SWW has no issues with the additional foul drainage from this development.

6th September 2016 –

Additional response from Devon County Lead Local Flood Authority –

Following my previous correspondence (FRM/915/2016, dated 26th August 2016), the developer has contacted me in order to clarify the surface water drainage management proposals for this site, for which I am grateful.

The developer has confirmed that the design infiltration rate of 3.89×10^{-6} is a calculated value based on intrusive ground investigations as part of the Phase 1 development, which is acceptable.

The developer has also confirmed that the proposals to discharge the surface water runoff from the highway have been agreed with my colleagues in Highways, and that they are complemented by various highway drainage improvement works secured as part of the Phase 1 development, which is also acceptable.

I am therefore happy to confirm that my objection is withdrawn, and that if the Planning Case Officer is minded to grant permission in this instance, that the following pre-commencement planning condition is imposed:

□ No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy Report (Report No. FRA01, Rev. -, dated May 2016).

Reason: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Officer comments:

Page 158 of the committee agenda refers to Members being updated with the final comments of the Lead Local Flood Authority. The response has now been received and they have confirmed that they confirm their objection is withdrawn and the drainage scheme is acceptable, subject to a condition relating to a detailed surface water drainage management plan being submitted.

Amended condition 14.

No development shall begin until a detailed permanent surface water drainage management plan has been submitted to and approved in writing by the Local Planning Authority, to include details of the gradients of the attenuation pond and long term management and maintenance plans for the SUDS scheme. The detailed permanent surface water drainage management plan shall be in accordance with the principles of sustainable drainage systems, and those set out in the submitted Flood Risk Assessment and Drainage Strategy Report (No. FRA01 Rev – dated May 2016).

7th September 2016

Housing and Enabling Officer –

Just to confirm that I'm happy with the mix of 4 AF Rents, 3 SO & 1 Starter home;

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

(The meeting ended at 6.50 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 5 October 2016 at 2.15 pm

Present

Councillors

Mrs H Bainbridge, Mrs C Collis,
Mrs F J Colthorpe, Mrs G Doe, R J Dolley,
P J Heal, F W Letch, R F Radford,
Mrs J Roach, J D Squire and R L Stanley

Apologies

Councillors

D J Knowles and B A Moore

Also Present

Councillors

P H D Hare-Scott, T G Hughes and Mrs M E Squires

Present

Officers

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Simon Trafford (Area Planning Officer), Alison Fish (Area Planning Officer), Lucy Hodgson (Area Planning Officer), Christie McCombe (Area Planning Officer) and Sarah Lees (Member Services Officer)

Also in

attendance

I Sorenson (Highway Authority, Devon County Council)

78 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr D J Knowles who was substituted by Cllr Mrs J Roach.

Apologies were also received from Cllr B A Moore who was substituted by Cllr Mrs G Doe.

79 PUBLIC QUESTION TIME

Referring to item 11 on the agenda, 19 Exeter Road, Silverton, Mr Peter Davies said that this was the fourth set of drawings we've had to object to and each time it has been because the objections we have made have not been addressed significantly. The list of objectors to the previous plan was considerable and included the Parish Council, the Ward Councillor, 14 neighbours, the Conservation Officer and this Committee. Once again the Parish Council have come out strongly against. The implications report concluded that there are reasons for refusal and nothing in the

revised plan changes this. The Committee rejected the previous plan because of over development and this remains unaltered. Members complaining of shoe horned two buildings onto the site and cramping them in will still be disappointed. The committee rejected the previous plan because of the street scene. The two two-storey buildings will still have an overpowering visual affect and look completely out of context in this row of bungalows. Positioning them back one metre will have little significance. The Committee also rejected the previous plan because of the impact on the conservation area. The hedge bank at number 19 continues along Exeter Road to the country lanes leaving the village. This was previously 1.7m high. Mid Devon District Council's Silverton conservation area appraisal plan reports that the character of Exeter Road is enhanced by its hedges and that removal would impact greatly on the street scene. This bank is to be replaced by a narrow wall as seen in the drawing 1p16. As this wall will only be up to 900mm high there will be a large open frontage creating a suburban feel and certainly not improving or enhancing the conservation area. Furthermore with a large tarmacked front garden and wide visibility lines there will be little room for any planting. At the last committee meeting a Member wished to be reminded of the pre appraisal plans. The first planning officer from this council decided that the site was only suitable for one dwelling with amenity space to the front and back. I would also add that one could then keep the same gated entrance and all the bank and hedge. Members have also remarked that one dwelling would sit better on the site. May I ask the current officer if such a proposal would not better satisfy every one of the Committees objections? As these revised drawings fail to implement these objections I can only urge the Committee to uphold its previous decision and reject this application on the same basis of over development and detrimental impact on the street scene in a conservation area.

Mr John Joliff, Executive Head Teacher of the Exeter Federation which includes Newton St Cyres Primary School, referring to item 12, said that as there are several members of the Planning Committee that were absent from the briefing meeting that was held last week he would like to ask if they were aware of the very tight timescales that the EFA are now working under and that this would mean that any delay to the proposed new school could jeopardise the whole scheme and also I'd like to ask if the Committee Members have had the opportunity to read the schools updated travel plan and the support that parents have shown for walking buses, scooting and cycling to school and finally to ask if those committee Members are aware of the overwhelming support of the community for the new school and their support for the new improvements to the junction of the A377 and Station Road and the benefit that this will be to the whole community.

Mr Bill Croome, speaking to the item regarding 19 Exeter Road, Silverton and to the Three Tuns, Silverton, said that my concern is with regard to over development on the site at the Three Tuns and at Exeter Road and I believe this concern is shared by Members. The enlarged house proposed at the Three Tuns will be on higher ground than the cottages at Exeter Road which are at street level, the house will be overbearing and will take up parking spaces which highways have expressed reservations about if conversion of the pub is contemplated. I truly regret the closure of Silverton's most historic inn and had hoped that the original part may be kept as a pub. Would the Planning Officer confirm that an application has been made for the development and conversion of the Three Tuns itself? In the report reference is made to the development at the rear of 4 Exeter Road and I understand that revised plans have been submitted for this. Is the Planning Officer aware that the property is tenanted which may explain the lack of objection to the proposal? The proposal for 2

houses at number 19, even with the revisions before you, is also over development. You will see from the site plan which will be displayed that this site is smaller than the one re-developed at the rear and is barely capable of taking two buildings of the size proposed.

Dr Phillip Bratby, referring to Edgeworthy farm, said it is stated in the officer's report that one of the reasons for the large digester capacity, and I quote 'is to be in accordance with guidance from the Environment Agency with regards to planning for contingency'. Has the officer confirmed this with the Environment Agency and does it not seem odd that Greener for Life is wanting to increase contingency here whereas at Menchine farm and Red Linhay it has been going against the Environment Agency advice by wanting to increase the feed stock thereby reducing contingency? Can the officer confirm that figure 1, the overview, digestate main location, shows the full extent to the pipe line in both North Devon and Mid Devon and that it includes the pipeline passing to the south of the B3137 to Merryfield Hayes.

Mrs S Coffin, Templeton Parish Council referring to Edgeworthy Farm, said an 11000 v electricity cable of which Western Power Distribution were totally unaware has recently been laid through Nomansland between Menchine Farm and Edgeworthy Farm is the officer aware of the purpose of the cable and how it fits in with this application?

Mrs Sally Smythe, Chairman of Cruwys Morchard Parish Council, referring to Edgeworthy farm said that the report states that if an emergency spill occurred on the site it is proposed that this would be directed to the existing slurry lagoon on the south side of the buildings. This slurry lagoon sits above and is in close proximity to a tributary of the River Dart. Can the officer confirm that she has inspected the lagoon and that a spill would be directed around the buildings into the lagoon, and whether the lagoon is of adequate size to contain the spill and that it can be covered?

Ms Kirra Broadhurst, referring to item 11 on the agenda, 19 Exeter Road, Silverton, said that as a representative of the younger generation in Silverton said that what was needed in the village was houses that young families could buy not enormous bungalows or massive houses that only in-comers could afford. The proposed gardens were of an ideal size and ideal for children to play in. The recent builds in Newcourt Road are attractive, in keeping with the times and an asset to the village, they are the type of houses that we need. They were built on a plot approximately the same size as the plot in Exeter Road and passed without any hesitation. There were only two of them which were rapidly occupied. We now have the opportunity to have two more of the same quality. The emerging Neighbourhood Plan also included houses at a greater density than this proposal. Can the officers advise any specific plot sizes or density figures that apply in Mid Devon?

Mr Graham Sherburn, also referring to item 11 on the agenda, said that the National Policy Planning Framework states 'at the heart of the National Policy Planning Framework is a presumption in favour of sustainable development which can be seen as a golden thread running through both plan making and decision making'. I understand that the Planning Officers now recommend that the revised drawings that have been submitted improve the overall scheme. The presumption in favour of sustainable development, such as this scheme, has not however been expressly mentioned or previously discussed by the Committee, so can the officers advise please if the presumption is relevant in the determination of this decision?

80 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 7 September 2016 were approved as a correct record and signed by the Chairman.

81 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) Sara Jenkins was introduced to the Committee as the new Planning Enforcement Officer;
- b) She reminded the Committee that there would be an informal pre-application presentation in relation to Wells Park, Crediton on Monday 17 October at 2.00pm.

82 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

83 THE PLANS LIST (00:22:15)

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.

No 5 on the Plans List **(16/01184/LBC – Listed Building Consent for internal and external alterations including relocation of the kitchen at 10 Briton Street, Bampton, Tiverton)** – Listed Building Consent be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

- b) No 1 on the Plans List **(16/00750/FULL –Variation of condition (2) of appeal decision APP/Y1138/A/14/2211282 relating to planning application 13/01170/FULL to allow the substitution of previously approved plans at Land at NGR 284927 114041 (Edgeworthy Farm), Nomansland, Devon.)**

The Area Planning Officer outlined the contents of the report and explained that the application sought to change the layout and appearance of the plant and equipment that together formed the anaerobic digester. This had become necessary as the company that were supplying the plant/equipment approved on appeal were no longer in business.

The Committee were shown how the site was set out at the moment as well as the proposed new layout. This was within the same red line as the original planning application and was well grouped with the existing buildings. Aerial photographs were shown of the buildings in question as were drawings illustrating various elevations. It was explained that the previous digester tanks were rectangular whereas the new proposed tanks were cylindrical. A gas flare had been installed to burn off excess gas. It was stated that all the equipment would be lower than the existing farm buildings thereby reducing the visual impact specifically addressing a comment which had been made by the Inspector.

She referred the Committee to a number of updates within the update sheet relating to Highway Authority comments and amendments to condition numbers 5,7 and 12.

She offered answers to questions posed within Public Question Time. There was not currently a proposed condition regarding the linking of the drainage system. Regarding the pipeline question the officer confirmed that should the application be approved it would be a re-approval of a previously agreed plan, this was merely a changed layout, everything else remained the same. There had also been a question about the electricity cable between Menchine Farm and Edgeworthy Farm, installed to provide a grid connection, she stated that this would be more difficult to achieve direct from Edgeworthy Farm.

Consideration was given to:

- Withdrawal of a previous objection from the Highway Authority regarding confirmation that there would be no change in feed stock volume;
- Traffic to Menchine Farm already being heavy;
- Feedstock being sourced within 6 kilometres of Edgeworthy Farm;
- The need for records to be kept on a quarterly basis showing the number of vehicles entering and leaving the site as well as their size, type and load weight;
- The site currently had a permit that controlled the amount of emissions;
- Concerns as to the passing of power between two plants;
- The expansion of previous conditions to address output and feedstock concerns.

RESOLVED that permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with an amendment to conditions 5, 7, 12 and an additional condition 13 plus that delegated authority be granted to the Head of Planning and Regeneration to impose a further condition in relation to the submission of details of the drainage system to link the AD plant to the slurry lagoon in the event of an emergency spill.

Condition 5

Line 3, change “....point of origin or destination” to “...point of origin or **ultimate** destination” (add in word ultimate – but not in bold text)

Condition 7

Change to:

- i) The feedstock for the anaerobic digester shall be slurry, manure, grass and arable crops only. The slurry and manure shall be that produced only at Edgeworthy Farm, Merrifield Hayes Farm and Pulsards Farm, Cruwys Morchard.
- ii) A log book shall be maintained and completed detailing where and when the feedstock(s) for the AD plant have come from. The log book shall record name of farm, plot, supplier, number and gross and net weight of vehicles along with date and time of feedstock delivery.
- iii) No other sites are to be utilised for feedstock source. Such log book records shall be submitted to the Local Planning Authority quarterly or within any other frequency as requested by the Local Planning Authority.
- iv) Records of feedstock input into the digester by weight from the hopper shall be kept and submitted to the Local Planning Authority in writing quarterly or within any other frequency as requested by the Local Planning Authority.

Condition 12

Change to:

The permission hereby granted is for a 200kw anaerobic digester only. Power generation from the development shall not exceed 200kw averaged over a quarterly period (such quarterly period to commence from the first Feed in tariff submissions and continue thereafter). Such records of power generation shall be kept and submitted quarterly in writing to the Local Planning Authority.

Additional condition – 13

The Local Planning Authority shall be afforded access at reasonable times to all on site monitoring systems associated with the operation of the AD plant hereby granted.

Reason: To ensure the AD plant operates in accordance with the parameters and limitations as approved and as set out within the application and its supporting information.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs C Collis)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as some of the people involved with the application were known to her and the site in question was within her county division as a County Councillor;
- (ii) Cllr Mrs G Doe declared a personal interest as she had family members who lived in Nomansland;

- (iii) Cllr R J Dolley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (iv) Cllr R F Radford declared personal interest and chose to leave the meeting during the discussion thereon as he was a chicken farmer;
- (v) Cllr R L S Stanley declared a personal interest as he knew some of the objectors and had had a meeting with them;
- (vi) Mr Michael Scott (CPRE Devon Branch representative) spoke in objection to the application;
- (vii) Mr David Manley spoke as a representative of the applicant;
- (viii) The following late information was provided:

Highway Authority comments received 5th October 2016

Observations:

I confirm the conversation, discussions with the Planning Officer, the comments received from the Developer and with the imposition of the condition in respect of the output and feed stock. The Highway Authority withdraws its objection and is confident that the Local Planning Authority will have appropriate control and that there will be no material increase in traffic from this application.

Recommendation:

**THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT,
ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY
AUTHORITY, HAS NO OBJECTION TO
THE PROPOSED DEVELOPMENT**

Updates for Plans list item 1

The report states that planning permission has previously been granted for the installation of an Anaerobic Digester at Edgeworthy Farm. Permission was granted on appeal under reference 13/01170/Full. While works have started on site, not all of the pre commencement conditions have been discharged and therefore the works that have taken place are technically unauthorised. On 21st August 2015 the Department for Communities and Local Government (DCLG) set out changes to national planning policy to make intentional unauthorised development a material consideration that should be weighed in the determination of planning applications (the Statement has a specific focus on impact on Green Belts).

With regards to the development at Edgeworthy Farm, the unauthorised works **did not** take place in advance of planning permission being obtained. Planning permission had been granted but the pre commencement conditions had not been discharged prior to starting on site works. While the Local Planning Authority have taken the DCLG statement into account when assessing this current Section 73 application, it is not considered that the applicants failure to discharge the pre-commencement conditions (on a scheme that will no longer be

implemented), overrides the planning merits and acceptability of the currently proposed development.

c) No 2 on the Plans List (16/00817/FULL – Construction of an all-weather riding arena at Land at NGR 311229 111913 (Hayden End), Blackborough, Devon)

The Area Planning Officer outlined the contents of the report by way of presentation and section drawings highlighting the boundaries, landscaping plans and lay of the land. She reminded the Committee that the application had been deferred from the previous meeting to further consider drainage and possible flooding issues. An investigation report from UKDN Waterflow had been submitted, the details of which were on the update sheet. Their findings had not altered the officer recommendation which was still to grant approval with conditions to specifically address the impact upon the neighbours privacy, drainage and impact upon the Area of Outstanding Natural Beauty.

Consideration was given to:

- The high clay elements within the soil and the movement of water around it;
- Previous drainage issues at the neighbouring property;
- Safety issues regarding the movement of horses on adjacent roads;
- The housing and exercising of horses over the winter months;
- The proposed arena would be on a lower site than the property.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Ms Rachel Bennett (Objector) spoke;
- (ii) Mr Richard Bentley (Applicant) spoke;
- (iii) Cllr T G Hughes spoke as Ward Member;
- (iv) The following late information was reported:

30th September 2016

Two additional reports have been submitted.

An investigation report from UKDN Waterflow has been submitted by Ms Criddle (objector).

- The report concerns inspection results and observations of the drainage system
- Summary of works carried out at the property: there was damage to the septic tank and water backing up from the soakaway system, a new system was recommended.

- Percolation tests revealed a high water table, it was determined a traditional septic tank and soakaway system was not viable. A pump station, sewage treatment plant and low level drainage field was installed in May 2016.
- Sub topography of the soil is a mixture with a high clay element. The report states that in these circumstances it is impossible to accurately forecast the course of surface water.
- Due to the high water table the report advises that any development or building works which increase the flow of water to the property could cause damage to the new drainage system, causing saturation and the system to cease to function to specification.

An updated Technical Note – Flood risk Assessment by Stuart Michael Associates has been submitted by the applicant, this has been informed by a topographical survey of the site by South West Surveys.

- The technical note is based upon a topographical survey of the site showing contours at 0.1m intervals, ordnance survey mapping, submitted plans and infiltration test results, British Geological Survey information and Environment Agency Information.
- A drawing of the existing site has been prepared showing the direction of surface water runoff across the field.
- The topographical survey shows that the existing ground levels, in the area where the arena is proposed, fall approximately 1.2m from the highest point to the lowest point.
- The site has a very low risk of flooding from surface water. The field is close to the local high point so the catchment area affecting the field to the north is small.
- The existing ground levels in the vicinity of the proposed arena show that surface water would flow directly southwest towards the southwest boundary of the site.
- The arena will not generate increased runoff or increase flood risk because any rain falling on the arena will infiltrate through the permeable surface of the arena construction and through to the impermeable clay layer where it will flow along the top of the clay and either dissipate into the surrounding soil or if the soil is saturated continue downhill, as currently, towards the southwest boundary of the field.
- It is recommended that the arena base is laid the shallow falls in a southwest direction to mimic the existing situation rather than the direction shown on drawing GH/Bentley/04.
- The plateau formed by the arena and its sub-surface permeable construction will have a small attenuation effect on the flow of water through the arena construction when compared with saturated ground on top of the impermeable clay.
- In extreme events, when the ground and arena are saturated, there would be no increase in flood risk.
- The topographical survey provides evidence that the majority of the field is sloping towards the southwestern boundary. Surface water runoff from the area where the arena is proposed to be located

cannot flow towards 2 Haydon End and will not affect the drainage system.

- This report confirms that flood risk will be managed acceptably and that the proposed arena should not increase the risk of flooding elsewhere.

4th October 2016

A revised drainage plan has been submitted in accordance with the findings of the topographical survey, this amends the direction of the gradient that the arena base is laid to.

d) No 3 on the Plans List (16/00922/FULL – Erection of a dwelling at The Three Tuns, Exeter Road, Silverton.)

The Area Planning Officer outlined the contents of the report by way of presentation outlining the site location plan, the details of the proposed development, the access route, proposed site layout and the area of parking. She also outlined the history to the application and showed photographs of the rear of the properties on Exeter Road.

Referring to questions raised during Public Question Time she stated that two new planning applications had been registered with the Planning Authority one of which related to the conversion of the pub to three dwellings. The second one had been regarding the erection of two houses. Twelve parking spaces would be retained for use by the pub thereby ensuring adequate parking and complying with policy DM8.

The Planning Authority did understand that no. 4 was tenanted.

Consideration was given to:

- The size and re-siting of the proposed development compared to the original application;
- Potential loss of privacy and light to a neighbouring property;
- Whether approval of the application would lead to over development;
- The applicant had amended the plans in the light of concerns raised and had ensured adequate parking and a smaller rear extension;
- A need to look at the whole scheme holistically particularly with regard to access issues, delivery vehicles and the parking of visitors;
- The need to only consider the application before the Committee and not potential applications in the future;
- In the opinion of the Highway Authority as the current application stood there was sufficient parking proposed. The impact of the two newly received applications on parking would be considered as part of their determination.

RESOLVED that planning permission be granted subject to conditions and the provision of a Section 106 Agreement as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs C Collis)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she had been contacted by supporters and objectors to a previous application on this site;
- (ii) Cllr Mrs J Roach declared a personal interest as she had been contacted by the objectors and spoken at a Parish Council meeting about this application;
- (iii) Mr John Jackson (Objector) spoke;
- (iv) Ms Maria Bailey (Agent) spoke;
- (v) Cllr Mrs J Roach spoke as Ward Member;
- (vi) Cllr Mrs J Roach requested that her vote against the decision be recorded;
- (vii) A proposal to refuse planning permission was not supported.

e) No 4 on the Plans List (*16/00964/FULL – Conversion of redundant stables to dwelling to Hackpen Stables. Blackborough, Devon*)

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the proposed floor plans and elevations. The position of the sewerage treatment plant and alteration to the position of the gates was also referred to.

Consideration was given to:

- The fact that there was still a caravan and storage container on the site;
- Whether the proposed one bedroom property could house a whole family;
- The results of the percolation test;
- The effects of enforcement on the applicant;
- The current housing situation of the applicant;
- Support for the proposal from the local community;
- Whether approval would be setting a precedent and the fact that the proposal went against policy.

RESOLVED that planning permission be refused for the following reasons as recommended by the Head of Planning and Regeneration:

It is the opinion of the Local Planning Authority that the building fails to meet the preliminary character test of Policy DM11. Despite being considered a rural building by virtue of its rural location, this stable block of a modern construction is not of a shape, form or materials that are worthy of retention. The building is not considered to be of any intrinsic merit, architectural or otherwise and isn't thought to positively contribute to Mid Devon's rural character. In addition there is no evidence to suggest that the buildings permitted use is entirely redundant, and the proposed works, effectively stripping the building to its frame, results in

significant alteration and rebuilding, contrary to Policy DM11. The proposed development is considered to be harmful to the character, appearance, setting and special qualities of the Area of Outstanding Beauty, due to the proposal securing the long term presence of the building within the rural landscape and the resultant domestic paraphernalia associated with a dwelling in this location. In addition, the existing building is located outside of an adopted settlement limit and is considered to be in an isolated location, as proposed the development would constitute a new isolated home in the countryside, contrary to policy. No evidence has been submitted to demonstrate that any of the other special circumstances set out in paragraph 55 of the National Planning Policy Framework have been met so as to justify a dwelling in this location. Overall, the proposed development is considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), and Policies DM11 and DM29 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework. The application is therefore recommended for refusal.

(Proposed by Cllr Mrs J Roach and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had received correspondence regarding the application;
- (ii) Mr Jack Perry (Objector) spoke;
- (iii) Mr Ian Firth (Agent) spoke;
- (iv) Cllr T G Hughes spoke as Ward Member;
- (v) The following late information was reported:

30th September 2016

A percolation test has been undertaken in accordance with the Building Regulations 2010 H2 document the results found the site to be within the suitable range for a soakaway and sewage treatment plant to support a single bedroom dwelling.

The applicants have suggested the following conditions should Planning Committee be minded to approve the application:

- Timing – Standard Condition – commencement of proposed development within 3 years of approval – reason: in the interests of proper planning
- Materials – Standard Condition – To supply and agree external materials with the council prior to their use on site - reason: in the interests of proper planning
- Generator – the development shall not be occupied as a dwellinghouse until the provision of a fixed mains electrical power supply is installed at the property – reason: to improve the residential amenity of the area (in

accordance with DM11) and in the interest of improving the peace and tranquillity of the Blackdown Hills AONB

- Landscaping, Planting & Hedgerow maintenance – the development shall not be commenced until details of a planting scheme and management plan has been received and approved in writing by the council – reason: in the interest of maintaining and enhancing the Blackdown Hills AONB (Condition as proposed by the AONB partnership)
- Bat boxes/ biodiversity enhancement – development shall be completed in accordance with the attached biodiversity report recommendations – reason: to ensure that net biodiversity gains result from the proposed development.
- Lighting plan – the development shall not be occupied until a lighting plan has been submitted and agreed in writing by the LPA – reason: to ensure that the residential amenity of the area is not adversely affected by the proposal and to limit light pollution in the Blackdown Hills AONB Restriction on permitted development rights - a planning condition which restricts permitted development rights for subsequent extensions and alterations – reason – to comply with Policy DM11 and para 2.9 of the 2013 Mid Devon local plan.
- The applicant would be prepared to restrict the property to 'local needs' housing.

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Three additional letters of support have been received, they are summarised as follows:

- There is a shortage of low cost affordable housing.
- No effect on the environment nor are there any other reasons that the planning application cannot go through. Removal of the generator would be an improvement.

84 THE DELEGATED LIST (02:42:43)

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

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

85 MAJOR APPLICATIONS WITH NO DECISION (02:43:14)

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

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

86 APPEAL DECISIONS (02:45:00)

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 the signed minutes.

87 **APPLICATION 16/00458/FULL - ERECTION OF 3 DWELLINGS AND ASSOCIATED INFRASTRUCTURE FOLLOWING REMOVAL OF EXISTING NURSERY BUILDING AT ACTION FOR CHILDREN, CREDITON AREA CHILDRENS CENTRE, NEWCOMBES, CREDITON (02:04:00)**

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 by way of presentation explaining that the application had previously been deferred to allow further discussion to take place between the applicant, the Town Council and Ward Members with regard to design and access issues onto Jockey Hill and traffic generation. Following a site visit and further consideration by the Town Council they were now recommending approval for the application.

The Committee were provided with information with regard to highway and access arrangements as well as the planned new landscaping, refuse arrangements and how the development would affect pedestrian movements. The Committee were also shown illustrations of how the proposed dwellings would affect the street scene and how they would visually sit within the environmental context.

Consideration was given to:

- The innovative design of the proposed dwellings which was seen as refreshing;
- The value of having a site visit to see proposed dwellings in context.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr F W Letch and seconded by Cllr P J Heal)

Notes:

- (i) Cllr F W Letch declared a personal interest in that he was a Town Councillor and also Mayor of Crediton;
- (ii) Cllr F W Letch made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as he had received correspondence regarding the application;
- (iii) Cllr F W Letch spoke as Ward Member.

88 **APPLICATION 16/00180/FULL - ERECTION OF 2 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLINGS (REVISED SCHEME) AT 19 EXETER ROAD, SILVERTON (02:42:66)**

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 fact that Members at Planning Committee on 6 July 2016 were minded to refuse planning consent contrary to Officer's recommendation. The application was therefore deferred for a further report

setting out the implications of the proposed reasons for refusal. The reasons for refusal related to:

- Overdevelopment of the site.
- The development was not in keeping with the street scene.
- The impact of the development on the setting of the conservation area.
- Parking arrangements were insufficient.

Following the presentation of the implications report and revised drawings, that had been submitted by the applicant in response to Members comments at Planning Committee on 6 July, Members requested that the application be deferred (Planning Committee, 7 September 2016). Committee procedures determine that when an application is deferred for an implications report, that members of the public do not have an opportunity to speak, other than at public question time. Since revised drawings were also presented at the Committee meeting on the 7 September, Councillors were concerned that the public did not have an opportunity to comment at that meeting. The application was therefore deferred to provide an opportunity for members of the public to speak.

In response to questions posed during Public Question Time the Area Planning Officer stated that Mid Devon did not have a specific density or plot size. However, Policy DM22 stated that any proposal should take into consideration the characteristics of the site including its wider context, efficient and effective use of a site and integration with surrounding buildings so that it does not have an adverse impact on privacy. Reference was made to paragraphs 11 & 12 of the NPPF which stated that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicated otherwise. The starting point for this application is a 'presumption in favour of sustainable development'.

Consideration was given to:

- Previous comments with regard to over development, the impact on the conservation area and parking;
- The density of two dwellings on the size of plot proposed;
- The revisions to the design following a previous Planning Officers advice;
- The risk of setting a precedent in the future for similar proposed development;
- The effect on the street scene.

RESOLVED that planning permission be refused for reasons 1 and 2 as set out in the report.

1. The proposal is contrary to Section 7 of the NPPF, policy COR2 of the Adopted Core Strategy and policies DM2 (a, c, ei, eii and eiv) and DM149a) of the Local Plan part 3 because by virtue of its siting, scale, massing and detailed design the proposal represents over development of the site having a detrimental impact upon the character of the street scene.
2. The proposal is contrary to Policy DM27(b) of the Local Plan Part 3 because by virtue of its siting, scale, massing and detailed design the proposal would neither preserve or enhance the character of the adjacent conservation area.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs J Roach)

Notes:

- (i) Cllr Mrs J Roach made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with planning matters as she had been contacted by both supporters and objectors to the application;
- (ii) That in the event of an appeal being received, the following Councillors be nominated to represent the views of the Planning Committee in assisting to defend the decision: Cllrs Mrs J Roach, R F Radford and R L Stanley.

89 APPLICATION 14/01332/MOUT - OUTLINE FOR A MIXED USE DEVELOPMENT COMPRISING OF A PRIMARY SCHOOL AND PRE-SCHOOL WITH ANCILLARY FACILITIES INCLUDING SPORTS PITCH AND PARKING AND TURNING AREA; ERECTION OF UP TO 25 DWELLINGS WITH PARKING AND OPENS PACE - LAND AT NGR 288080 098230 - EAST OF STATION ROAD, NEWTON ST CYRES (03:14:42)

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 fact that the Planning Committee had considered matters in relation to the off- site highway works required as part of the proposed school and housing development at Newton St Cyres at its meeting on the 7 September.

Members had considered two recommendations. Whilst they resolved to approve Recommendation 1, the 2nd recommendation which was in regard to the scope of works to be delivered at the junction of Station Road and the A377, as required by condition 10 of the outline planning permission and as shown on the drawing at appendix B, was not approved. The resolution which was passed was as follows:

Resolution: The managed one way scheme at the junction of the A377 and Station Road which is now proposed to satisfy condition 10 not be agreed and be refused on the following grounds that in the opinion of the Local Planning Authority the proposed managed one way system would be likely to lead to unacceptable inconvenience and highway danger to road users arising from the concentration of traffic flows at peak times resulting in unacceptable queuing and reversing movements contrary to policies COR9 Core Strategy (Mid Devon Local Plan Part 1) and DM2, Development Management Policies (Local Plan Part 3).

Following this, Members of the Committee had an informal briefing on 26th September, with updates from the land promoters team as to how they had sought to progress matters since the meeting on the 7th September. This included:

- The scope of the ongoing discussions to acquire the 3rd party land in order to deliver a two way arrangement in full.
- The programme to deliver the new school in Newton-St-Cyres and how it was currently affected by the ongoing discussions regards the junction works.

- The scope of the improvements to the junction that had been built into the revision D design, and the implications that were considered likely focusing on the members reasoning given at the last meeting as set out above.

Consideration was given to:

- The additional land which had now been acquired by the developer and had been conveyed to the Highway Authority;
- Both phases of the improvement works could now be delivered;
- Contracts had been exchanged with the landowner that morning;
- There would be a 7m section of road that would require a priority system;
- The amount of traffic using the road at weekends to attend sporting events in the recreation field was often more than during the school day;
- Traffic movements would be closely monitored.

Following the Officer presentation and the ongoing discussions that followed the Committee agreed that the approach to managing the delivery of the junction works on a phased basis as set out in the committee report pack was an acceptable approach.

It was explained by the Area Planning Officer that the recommendation as set out in bold: **that neither the new school and associated facilities not the housing shall be occupied until the off-site highway works for the provision of a junction improvement scheme, at the junction of Station Road and the A377 as shown on drawing number 4058 rev D hereby approved have been constructed and made available for use:** would be confirmed through the minutes of the meeting and as part of the decision on planning application 16/01222/FULL which is currently pending consideration.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllrs Mrs F J Colthorpe, R J Dolley, P J Heal, R F Radford and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors dealing in planning matters as they had received correspondence regarding the application.
- (ii) Mr David Graham (objector) spoke;
- (iii) Mr Paul Jones (Agent) spoke;
- (iv) Cllr Jim Enright (Newton St Cyres Parish Council) spoke;
- (v) Cllr P H D Hare-Scott spoke as Ward Member;
- (vi) The following late information was reported:

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As stated at point 3 of the report an informal presentation to the planning committee was undertaken on Monday 26th September. The meeting was well attended with various presentations from the developers team. The notes of the meeting have been circulated to the members with comments from a number of key speakers.

The comments as set out below add further to report in terms points i) and ii) reflecting on that meeting and further submissions to your officers since the update report was drafted.

- i) Third Party land: Discussions have progressed and it has been agreed that the additional section of land currently owned by the by the occupiers of the corner property will be acquired by Kingswood Homes and transferred to Devon County Council. This will enable the Highway Authority to complete phase 2 as indicated on the junction improvement plan which was submitted to support the outline planning application and as produced at appendix A of the report.

Members will have received a letter from Newton St Cyres parish Council putting forward the following recommendation:

That approval be given to the proposal for an amended one way system as presented by Kingswood Homes and DCC Highways on condition that once the new School is occupied this system is fully monitored for 12 months and, if after 12 months, there is a problem then the full widening scheme should be implemented on land that will then be owned by Devon County Council.

- ii) At the presentation on the 26th September Mr Joliffe, the Executive head of the Primary school clarified further the benefits of the new school as proposed and the scope of the travel planning survey work that is ongoing in relation to how pupils and parents will travel to the new school. The notes as circulated confirm that Mr Joliffe stated that:

The building was no longer fit for purpose and disabled access was virtually impossible. The safeguarding of the children was severely compromised in that there was no secure entrance whereby identity checks could be undertaken. The road on which the school was located was extremely busy and very steep meaning that parents found pushing a buggy up it very difficult. The community fully supported the building of a new school with neighbouring properties willing to sacrifice their views for the betterment of the community.

A new school would have full disabled access, all the children would be under one roof, would provide a secure entrance and be in a safer location with off street parking.

A survey had been undertaken with parents asking them how they travelled to school. The results had shown that if the school moved to the new site, car usage would drop to 35%. There was a great willingness

amongst parents to bring children to school on foot. A walking bus would be encouraged and the numbers of cars actually entering the school would drop from 40 to 10. The breakfast and after school clubs would mean that the comings and goings of vehicles using the busy junction would be staggered. In addition to this 466 members of the community had signed an on-line petition in support of the new school.

Alison Beacham from the Education Funding Authority confirmed that the funding allocated to the project would only be released once there was an agreed programme to complete the necessary infrastructure as required by the terms of the planning permission.

Finally since the update report was drafted 28 letters of support for the building of the new School have been received.

In summary since confirming their resolution on this issue at the meeting on the 7th September, clarification of the matters which were a concern to the members has now been provided. Clarification as to how the new junction arrangements would operate with the phase 1 works completed have been clearly set out in the various reports presented to members. These are the scope of works shown on drawing number 4058 RevD which members are requested to approve in terms of allowing condition 10 to be discharged. The phase 2 works would then be completed in compliance with a programme to be set by Devon County Council who will own the land and the necessary rights to complete the works following the completion of the land transfer.

90 **PERFORMANCE (03:46:05)**

The Committee had before it, and **NOTED**, a report * of the Head of Planning and Regeneration providing information on the Planning Service for quarter one of the 2016/17 financial year.

She outlined the contents of the report stating that the service had exceeded the majority of the performance requirements. However, there had been a slight slip in the 'Other applications to be determined in 8 weeks' indicator and this also included 'listed building consents' which had achieved 78% rather than the target of 80%. Generally, however, this aspect was showing an improvement compared to this time last year.

She informed the Committee that in the Autumn Statement of 2015 and in the 'Technical consultation on implementation of planning changes' issued by the Department for Communities and Local Government in February 2016 it was indicated that it was the intention of the Government to tighten planning performance measures and add to them.

The report also set out the activity in the area of Planning Enforcement. This area was due to be considered by the Scrutiny Committee on Monday 10 October 2016.

There had been a period of flux in terms of staffing creating some challenges. She was looking at filling the gaps and undertaking a restructure within her department in order to address the issue. She would be involving the staff in that assessment.

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

(The meeting ended at 6.23 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 6 October 2016 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
N V Davey, C J Eginton, F J Rosamond,
C R Slade and Mrs N Woollatt

Apologies

Councillor(s)

Mrs F J Colthorpe, Mrs S Griggs, Mrs M E Squires and
L D Taylor

Also Present

Officer(s):

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

14 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs Mrs F J Colthorpe, Mrs S Griggs, L D Taylor and Mrs M E Squires who was substituted by C J Eginton.

15 PUBLIC QUESTION TIME

There were no members of the public in attendance.

16 MINUTES

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

17 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

18 UPDATE REGARDING MEMBER POLICIES AND PROCEDURES

The Monitoring Officer provided an update to the Committee regarding policies that required completion by all officers and Members. These policies related to areas such as data protection, safeguarding and email use, amongst others.

The Monitoring Officer had written to all Members that hadn't completed their policies a few months ago and the majority had subsequently completed them. However, six Members had yet to complete their policies. There had been some issues with the IT systems but this situation had been resolved and the Monitoring Officer was now confident with the information that had been provided.

It was **RESOLVED** that a letter be sent from the Chairman of the Standards Committee and the Audit Committee to those Members with policies outstanding,

reminding them of the importance of complying with the requirement to complete policies. The letter would inform them that should they not complete the policies by the deadline set they would be reported to the Standards Committee. The letter would include a deadline for completion which would be within the period that the current Monitoring Officer was in post. A copy of the letter would be sent to Group Leaders.

(Proposed by the Chairman)

19 UPDATE REGARDING PLANNING PROCEDURES

The Monitoring Officer provided an update regarding Planning Procedures and the recommendation to Council from the Committee which had been approved on 31 August 2016. The officer informed the Committee that all of their recommendations had been approved along with an additional recommendation put forward by the Chair of Planning regarding the length of time that a Ward Member could speak to an application.

20 REGISTER OF INTERESTS

The Chairman had requested that the Monitoring Officer provide an update regarding Registers of Interests.

The officer informed the Committee that she had concerns that Register of Interests forms were not being regularly updated. Forms were often left with empty sections which should be marked as not applicable if there was nothing to report and there was some uncertainty as to whether all Members were including information regarding spouse's interests.

The Monitoring Officer also reminded Members that should they declare an interest at a meeting there was a window of 28 days in which to update their Register of Interest to include this. Regular audits of this area were undertaken.

It was **AGREED** that Members would receive a six-monthly reminder that their Register of Interests form needed to be up to date and what should be included. A regular reminder would also be issued regarding gifts and hospitality.

Discussion took place regarding declarations of interest and it was **AGREED** that a Member briefing be put in place to cover Register of Interests, Declarations of Interests and Gifts and Hospitality.

Discussion took place regarding the completion of forms and the possible move to an electronic format. It was **AGREED** that the IT Service should be urged to move forward with this.

Register of Interest forms were also a requirement for Town and Parish Councillors and it was **AGREED** that a regular reminder be issued to them via the Parish Matters newsletter.

21 COMPLAINTS

The Monitoring Officer informed the Committee that she was in the process of dealing with four complaints. One of those complaints would be discussed at the next agenda item. The remaining three complaints were in the process of being resolved and the officer was hoping to conclude them in the following week.

22 ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC

It was **RESOLVED** that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

23 LOCAL INVESTIGATION OF COMPLAINT

The Monitoring Officer presented her findings and the Sub Committee recommendation following an investigation of a complaint.

The Committee **AGREED** that in this case the subjects of the investigation were not acting as Councillors at the time but could be perceived to have been.

(Proposed by the Chairman)

Therefore as per the Code of Conduct the Committee **RESOLVED** the following:

- a) Recommend to the subject Members Group Leader that the subject Member be removed from all Committees and Sub Committees of the Council for the remainder of the Municipal Year;
- b) Recommend to the Leader that the subject Member be removed from the Cabinet.
- c) That the Monitoring Officer be instructed to explore training opportunities for all Members on Standards in Public Life, including case studies;
- d) That the monitoring officer write to the Mayor of the Town Council to recommend that the subject Members be removed from all Town Council Committees for the same period of time.

(Proposed by the Chairman)

Note: - Cllr C J Eginton requested that his abstention from voting be recorded.

It was further **RESOLVED** that:

The Chairman of Standards write to the Chief Executive, Monitoring Officer and Section 151 Officer with a recommendation that they review the Councils role as an accountable body and set in place due practice and procedures following the guidance of the DCLG.

The committee wanted the three posts holders to ensure that the Council suitably and sufficiently discharged its duties and responsibilities as the accountable body in any such circumstances that it found itself.

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

Hearing Procedures

(The meeting ended at 8.45 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE B** held on 16 September 2016 at 10.00 am

Present Councillors

Mrs F J Colthorpe, D R Coren and
L D Taylor

Present Officer(s):

Simon Johnson (Legal Services Manager), Thomas Keating (Lead Licensing Officer), Simon Newcombe (Public Health and Professional Services Manager) and Julia Stuckey (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies given.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr L Taylor be elected Chairman of the Sub Committee for the meeting.

Cllr Taylor then took the Chair.

3 TO DETERMINE WHETHER OR NOT A LICENSED DRIVER AND VEHICLE PROPRIETER REMAINS FIT AND PROPER

The Sub Committee had before it a report * from the Head of Human Resources and Development asking them, in light of the information set out within the report and the response of the licence holder, to decide whether or not the individual remained fit and proper to hold licenses with the authority.

The Members, officers and applicant introduced themselves.

There were no interests to declare.

The Legal Services Manager thanked the licence holder for providing a witness statement, which had been received the previous afternoon. The statement was useful but Members had not had time to review it due to the lateness of the submission. Officers had checked the statement for veracity and had undertaken some checks regarding a statement relating to MOT's. Some further information had been obtained but there had not been sufficient time to consider this. The officer recommended adjournment to allow further examination.

It was **RESOLVED** to adjourn the meeting to allow officers time to review information.

(Proposed by the Chairman)

Note: - * Report previously circulated.

(The meeting ended at 10.03 am)

CHAIRMAN