

Public Document Pack

MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 28 June 2017 at 6.00 pm

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

[The next meeting is scheduled to be held in Tiverton on Wednesday, 30 August 2017 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

20 June 2017

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

Reverend Godfrey Bell will lead the Council in prayer.

AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **Minutes** (*Pages 7 - 12*)

To approve as a correct record the Minutes of the Annual Meeting of Council held on 10 May 2017

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 537 (Councillor Mrs N Woollatt – 25 May 2017)

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

That this council should adopt a policy of ensuring that play areas in the district that contain play equipment aimed at pre-school or primary school age children are enclosed to facilitate the health and safety of its young users.

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 Environment Policy Development Group.

(2) Motion 538 (Councillor Mrs J Roach – 1 June 2017)

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

Mid Devon District Council is concerned that the present level of grass cutting across the district is the subject of much criticism.

The Mid Devon District Council therefore resolves to urgently review;

1. Whether the budget is sufficient and if it isn't to put forward a request to Council for a supplementary budget to meet the cost of providing an effective service.
2. If it is impossible to provide extra funding the Council should consider asset transfers to Parish Councils and/or individuals.

Taxpayers are now facing the second year of a grass cutting regime which leaves the grass uncut for long periods.

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 Environment Policy Development Group.

(3) Motion 539 (Councillor Mrs J Roach, R M Deed, L Taylor, R Wright, J M Downes and T W Snow – 20 June 2017)

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

This Council notes with concern that the leader called a State of the District Debate in 2015 but didn't hold it until 2016 thereby denying the people of Mid Devon the opportunity to hold a debate in 2015.

We therefore call on the Mid Devon District Council to review and change the Constitution to prevent any Leader from acting in such a manner in the future.

In accordance with Procedure Rule 14.4, the Chairman of the Council

has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

7 **Reports** (*Pages 13 - 94*)

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

(1) Cabinet

- 11 May 2017
- 15 June 2017

2) Scrutiny Committee

- 22 May 2017
- 19 June 2017 (to follow)

(3) Audit Committee

- 30 May 2017

(4) Environment Policy Development Group

- 16 May 2017

(5) Homes Policy Development Group

- 23 May 2017

(6) Economy Policy Development Group

- 18 May 2017

(7) Community Policy Development Group

- 6 June 2017

(8) Planning Committee

- 17 May 2017
- 14 June 2017

8 **Questions**

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

9 **Decisions taken under Special Urgency** (*Pages 95 - 96*)

To consider a report of the Leader (and Monitoring Officer) regarding decisions taken under Rule 16 (of the Constitution) Special Urgency –

January – March 2017

10 **State of the District Debate**

The Leader has requested that consideration be given to an appropriate subject and format for a State of the District Debate.

11 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their portfolios.

12 **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 10 May 2017 at 6.00 pm

Present Councillors

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, 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, D J Knowles, F W Letch,
B A Moore, R F Radford, Mrs J Roach,
F J Rosamond, Mrs E J Slade, C R Slade,
J L Smith, T W Snow, J D Squire,
Mrs M E Squires, R L Stanley, N A Way,
Mrs N Woollatt and R Wright

Apologies Councillors

N V Davey, Mrs C P Daw, R J Dolley,
Mrs S Griggs, Miss C E L Slade and
L D Taylor

1 Chairman of the Council (00-05-06)

Councillor Mrs M E Squires nominated Councillor P J Heal for election as Chairman of the District Council for the year 2017/2018. This nomination was seconded by Councillor R L Stanley.

Upon a vote being taken, it was then:-

RESOLVED that Councillor P J Heal be elected Chairman of the Mid Devon District Council for the Municipal Year 2017/2018.

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

2 Apologies (00-25-22)

Apologies were received from Councillors:

N V Davey, Mrs C P Daw, R J Dolley, Mrs S Griggs, Miss C E L Slade and L Taylor.

3 Minutes (00-25-48)

The Minutes of the Meeting of the Council held on 26 April 2017 were approved as a correct record and **SIGNED** by the Chairman.

4 **Vice Chairman of the Council (00-27-08)**

Councillor R J Chesterton nominated Councillor R B Evans for election as Vice Chairman of the District Council for the year 2017/2018. This nomination was seconded by Councillor R F Radford.

Upon a vote being taken, it was then:-

RESOLVED that Councillor R B Evans be elected Vice Chairman of the Mid Devon District Council for the Municipal Year 2017/2018.

In accordance with Section 83 of the Local Government Act 1972, Councillor R B Evans then made a Declaration of Acceptance of Office.

5 **Chairman of the Scrutiny Committee (00-35-24)**

Councillor T W Snow nominated Councillor F J Rosamond for election as Chairman of the Scrutiny Committee. The nomination was seconded by Councillor Mrs E M Andrews.

Upon a vote being taken, it was

RESOLVED that Councillor F J Rosamond be elected Chairman of the Scrutiny Committee for the Municipal Year 2017/2018.

6 **Appointment of Committees, Policy Development Groups, Working Groups and other Internal Bodies (00-38-50)**

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

Arising thereon:-

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

The Chairman **MOVED THAT,**

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

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

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

(d) the Chief Executive be authorised to give effect to such changes to membership of Committees, Working Groups and other internal bodies as may be

notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council.

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

Upon a vote being taken the individual **MOTIONS** were declared to have been **CARRIED**, with: Councillor F W Letch requesting that his vote against (a), (b) and (c) and that his abstention from voting for (d) be recorded, Councillor Mrs J Roach requesting that her vote against (a), (b), (c) and (e) be recorded and Councillor R Wright requesting that his vote against (a) (b) and (c) be recorded; the allocation and the following table were **APPROVED** including the appointment of Councillor Mrs J Roach to the Scrutiny Committee and as a substitute to the Planning Committee, the appointment of Councillor J L Smith to the Scrutiny Committee, the Environment Policy Development Group, the Licensing Committee and the Regulatory Committee; the appointment of Councillor R M Deed to the Audit Committee; the appointment of Councillor R J Dolley to the Homes Policy Development Group, the Community Policy Development Group and the Planning Committee; the appointment of Councillor Mrs N Woollatt to the Economy Policy Development Group, the Standards Committee and the Planning Policy Advisory Group; the appointment of Councillor D J Knowles to the Planning Committee, the Planning Working Group, the Licensing Committee, the Regulatory Committee, the Planning Policy Advisory Group and the Greater Exeter Strategic Partnership Member Reference Forum.

<p>Scrutiny (12)</p> <p>Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C P Daw (C) Mrs G Doe (C) S G Flaws (C) Mrs B M Hull (C) T G Hughes (C) Mrs J Roach (UG) F J Rosamond (ING) J L Smith (UG) T W Snow (ING) N A Way (LD)</p>	<p>Audit Committee (7)</p> <p>Mrs J B Binks (C) Mrs C A Collis (C) R M Deed (UG) R Evans (C) T G Hughes (C) R F Radford (C) L Taylor (LD)</p>	<p>Environment PDG (9)</p> <p>C P Daw (C) D R Coren (C) R Evans (C) F W Letch (LD) R F Radford (C) Mrs E J Slade (C) J L Smith (UG) J D Squire (C) R Wright (LD)</p>	<p>Homes PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) D R Coren (C) W J Daw (C) Mrs G Doe (C) R J Dolley (UG) P J Heal (C) F W Letch (LD) J D Squire (C)</p>
<p>Community PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C Daw (C) Mrs G Doe (C) R J Dolley (UG) F W Letch (LD) B A Moore (C) Mrs E J Slade (C)</p>	<p>Economy PDG (9)</p> <p>Mrs A R Berry (C) Mrs J B Binks (C) S G Flaws (C) J M Downes (LD) R Evans (C) T G Hughes (C) Mrs B M Hull (C) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p>Planning Working Group (8)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) P J Heal (C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C)</p>	<p>Planning Substitutes (7)</p> <p>K I Busch (C) Mrs G Doe (C) J M Downes (LD) R Evans (C) S G Flaws (C) Mrs B M Hull (C) Mrs J Roach (UG)</p>
<p>Standards (9)</p> <p>Mrs J B Binks (C) Mrs F J Colthorpe (C) C J Eginton (C) F J Rosamond (ING) C R Slade (C) Mrs E J Slade (C) Mrs M E Squires (C) L Taylor (LD) Mrs N Woollatt (UG)</p>	<p>Planning Committee (11)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) R J Dolley (UG) Mrs C Collis (C) P J Heal (C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) R L Stanley (C) J D Squire (C)</p>	<p>Licensing Committee (12)</p> <p>Mrs E M Andrews (ING) K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) C J Eginton (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) J L Smith (UG) L Taylor (LD)</p>	<p>Regulatory Committee (12)</p> <p>K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) C J Eginton (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) J L Smith (UG) L Taylor (LD) R Wright (LD)</p>
<p>GESP Member Reference Forum (5)</p> <p>Mrs F J Colthorpe (C) P J Heal (C) Mrs B M Hull (C) D J Knowles (UG) N A Way (LD)</p>	<p>Planning Policy Advisory Group (9)</p> <p>Mrs H Bainbridge (C) R J Chesterton (C) Mrs F J Colthorpe (C) J M Downes (LD) D J Knowles (UG) F W Letch (LD) Mrs B M Hull (C) R L Stanley (C) Mrs N Woollatt (UG)</p>	<p>Appointments Panel (5)</p> <p>Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny</p>	<p>C – Conservatives ING – Independent Non-Aligned Group LD – Liberal Democrats UG – Ungrouped Member</p>

7 Appointment of Outside Bodies (00-43-52)

The Chairman **MOVED**,

“**THAT** Members be appointed to outside bodies in accordance with the list circulated as amended by the appointment of Councillors R J Chesterton and C J Eginton to the Building Control Joint Services Committee and Councillor B A Moore to INVOLVE – Voluntary Action in Mid Devon

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

Outside Body	Previous Representative/s	Representative/s for 2017/18	Appointment Length
Blackdown Hills AONB Partnership	Cllr F J Rosamond	Cllr F J Rosamond	Annual
Broadpath Landfill Liaison Committee	Cllr R Evans	Cllr R Evans	Annual
Building Control Joint Services Committee	New – Council agreed Cabinet Member for Planning and Economic Regeneration and Leader be appointed (22 February 2017)	Cabinet Member for Planning and Economic Regeneration and Leader	Annual
Business Forum Mid Devon	Cabinet Member for Planning and Economic Regeneration	Cabinet Member for Planning and Economic Regeneration	Annual
Culm Valley Children’s Monitoring Group	Cllr R F Radford	Cllr R F Radford	Annual
Council for the Protection of Rural England Devon Area Executive Committee	Cllr J D Squire	Cllr J D Squire	Bi-annual (due for review in May 2017)
Cullompton Town Team 2 Members	Cllr K I Busch Cllr Mrs A R Berry	Cllr K I Busch Cllr Mrs A R Berry	Annual
Devon Districts Forum	Leader	Leader	Annual
Devon Historic Buildings Trust	Cllr Mrs E J Slade	Cllr Mrs E J Slade	Annual
Devon and Exeter Rail Project Working Party to include Okehampton Rail Working Group	Cllr R M Deed Cllr T W Snow	Cllr R M Deed Cllr T W Snow	Annual
INVOLVE – Voluntary Action in Mid Devon	Vacancy	Cllr B A Moore	Annual

Mid Devon Highways and Traffic Orders Committee (2 Members)	Cllr R J Chesterton Cllr D R Coren	Cllr R J Chesterton Cllr D R Coren	Bi-annual (due for review in May 2017)
South West Councils	Leader	Leader	Annual
South West Councils Employers Panel	Cabinet Member for the Working Environment and Support Services	Cabinet Member for the Working Environment and Support Services	Annual
TAP Fund Panel (previously known as 'DCC County Committee')	Cllr W J Daw Cllr D J Knowles	Cllr W J Daw Cllr D J Knowles	Annual

8 Scheme of Delegations (00-53-22)

The Chairman **MOVED:-**

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

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

9 Programme of Meetings 00-53-58)

The Chairman **MOVED:-**

THAT the following programme of ordinary meetings of the Council for the year 2017/18 be approved:-

28 June 2017, 30 August 2017, 25 October 2017, 13 December 2017, 21 February 2018 and 25 April 2018

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

(The meeting ended at 6.55 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 11 May 2017 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning and Regeneration), Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Tina Maryan (Area Planning Officer) and Sally Gabriel (Member Services Manager)

1. **APOLOGIES**

There were no apologies.

2. **PUBLIC QUESTION TIME (00-01-10)**

There were no members of the public present.

3. **MINUTES OF THE PREVIOUS MEETING (00-01-18)**

The minutes of the previous meeting held on 30 March 2017 were approved as a true record and signed by the Chairman.

4. **SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVE**

Arising from a report of the Audit Team Leader, the Community Policy Development Group had recommended that the Single Equality Scheme together with the Equality Objective for 2017-18 be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report reminding those present of the Council's statutory duties under the Equality Act 2010 where the local authority had a duty to have due regard to:

- Eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

He highlighted the equality information available within the report and the appendices.

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

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

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

5. **HEALTH AND SAFETY POLICY**

Arising from a report of the Health and Safety Officer, the Community Policy Development Group had recommended that the Health and Safety Policy be approved. The policy had been approved by the JNCC on 12 January 2017, following review by the Health and Safety Committee and Unison. Members were asked to also note that the action points in the report to the Community PDG had been reviewed by the Health and Safety Committee and had subsequently been undertaken.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the policy was reviewed on an annual basis as the authority had an obligation to protect members of the public, its employees and any contractors. She highlighted the responsibilities of the Chief Executive, Directors and Senior Officers, the role of the Corporate Safety Officer and arrangements for training.

Consideration took place regarding self-assessment processes.

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

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

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

6. **TIVERTON TOWN CENTRE REGENERATION MASTERPLAN AND INVESTMENT PROGRAMME (00-10-37)**

The Cabinet had before it a *report of the Head of Planning and Regeneration requesting it to consider the options for inclusion in the masterplan for Stage 1 public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the vision before Members today addressed the regeneration of specific parts of the town. He explained that the authority has appointed consultants to prepare the masterplan and investment programme for Tiverton and handed over to Jessica Richmond from WYG Consultants who had prepared a presentation for Members.

Mrs Richmond provided some background information with regard to the town and how it sat within local and national road network. She highlighted the positives within the town, that of the environment, the rivers, the castle and the market all of which provided opportunities for the town and that there was the need to create a vibrant town centre with new street spaces and better accessibility.

She identified the key themes within the consultation document, that of accessibility, the riverside area, the southern gateway, the market, potential development sites and the key sites in control of the district council. She also identified the proposed phasing of the projects.

Consideration was given to:

- The proposal to create more parking at Westexe and the view across the river from the town hall site
- Car parking prices
- The relocation of the coach park
- The need for the entrance to the town to be improved and necessary signage to be put in place
- Financial implications of such a vision
- Previous exercises that had taken place
- The reality of such a vision
- The need to invest in the town
- The need for the consultation document to have a clear focus so that the public could be certain what they were being asked to comment on

RESOLVED that the Tiverton Town Centre Regeneration Masterplan and Investment Programme consultation document be deferred to allow for further consideration to take place.

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

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

7. **CABINET MEMBER DECISION (00-55-27)**

The Cabinet **NOTED** the following decision made by the Cabinet Member for the Environment:

To close the Market Place Car Park, Tiverton on Sunday the 30th of April 2017 between 08.00 – 16.00.

Reason for decision:

The Freedom of the Town march is being carried out by the crew of HMS Enterprise and the band of the Royal Marines and has been organised by Tiverton Town Council. The march will start in the Market Place where there will be an inspection and medal presentation by the Mayor of Tiverton. The march will then move forward to Newport St, St Peters St, Angel Hill, Fore St, Bampton St and back into the Market Place.

The parade starts at 14.00 hrs and will be completed by 16.00 hrs.

The route and market have been assessed by the police security and naval security on Thursday 20th April 2017. As a result there is a requirement that there should be no vehicles parked along the route or in the car park due to the potential to be a security risk i.e. terrorist attack by the use of vehicles. Therefore a request has been made that the Market car park be closed on Sunday 30th April 2017 to vehicles between 8.00 hrs and 16.00 hrs (except VIP and authorised vehicles) as a security measure.

8. **NOTIFICATION OF KEY DECISIONS (00-55-44)**

The Cabinet had before it, and **NOTED**, its rolling plan* for June 2017 containing future key decisions.

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

(The meeting ended at 3.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 15 June 2017 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, P H D Hare-Scott,
C R Slade and R L Stanley

Apologies

Councillor(s)

K Busch and Mrs M E Squires

Also Present

Councillor(s)

R J Dolley, R F Radford and F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Stuart Noyce (Waste and Transport Manager), Adrian Welsh (Group Manager Growth, Economy and Delivery), Alan Ottey (Tiverton Town Centre and Market Manager) and Sally Gabriel (Member Services Manager)

9. APOLOGIES

Apologies were received from Cllrs K I Busch and Mrs M E Squires.

10. PUBLIC QUESTION TIME

There were no members of the public present.

11. MINUTES OF THE PREVIOUS MEETING (00-01-01)

The minutes of the previous meeting held on 11 May 2017 were approved as a true record and signed by the Chairman.

12. LITTER AND DOG BIN POLICY (00-01-46)

Arising from a report of the Waste and Transport Manager, the Environment Policy Development Group had recommended that the Cabinet recommend to the Council that the Litter and Dog Bin Policy be approved subject to:

- a) Section 2 being amended to state that after the type of bin to be installed and a plan of the location for the bin and its nearest alternative have been established and agreed, a risk assessment determining any hazards that the placement of the bin may cause to members of the public or staff be undertaken and a survey of litter/dog mess over a three month period be undertaken by District Officers.

- b) That bins within fenced off children's play areas not be part of the 'any bin will do' scheme.

The Waste and Transport Manager outlined the contents of the report stating that this policy was the last outstanding item from the Street Cleansing Review. The Policy Development Group had discussed it separately with a view to creating a structure for further requests for dog bins and the installation of joint bins.

Consideration was given to:

- The staggered replacement process or whether it would be cost effective to change the bins across the district in one go.
- With regard to the installation of split litter bins, it was felt that high use areas were not just the town centres and areas such as Lea Road in Tiverton and some of the village centres should be considered.
- Litter bins either inside or outside the multi storey car park.
- The placement of litter bins along Rotary Walk beside the River Exe.
- Litter issues at the skatepark in Tiverton

RECOMMENDED to Council that the Litter and Dog Bin Policy be approved subject to:

a) Section 2 being amended to state that after the type of bin to be installed and a plan of the location for the bin and its nearest alternative have been established and agreed, a risk assessment determining any hazards that the placement of the bin may cause to members of the public or staff be undertaken and a survey of litter/dog mess over a three month period be undertaken by District Officers.

b) That bins within fenced off children's play areas not be part of the 'any bin will do' scheme.

c) Paragraph 6 of the Policy be amended to read "Much of the waste collected in litter bins could be recycled. The Council will where practicable in high use locations such as town centres implement the installation of split litter bins (one side recyclables, the other for non-recyclables). The recycling of this will both benefit the environment but also reduce disposal costs and thus generate an income from both recycling credits and sale of material"

(Proposed by the Leader and seconded by Cllr C R Slade).

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

13. **HOUSING ENABLING - SUPPLEMENTARY PLANNING DOCUMENT (S106 - HOUSING NEED ALLOCATION - EXCEPTION SITES) (00-13-03)**

Arising from a report of the Director of Operations, the Homes Policy Development Group had recommended that the new local need / qualification criteria in annexe 1 to the Meeting Housing Needs Supplementary Planning Document be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the Meeting Housing Need Supplementary Planning Document (Annexe 1) required updating due to change in legislation. The report to the Housing PDG did not seek to change the Meeting Housing Needs Supplementary Planning Document itself but

rather only change Annex 1, the local need / qualification criteria. The document also considered the armed forces provision with regard to social housing.

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

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

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

14. **FARMER'S MARKET FEASIBILITY STUDY (00-15-13)**

Arising from a report of the Chief Executive and Director of Growth, the Economy Policy Development Group had recommended that trade on the normal retail market be encouraged to encompass all goods and produce found on a Farmers' Market and promote it as part of the offer of Tiverton Pannier Market. (Option 4)

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the PDG had considered a feasibility study on the establishment of a Farmers Market in Tiverton, they had reflected on the opportunities for Tiverton and various options available.

The Market Manager informed the meeting that there was some concern with regard to the number of traders and the footfall within the market area. He had various ideas for promotional events but considered it necessary to find out what the people of Tiverton and its visitors wanted from the venue.

Consideration was given to:

- The options available within the feasibility study
- The need for local produce from local traders to form part of the established market days
- Musical attractions and livestock
- Specific markets in various parts of the country that were thriving

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

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as a cousin traded on a market in East Anglia;
- (ii) *Report previously copy attached to minutes.

15. **PLANNING FEES (00-38-51)**

The Cabinet had before it a * report of the Head of Planning Economy and Regeneration seeking formal approval to accept an offer from Government to increase planning fees by 20% from July 2017, or as soon as legislation permits. This

offer was only on the basis that the Council committed to invest the additional income entirely on planning functions.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that fees associated with the submission and processing of planning and other related applications were set nationally by the Government under fee regulations, to date it had not been within the ability of Councils to set such fees locally in order to better reflect the actual cost of determining the applications.

Consideration was given to the need for any additional income to be reinvested within the planning service.

RESOLVED that the Government's offer to increase planning fees by 20% from July 2017 or as soon as legislation permits be approved, with a commitment that this additional fee income is invested in its entirety in the planning service.

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

Note: * Report previously copy attached to minutes.

16. **REVENUE AND CAPITAL OUTTURN 2016/17 (00-41-09)**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources presenting the revenue and capital outturn figures for the 2016/17 financial year.

The Cabinet Member for Finance outlined the contents of the report stating that an underspend of £30K was a very encouraging outcome as was the £380K surplus in the Housing Revenue Account. He highlighted the exceptional collection rates for Council Tax and Housing Benefit and the investments within the town centre which had added to income.

Consideration was given to the General Fund Revenue Account summary and the variances on proposed budgets.

RESOLVED that:

- (i) The General Fund outturn achieved in 2016/17 which shows an overall underspend of £30k be **NOTED**.
- (ii) The net transfers to earmarked reserves of £1,664k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be **APPROVED**.
- (iii) The positive position achieved on the Housing Revenue Account which showed an annual saving of £380k be **NOTED** and the "earmarking" of the extra £380k shown in paragraph 3.3 be **APPROVED**, as well as specific items totalling £2,446k and the utilisation of items totalling £109k identified in Appendix 4.
- (iv) the carry forward of £9,184k from the 2016/17 capital programme (see paragraph 5.2) be **APPROVED** as all of the schemes will be delivered in 2016/17 or later years.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr C R Slade)

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

17. **ANNUAL TREASURY REPORT (00-48-17)**

The Cabinet had before it and **NOTED** a * report of the Director of Finance, Assets and Resources informing Members of the Council's treasury management performance in 2016/17.

The Cabinet Member for Finance outlined the contents of the report stating that the report provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members. Interest rates remained low and therefore the income from property investments was helpful especially in the current climate with regard to Brexit and the recent election.

Consideration was given to further investment opportunities that were secure.

Notes: -

- (i) Cllr C J Eginton declared a personal interest as he received a pension from the Lloyds Banking Group;
- (ii) *Report previously circulated, copy attached to minutes.

18. **REVENUES AND BENEFITS PERFORMANCE REPORT (00-52-09)**

The Cabinet had before it and **NOTED** a * report of the Director of Finance, Assets and Resources reporting on Council Tax, Non Domestic Rates and Housing Benefit performance for 2016/17.

The Cabinet Member for Finance outlined the contents of the report highlighting the work of the Revenues and Housing Benefits Teams and the uncertainty of how the full roll-out of Universal would impact on the organisation. Collection rates were up on previous years and the figures reflected a very strong team performance

Members requested that their thanks to the Revenues Manager, the Housing Benefits Manager and their teams be recorded.

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

19. **NOTIFICATION OF KEY DECISIONS (00-53-40)**

The Cabinet had before it, and **NOTED**, its rolling plan * for June/July 2017 containing future key decisions.

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

(The meeting ended at 3.10 pm)

CHAIRMAN

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Litter and Dog Bin Policy



Version: 1.1
Date Reviewed: March 2017
Next Review: March 2020

1.1 Introduction

Mid Devon District Council has no legal duty to provide litter and dog waste bins but it does have a duty to keep Council owned land and public highways clear of litter and refuse as far as practicable.

Bins are provided, maintained, and emptied as the main method of controlling the litter and dog waste problems that many areas experience. There are approximately 394 litter and 300 dog bins in varying condition across the District with a capital cost in the region of £136,000. This is a large number for the size of the district and as funding continues to be reduced from central government a reduction in the number should be considered.

Whilst the Council is committed to providing sufficient bins to help discharge its responsibilities under the Environmental Act 1990, the Council has never had a policy for agreeing bins. It has often allowed town and parish Councils to locate additional bins, if they pay for the new bin installation and then take the on-going cost for the emptying of the bin. Going forward new bins will only be located in areas where it can be demonstrated that there is a genuine need for one. All locations must be approved by MDDC in consultation with local town and parish Council.

This policy helps to support Government advice in developing an integrated strategy to the problem of litter and cleanliness that includes defining standards and working in partnership with local communities.

1.2 Purpose of this Policy

The purpose of this policy is to detail how the Council will deal with:

- Requests for new bins
- Emptying and maintaining existing bins
- Replacing existing bins
- Dual dog and litter bins
- Increase Recycling of Litter

2.0 Requests for New Bins

All requests for new bins must be received in writing from either Town or Parish Councils using the form in Appendix A. The request must demonstrate why there is the need for a bin and include:

- Plan of the location for the bin and nearest alternative
- Type of Bin
- Financial Assistance provided by the local Council
- A risk assessment determining any hazards that the placement of the bin may cause to members of the public or MDDC staff
- Survey of litter/dog mess over a three month period

Bins will only be supplied, installed, maintained or emptied if they are on land for which MDDC has responsibility. This includes streets, parks and green spaces, but doesn't include private land such as schools, canal towpaths or riverbanks. Should a third party request a new or replacement bin on their land MDDC will consider the request, and if approved a bin will be supplied and installed at a cost to the third party. The responsibility of emptying such a bin would remain with MDDC and a charge made for this service in advance.

Where deemed appropriate litter bins with recycling facilities may be installed instead of, or in addition to, standard litter bins.

This policy does not suggest public consultation on the installation of bins in general. However in some circumstances, it is recommended, such as when bins are proposed in close proximity to houses.

As there are on-going human and financial resource implications with the installation of any new bin, due consideration should be given to all requests for bins using the criteria detailed below:

2.1 Site Survey:

A site survey, to include the following criteria:

- Suitability of the location including the need to reduce street clutter, particularly in more sensitive locations such as Conservation Areas and near to listed buildings.
- Scale of the litter/dog waste problem- will it make a real impact on litter or can this be addressed in other ways e.g. by enforcement.
- Number and location of existing bins in the area.
- Accessibility to all including collection vehicle.
- Cost of installation.
- Costs for emptying the bin as some in more remote areas can have disproportionate transport costs.
- The possibility of valid objections from neighbours.

If MDDC deems the location to be unsuitable for reasons of safety, such as stopping to empty a bin, proximity to housing or installation difficulties an alternative location may be suggested.

2.2 Alternative Arrangements:

Possible alternatives, including:

- Changing the size/type of existing bins in the area (e.g. dog bin to dual dog and litter bin)
- Moving an existing bin to a different location.

Bins will only be installed on sites which are safe and where there is a genuine need for a bin. We will not install bins on private land or in a location which may encourage the disposal of trade waste. The EPA 1990 makes provision for the collection and disposal of commercial waste, and the Council expects businesses to provide and empty their own bins for the litter they create, including retail premises such as takeaways, kiosks etc.

Once a decision has been made by MDDC regarding the outcome of a request for a bin, that decision will not be reviewed for a minimum of six months.

3.0 Emptying and Maintaining Bins

Only those bins purchased by the MDDC will be maintained and emptied, or those with an agreement with the owner.

Bins will be emptied on such a frequency that will prevent them overflowing. This will be based on their locations and related to the intensity of use. The frequency may also vary according to the time of year and for special events. Monitoring will ensure that these frequencies are sufficient.

All bins will be maintained to a standard that is fit for purpose. When a bin is damaged or stolen it will be replaced only if it meets the criteria above for new bins. Also any bins that have a history of constant vandalism will not be replaced.

Bins that have been supplied, installed and maintained by a Parish Council remain the responsibility of the Parish Council and will not be included in any assessment, replacement, refurbishment and repair process. Should these bins be in need of a replacement a request for a new bin should be submitted.

4.0 Replacing and Removing Existing Bins.

The Council will aim to improve the effectiveness of individual bins through a program of removal and replacement, using larger capacity bins where required or combining separate dog and litter bins into one. We will continually monitor the usage of bins to determine their viability. Bins not being used or being used infrequently may be removed.

Where individual bins are repeatedly targeted with vandalism, a flexible approach to finding a suitable solution should be found. This may include using a different type of bin, moving the bin to a nearby location or removing the bin entirely. When the most appropriate solution is to move or remove the bin, consultation should be carried out with local Council to ensure they support the solution.

If a member of the public, a Parish Council, other interested party or MDDC deems a bin to no longer be needed in a particular location an assessment will be carried out similar assessment as that used for the placement of a new bin will be carried out. If the bin is shown to be in a suitable location it will remain in place. If the assessment shows the bin to be in an unsuitable location an alternative location may be suggested or the bin may be removed entirely following consultation with local people.

5.0 Dual Dog and Litter bins

All dog and litter bins are collected by the same round for each area and the waste is taken to the same disposal point. It therefore serves no purposes to split this waste before collection. Dog owners should be advised that dog waste in bags can be put in any public litter bin, reducing the need for specific dog bins. There are many dog and litter bins in the district which have been located next to each other. A review of bin locations could identify bins which could be removed and a dual purpose bin installed instead.

6.0 Recycling Litter bins

Much of the waste collected in litter bins could be recycled. The Council will consider in high use locations such as town centres the installation of split litter bins (one side recyclables the other for non-recyclables). The recycling of this waste will both benefit the environment but also reduce disposal costs and thus generate an income from both recycling credits and sale of the material.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 22 May 2017 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

S G Flaws

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Stephen Walford (Chief Executive), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

1 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr T G Hughes be elected Vice-Chairman of the Committee for the municipal year 2017/18.

2 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr S G Flaws.

3 **PUBLIC QUESTION TIME**

There were no questions from the members of the public in attendance.

4 **MINUTES OF THE PREVIOUS MEETING**

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

5 **DECISIONS OF THE CABINET**

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

6 **MEMBER FORUM**

Discussion took place regarding Crosssparks, which had been an agenda item at the previous meeting, and a meeting that had taken place with Devon County Council and Public Health England on 24th April. Officers had been in attendance, and the Ward Members had asked to attend. An update from this meeting was requested. Members also requested that a thorough report regarding Crosssparks be on the agenda for the next meeting.

7 MEETING MANAGEMENT

The Chairman proposed that item 8 on the agenda be taken before item 7.

8 LOCAL POLICE INSPECTOR

The Chairman welcomed Sector Inspector Steve Bradford and Sergeant Mike Warriner to the meeting. The following questions were asked:

How can the Force continue to defend their woeful front line officer levels when a burglary in progress, 50 yards from Tiverton Police Station was not attended, resulting in the offenders returning a second time to remove more property, even though reported on both occasions by the public?

Inspector Bradford informed Members that the force had been going through a restructure and reduction in officer numbers for a number of years. He could not defend the fact that the burglary was not attended but confirmed that his officers had been committed to other incidents at the time. He had reviewed the incident and was using it in order to improve future service. He confirmed that the crime was now being investigated. With regard to numbers Inspector Bradford informed the Committee that numbers of officers had fallen, that funding cuts had to be dealt with and that restructuring had taken place. He was therefore looking at how best to deploy the resources he had and was considering the use of different types of response. Specialist resources would be drawn on and going forward he would be considering how best to deal with situations and how to make best use of resources available.

What is your view of the night time Economy in the three towns -Tiverton, Cullompton and Cridton? Are there problems?

Inspector Bradford informed the Committee that he had spoken to the Licensing Officer who confirmed that problems regarding the night time economy within the main towns had lessened. He reported that there were the expected alcohol and alcohol related incidents but that the numbers of incidents had reduced. Officers were deployed as and when incidents occurred and at times of high demand, such as bank holidays, officers were on patrol. Cullompton and Cridton did not have nightclubs but Tiverton did and officers worked with the Licensee and Licensing Officers regarding this.

Is MDDC proactive enough?

The Inspector considered that they were and that there was a good relationship between the Police Licensing Officers and Mid Devon's Licensing Officers. Joint visits to premises were undertaken. Police Officers also worked in partnership with officers from the Housing Service regarding anti-social behaviour.

What are your policing priorities?

Inspector Bradford responded that he had to be able to deal with incidents as they happened so there was an element of reaction but there was also an understanding of what was happening and where it was necessary to put patrols or work with

partners or preventative work. Priorities had changed over the last few years and issues such as organised crime and safeguarding children had become priorities. Officers were dealing with issues such as child sexual exploitation and modern day slavery. There was a change in emphasis but policing was still about looking after people.

The Inspector was asked how the removal of the Police Community Safety Officer would affect the service provided and he replied that his neighbourhood teams were working on safeguarding and long term problem solving. He outlined the resources available in the district and explained that there was a need to maintain a visibility but also to deal with ongoing incidents.

Many express concern about the absence of community policing, particularly in rural areas, and the poor response from 101 when situations are reported. Do you share those concerns?

The Inspector said that policing had changed and that resources were drawn towards the centre. Officer time was better spent carrying out duties rather than attending Parish Council meetings, to which a report could be sent, freeing up officer time. The urban areas had more issues.

Tiverton Station was a very intimidating place. Many police officers were often present but offered no access for the public except for a very public and exposed external telephone to report concerns. The PCC said that she would look into making access more "customer friendly" Is there likely to be any action on this?

The Inspector informed Members that methods of contacting the force were changing. The public were urged to use the 101 line and email. The Force was considering office-sharing in some areas, with local councils, but this was not currently planned for Tiverton, he did however agree that the Authority needed to listen to concerns.

Please could Parish Councils have a direct line number to report crime, when there is an emergency, rather than going through the 101 service?

The Inspector informed the Committee that this was not something that he would be considering and he explained that it was better for callers to use the Force system so that calls were registered and prioritised.

Discussion took place regarding:

- The recent burglary near to the Police Station and an explanation from Sergeant Warriner regarding the allocation of resources at the time of the incident;
- The reporting of parking issues and the need for the Police to prioritise their workload;
- The suggestion that Councillors provide photographic evidence of parking issues that could then be taken up by Police officers;

- The fact that officers were dealing with higher profile incidents that were not visible to the public in the way that parking issues were but were higher priority due to their seriousness;
- The increase in cybercrime and identity theft and the work that was being undertaken to combat this by prevention;
- The constant review of back office functions and the move towards mobile data working;
- Specials, and what was being done to recruit them in the District;
- The recent high profile resignation of a female officer in the area and programmes that were in place to look after the welfare of officers.

The Chairman thanked Inspector Bradford and Sergeant Warriner for their attendance.

9 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members that he had received a letter and note from Mel Stride MP regarding the matter of the 5 year land supply that the MP was planning to discuss with the Secretary of State. He confirmed that this matter would be discussed if he was re-elected at the General Election.

10 PARISH LIAISON WORKING GROUP

The Committee had before it a report * from the Parish Liaison Working Group.

At its meeting on 19th August 2016 the Committee had resolved to form working group following a report from a Parish Council that they had not received important information which Parishes in East Devon had received. Members considered that more information should be passed to Town and Parish Councils and in particular that there had been a lack of information regarding Planning Enforcement. The Committee had agreed that information and contact with Town and Parish Councils had reduced over recent times.

The Working Group consisted of Cllr F J Rosamond, Cllr Mrs G Doe and Cllr A R Berry. The Working Group was assisted by Sally Gabriel, Member Services Manager and Julia Stuckey, Parish Liaison Officer.

The Member Services Manager outlined the contents of the report, explaining that the officer who had undertaken Parish Liaison in the past had been moved to different projects a number of months prior to the formation of the working group and that her work regarding Towns and Parishes had not been covered. As a budget saving exercise this work had since been transferred to the Member Services Team, with a team member being appointed as Parish Liaison Officer, and that this would allow the team to better communicate with Towns and Parish as well as District Councillors.

The Parish Liaison Officer had proposed some means of improving communication with Towns and Parishes and some of these had been implemented. The Town and

Parish Newsletter had been reinstated and the towns and parishes had been asked to contribute good news stories. Some joint training had taking place with regard to iPads and social media.

Cllr Doe reported that she had taken a delegation of Parish Councillors from Lapford to Uffculme to meet with Councillors there who had set up a café in the square. She reported that all concerned had found it to be a worthwhile exercise and that she would provide an update on this for the Town and Parish Newsletter.

The Working Group had been pleased with the work that had been undertaken and had put forward some recommendations for further improvement.

Discussion took place regarding:

- The Chairman of the Council visiting Town and Parish Councils throughout the year;
- The need for Members to be kept informed so that they could in turn update Town and parish Councils;
- The benefit of Members attending local meetings to keep them up to date.

The Committee reviewed the recommendations from the group and it was **RESOLVED** that:

- Parish Councils be asked to share 'good news' with other towns and parishes via the newsletter;
- Silverton Parish Council be asked to share information regarding their Neighbourhood Plan with others via the newsletter;
- Uffculme Parish Council be asked to share good news regarding their 'café in the square';
- A Parish Clerk be invited to write a 'profile of a clerk';
- A couple of Members had been identified as not attending or cascading information to their Parish Councils and the Member Services Manager would speak to them regarding this;
- An item be placed in WIS to remind all Members of the importance of liaising with towns and parishes;
- A report be put together for the Scrutiny Committee to update them.

And it was further **RESOLVED** that:

- That a method of keeping Ward Members informed be implemented regarding matters pertaining to their Ward.

(Proposed by the Chairman)

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

11 MEMBER DEVELOPMENT SIX MONTHLY UPDATE

The Committee had before it a report* from the Member Services Manager regarding Member Development.

The officer outlined the contents of the report, highlighting the fact that the South West Charter for Member Development had been secured for a further three years following a lengthy evidence gathering exercise which also included Members and senior officers attending interviews with the examining board. Reassessment to secure the Charter took place in 2014 and again in April of this year by the Chief Executive and Head of Learning at South West Councils, alongside a Councillor from Bristol City Council.

Feedback regarding the Charter included positive comments for the parish liaison work being undertaken, additional work that could be undertaken if Charter Plus should be sought in three years' time, suggestions that there was a need for Members to continue learning and strategic links to corporate priorities.

The report also included information regarding training delivered, the need to revisit personal development plans and future development opportunities.

The officer further informed Members that the Member Development Group had asked officers to try and establish what barriers there were to training and to survey preferred timings for Member briefings.

Mid-term training was planned for Scrutiny and Policy Development Groups (PDG's). The Peer Review had identified the need for the PDG's to become more strategic.

The Chief Executive highlighted the importance of Member attendance at briefings and stressed the need for Members to have full information when challenging officers. He informed the Committee that he was writing a discussion paper for the PDG's and their Chairmen, which would be reviewed by the Programming Panel. This paper would scope how the Groups should go about their business and how they could become more involved in policy development. The Chief Executive went on to suggest that in order to remove conflict from an officer leading a team and reporting to the Committee a research officer could undertake work on behalf of Members and report back independently.

Discussion took place regarding:

- Attendance at briefings;
- The cultural change needed;
- Crediton Leisure centre and remote attendance at briefings;
- Personal Development Plans could be used to discuss attendance.

Members requested that their thanks to the Member Services Manager and her team be **NOTED**.

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

12 COMMUNICATIONS WORKING GROUP

The Chairman of the Communication Working Group informed Members that the Group had carried out one consultation in Tiverton. He reported that the Group had been pleased with the response and that residents had appeared happy to speak and it was not all 'doom and gloom'. Further consultation would be taking place in Crediton and Cullompton and Ward Members were invited to attend.

13 PERFORMANCE AND RISK

The Committee had before it 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 was unable to attend the meeting so had asked that any questions regarding this report be forwarded to her for response following the meeting.

The Committee reviewed the report and the following was discussed:

- Instances where an injunction had been required to gain entry into a tenant's house for gas testing. It was **AGREED** that the Housing Service be asked to consider external points for testing;
- Whether or not Food Safety Certificate information regarding who had passed the course could be available to view on the internet;
- Empty shops in the District and whether or not there was any correlation with car parking fees;
- Whether Legionella testing was undertaken in Council Housing?

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

14 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS

Peer Review
Crosspark Farm update
Leaders Annual Report
Performance and Risk
Community Safety Partnership Annual Report

(The meeting ended at 4.08 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 30 May 2017 at 5.30 pm

Present

Councillors

R Evans (Chairman)
Mrs C Collis, R M Deed, T G Hughes, B A Moore, R F Radford
and L D Taylor

Apology

Councillor

Mrs J B Binks

Guests in

Attendance

Steve Johnson (Grant Thornton) and Rob Hutchins (Devon Audit Partnership)

Present

Officers

Andrew Jarrett (Director of Finance, Assets and Resources),
Catherine Yandle (Internal Audit Team Leader), Rob Fish
(Principal Accountant), Roderick Hewson (Principal Accountant)
and Sarah Lees (Member Services Officer)

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

RESOLVED that Cllr R Evans be elected Chairman of the Committee for the municipal year 2017/18.

2. **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr Mrs C A Collis be elected Vice Chairman of the Committee for the municipal year 2017/18.

3. **APOLOGIES**

Apologies were received from Cllr Mrs J B Binks who was substituted by Cllr B A Moore.

4. **PUBLIC QUESTION TIME**

There were no members of the public present.

5. **MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 21 March 2017 were approved as a true and accurate record and **SIGNED** by the Chairman.

6. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- He reminded the Committee that there would be a briefing on Tuesday 4th July at 5.30pm regarding the Annual Governance Statement and the Code of Corporate Governance.

- He also reminded the Committee that a special meeting would be held on Monday 17 July 2017 at 10am to sign off the accounts for 2016/17. It was **AGREED** that the meeting scheduled for 25 July 2017 was no longer required and needed to be cancelled.
- He introduced Rob Hutchins to the Committee. He was the Head of the Devon Audit Partnership and he and his deputy would be alternating in attending future meetings. The Chairman stated that it was his intention to attend a meeting on 21 June 2017 where the Council's request to join the partnership would be ratified. Mr Hutchins stated that this was an exciting opportunity to exchange skill sets and to bring some new IT which might help to make some processes more efficient.

7. REPORT ON INTERNAL AUDIT PROVISION FROM 2017/18 (00:11:37)

The Committee had before it a report * from the Internal Audit Team Leader informing it about Internal Audit Provision from 1st May 2017.

The contents of the report were outlined with the following key points being highlighted:

- The governance arrangements in section 2.
- The agreement required that Partners provide 12 months' notice if they wish to leave the Partnership.
- Further work would be undertaken to ensure a smooth transition which would take approximately 3 months.

RECOMMENDED to Council that:

- a) Mid Devon District Council appoints Devon Audit Partnership (DAP) as the Audit Manager from 1st May until it joins DAP (nominally 31st July 2017).
- b) Mid Devon District Council joins DAP:
 - i. As a non-voting member from 1 August 2017 until 31st March 2018;
 - ii. As a voting member from 1st April 2018.
- c) The Chairman of the Audit Committee be appointed as the nominated member to represent Mid Devon on the Partnership Committee.
- d) The Vice Chairman of the Audit Committee be the nominated substitute Member to represent Mid Devon on the Partnership Committee in the absence of the Chairman.
- e) Cllr R F Radford be the second nominated member of the Committee.

(Proposed by the Chairman)

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

8. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT AND ACTION PLAN (00:16:30)**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader providing it with an update on progress made against the Annual Governance Statement Action Plan for 2016/17.

Consideration was given to the previous two outstanding items identified in the action plan. One of those had concerned the delivery of actions set out in the staff survey action plan. It was explained that this was on target to be completed by the end of June with follow up meetings already taking place. The other item had concerned the review and update of the complaints process about Councillors and the need to present this to the Standards Committee and Council for approval. This had now been completed.

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

9. **STRATEGIC AUDIT PLAN FOR 2017/18 (00:18:50)**

The Committee had before it a report * from the Internal Audit Team Leader presenting the Strategic Audit Plan for 2017/18 to 2020/2021 and the detailed Audit Work Plan for 2017/18.

The draft plans had been brought to the previous meeting and had subsequently been shared with the Devon Audit Partnership (DAP). A few minor changes had been inserted, the main one being in relation to bringing forward the Members Allowances audit to coincide with the next District Council election in 2019.

RESOLVED that the Audit Plans be approved.

(Proposed by the Chairman)

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

10. **INTERNAL AUDIT OUTTURN REPORT 2016/17 (00:20:23)**

The Committee had before it, and **NOTED**, a report * from the Internal Audit Team Leader updating it on the work performed by Internal Audit during the 2016/17 financial year as required by the Public Sector Internal Audit Standards.

The report gave the overall opinion on the Council's control environment for 2016/17 and summarised the audit opinion in relation to each of the internal audits which had taken place throughout the financial year. The number of well controlled areas had increased and there had been only one poorly controlled area for the year.

In relation to the ICT Core Audit it was explained that the need to comply with the General Data Protection Regulations from May 2018, Brexit or not, would require a lot of work and housekeeping for MDDC. The time required for this to be undertaken must not be underestimated but work had already begun with a working group being established and the Internal Audit Team Leader and the Freedom of Information Officer having interviewed 23 managers. A gap analysis had been conducted and tasks had been scheduled.

Discussion took place regarding the number of outstanding high and medium risk recommendations. This included the following:

- Regarding overdue audit recommendations, the position overall had not changed much from last year after a tremendous improvement the year before. This year, there had been no high priority recommendations overdue compared to 3 last year.
- The situation regarding medium risks however, had not improved to a satisfactory level in the Chairman's opinion. It was therefore **AGREED** that the Director of Finance, Assets and Resources take the comments of the Committee back to the Leadership Team in the hope that some improvements could be made.

Further discussion took place regarding:

- The outstanding recommendations in relation to the Cemeteries & Bereavement audit. These had been in relation to publishing Freedom of Information requests on the Council's website and making improvements to the computerisation of records in this area.
- Any recommendation that was a medium risk and overdue for more than 12 months should be dealt with as a matter of urgency.
- Business continuity and the recent cyber attack on the NHS and IT failure at London and Gatwick airports. The Council conducted regular on going assessments on its own systems and a contract with an outside provider to provide back-up facilities would be renewed in July. Lessons needed to be learnt from other business sectors.
- Following an Internal Audit, service areas routinely received a survey to be completed, however, only 19 out of 23 had done so. It was **AGREED** that this number ought to be 23 out of 23 and the Committee requested that the Director of Finance, Assets and Resources take this message back to the Leadership Team.

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

11. **INTERNAL AUDIT REPORTS**

The discussion regarding internal audit reports had taken place under the previous item; there had been no need to move into Part II.

12. **PERFORMANCE AND RISK FOR 2016-17 (00:34:13)**

The Committee had before it, and **NOTED**, a report * from the Director of Corporate Affairs & Business Transformation 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 key business risks.

Discussion took place with regard to the following:

- The number of days lost due to sickness – April and May were showing a zero figure which surely was not the case? It was explained that in the transition from quarterly reporting to monthly reporting back dated data had simply not been available. This would not be the case going forwards.

- The number of visitors per month and the target being 4000. The question was asked as to whether the closure of the Crediton office had been taken into account when setting this figure? It was agreed that a more challenging target needed to be set.
- The target figure in relation to customer satisfaction with front-line services being 80%. It was felt by the Committee that this figure ought to be raised to at least 85% and the Internal Audit Team Leader agreed to refer this back to the Head of Service.
- The Food Hygiene Rating Scheme which had been introduced in 2010.
-

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

13. **DRAFT ANNUAL ACCOUNTS 2016/17 (00:43:10)**

The Committee had before it the draft Annual Report and Accounts * for 2016/17.

The Director of Finance, Assets and Resources stated that as was the case last year, the draft accounts had been completed a month ahead of the statutory deadline. This had been a challenging timescale but had been achieved due to the hard work and dedication of his accountancy team.

The Committee's attention was drawn to the following within the report:

- The balances held as at 31 March 2017 and shown in section 2.3. A surplus of £30k had been achieved on the General Fund for the year and was testament to the proactive work undertaken by managers to bring figures in on budget. The Housing Revenue surplus had been transferred to the modernisation reserve which would allow the Council to spend more money on its existing housing stock. Successful cash collection, for example, in the area of housing rents, had been a chief factor in providing this positive outcome for the year.
- Financial monitoring and the reporting of this through the committee structure had been very accurate throughout the year.
- Since the agenda for the meeting had been published there had been further adjustments to the draft accounts and an Addendum document was tabled listing these minor 'cosmetic' adjustments.
- Movement in Reserves Statement – this showed that the General Fund balance and the amount held for Revenue purposes was £2,241k.
- The Committee compared service areas in the Comprehensive Income and Expenditure Statement in terms of comparing figures from 2015/16 to 2016/17. In the area of Human Resources there had been a significant increase in expenditure during 2016/17. It was explained that this was due to job evaluations and corporate training to equip the workforce with the skills that they needed despite lower numbers of staff. The area of Planning and Regeneration was also discussed in terms of it being impossible to predict the number of planning applications that would be received during a financial year or how many Section 106 contributions would be received.
- The deficit on the Pension Fund had increased significantly, however, this was reflected nationally.
- The Balance Sheet showed that there had been an increase in the valuation of the housing stock and overall the Balance Sheet was showing an improvement of £10m compared to the previous year.
- Transfers to and from the earmarked reserves were summarised.

- It was **AGREED** that the Director of Finance, Assets and Resources would circulate by email details in relation to the amount specified for the Air Quality Fund in Crediton.

The Committee thanked the Director of Finance, Assets and Resources and his team for the timely production of the draft accounts and for their contributions in bringing the Council in on budget in what were challenging financial times.

RESOLVED that the draft Annual Report and Accounts and Addendum document for 2016/17 be approved.

(Proposed by the Chairman)

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

Addendum to the draft Accounts

14. **EXTERNAL AUDIT PROGRESS REPORT (01:18:08)**

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

The update included the following information:

- The final accounts audit had commenced today and Grant Thornton would be on site for approximately two weeks. They would be issuing their audit opinion at the special meeting of the Committee on 17 July 2017.
- Testing would take place in relation to the housing benefit subsidy claim in September.
- There was a period of time whereby the public could inspect the draft accounts. This would be finished by Friday 14th July allowing the signing off of the accounts to take place the following Monday.
- Grant Thornton had issued a report on board effectiveness and reference was made to the fact that this Committee had increased the size of its membership to strengthen its effectiveness.
- An 'Income Spectrum' report had also been produced which was being used as a useful reference tool as central government funding was being reduced. Hard copies would be made available.

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

15. **GRANT THORNTON - 2017/18 FEE LETTER (01:28:15)**

The Committee had before it, and **NOTED**, a letter * from Grant Thornton outlining the audit timetable and billing schedule for 2017/18.

16. **START TIME OF MEETINGS (01:31:17)**

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

17. **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:31:50)**

The following was **AGREED**:

- There would be no Value for Money report at the next meeting (however, the external audit opinion in relation to this would be issued)
- There would be no Performance and Risk report at the next meeting as the meeting would focus on the Accounts and the Annual Governance Statement only.

(The meeting ended at 7.10 pm)

CHAIRMAN

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AUDIT COMMITTEE
30 MAY 2017

REPORT ON INTERNAL AUDIT PROVISION FROM 2017/18

Cabinet Member Cllr Peter Hare-Scott
Responsible Officer Audit Team Leader, Catherine Yandle

Reason for Report: To report to the Audit Committee the appointment of its internal auditor from 1st May 2017.

RECOMMENDATION(S): The Audit committee recommends to Council that:

1. Mid Devon DC appoints Devon Audit Partnership (DAP) as the Audit Manager from 1st May until it joins DAP (nominally 31st July 2017);
2. Mid Devon joins DAP
 - a. as a non-voting member from 1 August 2017 until 31st March 2018;
 - b. as a voting member from 1st April 2018.
3. The Chair of the Audit Committee be appointed as the nominated Member to represent Mid Devon on the Partnership Committee;
4. The Vice Chair of the Audit Committee be nominated substitute Member to represent Mid Devon on the Partnership Committee in the absence of the Chair.

Relationship to Corporate Plan: Effective Internal Audit plays a fundamental role in assisting the Council to deliver its corporate plan.

Financial Implications: The Council's budget for Internal Audit in its current form is £124,380 the primary objective here is not to save money but to ensure effective service provision.

Legal Implications:

1. The provision of an internal audit service within Local Government is a requirement of the Accounts and Audit Regulations 2015.
2. S151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of its financial affairs.
3. MDDC will have to enter into a financial agreement with an external supplier for the provision of services. The form of agreement will depend upon which route is chosen.

Risk Assessment: There is no immediate risk to the Council; however, early consideration by the Council of its preferred approach will enable detailed planning to take place so as to achieve successful transition to the new arrangement in a timely and efficient manner.

Equality Impact Assessment: No equality issues identified for this report.

1.0 Introduction

- 1.1 In common with all other services of the Council regular consideration must be given to whether the current model for the internal audit service is the most efficient one and also the best value for money.
- 1.2 At the Special Audit Committee on 21 February 2017 it was resolved that the Management Team be informed that having carefully considered the options available, it was the Audit Committee's opinion that the Council should pursue procuring Audit management via a Service Level Agreement (SLA) or enter into Partnership Arrangements with an External Provider.
- 1.3 Further meetings and negotiations with the potential suppliers have taken place and more detailed costings been obtained. As a result of these it was decided that provision via DAP would be pursued.
- 1.4 This is an exciting development for future Internal Audit provision at MDDC.

2.0 Governance Arrangements

2.1 Devon Audit Partnership

This is a shared service arrangement (currently) between Devon, Torbay, Plymouth and Torridge councils constituted under section 20 of the Local Government Act 2000; DAP was founded in April 2009.

- 2.2 Devon County Council acts as "host" to the Partnership, and provides services such as payroll, insurance, HR and legal services.

2.3 Partnership Committee

This consists of 2 Members each from Plymouth, Torbay, Devon and Torridge councils. For 2017/18, Mid Devon will be invited to send two members to the Committee, in a "non-voting" capacity. From 2018/19, Mid Devon will have 2 voting representatives on the committee. Terms of reference are:-

- receive and consider reports from the Management Board, the Head of Internal Audit Partnership, external assessment reports and the Host Council;
- approving the annual accounts of the Partnership;
- approving the budget in respect of the Audit Partnership functions;
- approving the future appointment and dismissal or removal of the Head of Internal Audit Partnership;
- approving changes to the Partnership Client base, trading agreements, charging policies and other necessary matters pertaining to the future operations of the Partnership;
- resolving any disputes that are still unresolved after reference to the Management Board.

2.4 Partnership Board

This is composed of the S151 officers from Plymouth, Torbay, Devon and Torridge councils plus the Head of Partnership. For 2017/18 the S151 officer

from Mid Devon will be invited to attend the meetings (but as a non-voting representative), but from 1 April 2018, the S151 officer for Mid Devon will be a voting member. Terms of reference are:-

- Recommending the budget subject to the Partnership approval
- Approving all changes to budgets subject to the approval of the Partnership where appropriate
- Receiving and approving performance reports from the Head of Internal Audit Partnership
- The carrying out of any Performance Reviews
- Setting and reviewing the performance of the Partnership
- Resolving Disputes
- Accommodation responsibility

2.5 The Future

2.3.1 The (current) Partners agreed to an extension of the Partnership for a further 7 years from April 2017, with a review after 5 years.

2.3.2 The contract has been agreed and has a “rolling” element that enables the Partnership to enter into longer term contracts in an effective manner.

2.3.3 It is important that internal audit remains “relevant” – the need to make financial savings is recognised and has been achieved; careful consideration will be required when setting future resourcing levels to ensure that the service is properly resourced and funded to continue to provide professional, effective, and pro-active and value added services.

2.3.4 There will be pressure to reduce audit days, however this must be considered against sound risk management processes and the need to have effective and adequate independent assurance to meet Senior Management, s151 Officer and Audit Committee requirements.

2.3.5 In order to ensure that the Partnership can plan effectively in the way it delivers services, the agreement requires Partners to provide 12 months’ notice if they wish to leave the Partnership.

3.0 Conclusion and Recommendations

3.1 Further work will be undertaken to ensure a smooth transitional process is achieved this will take about 3 months.

3.2 Transitional internal audit management provision has already started under an SLA for an initial period of three months which could be extended if necessary to properly complete due diligence and governance arrangements.

3.3 Subject to the DAP Partnership Committee agreeing to admit MDDC to membership, at their meeting on 21 June, that the recommendations detailed at the start of the report are recommended for approval to Full Council on 28 June 2017.

Contact for more Information: Catherine Yandle, Audit Team Leader, x4975

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

List of Background Papers: Previous Audit Committee papers on this item

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 16 May 2017 at 2.00 pm

Present Councillors

R F Radford, D R Coren, Mrs C P Daw,
R Evans, J D Squire, R Wright, F W Letch
and Mrs G Doe

Apologies Councillor(s)

Mrs E J Slade and J L Smith

Also Present Officer(s):

Andrew Pritchard (Director of Operations), Stuart Noyce
(Waste and Transport Manager), Suzanne Kingdom
(Auditor) and Julia Stuckey (Member Services Officer)

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

RESOLVED that Cllr R F Radford be elected Chairman of the Group for the
municipal year 2017/18.

Cllr Radford then took the Chair.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr D R Coren be elected Vice Chairman of the Group for the
municipal year 2017/18.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E J Slade who was substituted by Cllr Mrs G
Doe and from Cllr J L Smith.

4 PUBLIC QUESTION TIME

Referring to agenda item 7 Mr Warren, Chairman of Willand Parish Council informed
the Group that on 7 March 2017 Willand Parish Councillors attended the
Environment PDG and asked a number of questions in relation to proposed changes
in policy in relation to litter and dog bin provision and emptying.

He said the Chair ruled that the questions would be answered in writing and we have
been assured that you have all received a copy of the response which is dated 21
March 2017. This was received after the second time of asking. Is this acceptable?

Do you consider that the questions have been answered to your satisfaction?

The view of Willand Parish Council is that although words have been written after
each question they are in the main a considerable example of non-answers. Notes

have been made after each alleged answer but I will not take your time in going through them all. Your Chair advised that he did not consider the questions answered properly but asked that we wait to see what was in the report before you today.

Question 3 (a), (b) & (c) refer to costs – none are given but surely there must be an example of cost which could be given – a dog bin is a dog bin. I will try and help. In past times MDDC quoted the Parish Council £400 to supply and fit a dog bin. We did it for £60. Surely members in agreeing to support a policy would need to know costs to assess whether or not there would be savings or the policy would be viable?

The answer to (c) states “We have not identified the cost to offer this service at present. This will be considered and a cost presented to the next PDG to offer to Parish Councils requesting the service.” I cannot find such an answer in the paper before you – can members? There is only one figure mentioned and I doubt if it cost £136,000 to empty a litter bin on Willand Jubilee Field.

Question 6 referred to dual purpose litter/dog bins and a concern that they should not be in fenced play areas. Can you see where this is addressed and clarified in the paper before you? It is not mentioned under 5.0.

Under 1.1 it speaks of working in partnership with local communities. In 2.0 it states that the policy does not suggest public consultation and in answer to question 3 from Councillor Grantham it states “The Manager of the service will be making the final decision on any new installations and there will be no right to appeal as there will have been consultation at an earlier stage.” Which is it to be consultation or no consultation?

Some Parish & Town Councils have taken leases on play areas within their parish or town and these have existing MDDC supplied bins. It is considered that the paper as suggested leaves too many unanswered questions to allow for proper budgeting. Would members consider that some public consultation would be appropriate to give such Parish or Town Councils the opportunity to submit a more clarified policy if officers are unable to do so?

The Waste and Transport Manager informed the Group that his response to Willand Parish Council following the last meeting had been within the 10 days required for responding to letters in the Councils Customer Care Policy. He reminded the Group that the policy before them was a district wide policy and not specific to Willand. Costs for installing and emptying bins would be dependent on many things, such as the location, the base needed and the time required for emptying and these were the reasons why specific costs had not been provided.

Mr Grantham, Willand Parish Councillor, referring to item 7 on the agenda asked if existing bins in areas that had been leased, such as play areas would be affected by the new policy. The Director of Operations assured Mr Grantham that any agreement already in place would not be affected.

It was **RESOLVED** that a meeting be put in place between Willand Parish Council and the Waste and Transport Manager, to include the local Ward Members, to discuss matters specific to Willand Parish Council.

(Proposed by the Chairman).

5 MINUTES OF THE PREVIOUS MEETING

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

6 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that having received a number of complaints regarding grass cutting, he had arranged to meet with officers from Mid Devon District Council and Devon County Council to discuss a way forward. He would provide an update to Members. Grass cutting was an agenda item for the next meeting.

7 LITTER AND DOG BIN POLICY

The Group had before it a * draft Litter and Dog Bin Policy. The Waste and Transport Manager reminded Members that this policy had been part of the Street Cleansing Service Review that had been on the agenda for the Group at the previous meeting and which Members had requested be given further review at this meeting.

Discussion took place regarding:

- Whether or not the provision of litter and dog bins made any difference to behaviour;
- District Officers would carry out any survey of bins along with their work on education and enforcement;
- Town and Parish Councils could request bins for their own land, or third party land with permission, at a cost which would be calculated based on the bin type, the base required and the amount of time it would take to empty;
- Section 2 of the policy needed clarity regarding who would carry out risk assessments and surveys;
- The 'any bin will do' stickers which encouraged the use of one bin for litter and dogs mess were not considered appropriate for use in fenced off play areas;
- Future plans to produce a 'menu' of work, with prices that could be carried out on behalf of Town and Parish Councils;

It was **RECOMMENDED** to the Cabinet that Council be asked to approve the Litter and Dog Bin Policy subject to:

- a) Section 2 being amended to state that after the type of bin to be installed and a plan of the location for the bin and its nearest alternative have been established and agreed a risk assessment determining any hazards that the placement of the bin may cause to members of the public or staff be undertaken and a survey of litter/dog mess over a three month period be undertaken by District Officers.

- b) That bins within fenced off children's play areas not be part of the 'any bin will do' scheme.

(Proposed by Cllr R Evans and seconded by Cllr Mrs G Doe)

Note: - Draft Policy * previously circulated and attached to the Minutes.

8 **PERFORMANCE AND RISK**

The Committee had before it and **NOTED** a report * from the Director of Corporate Affairs and Business Transformation providing Members with an update regarding 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 Officer outlined the contents of the report.

Discussion took place regarding:

- The Peer Review proposal that benchmarking be undertaken;
- The need to move to reviewing waste arising performance rather than recycling performance;
- Consideration of waste arising and recycling performance in league tables versus cost per household and consideration of the budget.

The officer asked Members to give consideration to any performance indicators not currently reported that they may wish to review in the coming year.

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

9 **IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS**

10 Year Management Plans for Open Spaces
Cemetery Works
Grass Cutting update
Performance and Risk
Community Engagement Project
Financial Monitoring
Waste and Recycling regular Update

(The meeting ended at 3.10 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 23 May 2017 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, F W Letch and J D Squire

Also Present

Councillor

R L Stanley

Present

Officers

Andrew Pritchard (Director of Operations), Claire Fry (Housing Services Manager), Simon Newcombe (Public Health and Professional Services Manager), Michael Parker (Housing Options Manager), Roderick Hewson (Principal Accountant), Tanya Wenham (Lead Officer Public Sector Housing), Nicky Chandler (Auditor) and Sarah Lees (Member Services Officer)

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

RESOLVED that Cllr W J Daw be elected Chairman of the Group for the municipal year 2017/18.

Cllr W J Daw then took the Chair.

2 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Group for the municipal year 2017/18.

3 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

4 **PUBLIC QUESTION TIME**

There were no members of the public present.

5 **MINUTES**

The minutes of the meeting held on 14 March 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

6 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

7 PERFORMANCE AND RISK REPORT FOR 2016-17 (00:06:00)

The Group had before it, and **NOTED**, a report * from the Director of Operations 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 following was highlighted within the report:

- Where performance indicators were below target an officer note had been provided.
- Since the agenda for the meeting had been published the number of outstanding gas safety certificates had reduced to one. This related to an abandoned property and the Council was looking to seek possession.

Discussion took place regarding the rent collected as a proportion of rent owed being over 100%. This was because the housing department collected arrears brought forward as well as some rents in advance.

The team responsible for collecting rent were congratulated by the Group who they described as being a 'shining light' within the organisation.

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

8 UPDATE ON EMPTY HOMES (00:09:40)

The Group had before it, and **NOTED**, a report * from the Public Health and Professional Service Manager providing it with an update on the progress of the empty homes project following the briefing in January 2017.

Key highlights within the report included the following:

- In relation to the Corporate Plan target, more than double the number of predicted empty homes had been brought back into use.
- Income generation going forwards from 2017/18 would become tighter with the New Homes Bonus only being payable once a 0.4% baseline had been reached with the dowry period falling to 5 years. Bringing empty properties back into use therefore takes a positive net financial contribution to the Council's revenue budget in addition to the wider beneficial social, housing and regeneration impacts.
- 13 properties had been identified as needing priority action however contact had been made with all 132 properties that had been empty for 2 years or more.

Discussion took place regarding:

- The fact that overall there were currently 776 properties that had been empty across the district for more than 6 months.
- Whilst there was significant housing need in Crediton, applications had been submitted for development but these would take some years to come to fruition.

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

9 **DISABLED FACILITY GRANT (DFG) UPDATE (00:21:40)**

The Group had before it, and **NOTED**, a report * from the Public Health and Professional Services Manager providing an update on the current position with the disabled facilities grant (DFG) programme.

It was explained that during the summer of 2016 the existing processes with regard to the administration of the DFG programme were fully reviewed in order to identify areas where there was scope for streamlining and updating. The Group were referred to section 2 within the report which listed the areas which had been subsequently streamlined. It was further explained that previously it had taken 17 weeks to process a DFG, this was now down to 9 weeks.

In 2016/17 the total government allocation for Mid Devon through the 'Better Care Fund' for disabled facilities grants was £561,385. In common with all Devon district authorities it was agreed that 10% of the allocation would be retained by the County Council for redistribution to those areas where there was additional demand. This meant that Mid Devon received an allocation of £505,246. The private sector housing team had spent and committed a total of £551,580 and therefore was able to apply for the 10% that had been retained and this had been successfully invoiced.

A brief discussion took place regarding the introduction of a form for the client to complete to agree the works needed and identify the method of getting quotes.

The Group wished to congratulate the private sector housing team for streamlining these processes so quickly and efficiently and for their understanding in dealing with clients in this area.

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

(ii) Cllr P J Heal declared a personal interest as his daughter was in receipt of a Disabled Facilities Grant.

10 **HOUSING ENABLING - SUPPLEMENTARY PLANNING DOCUMENT (S106 - HOUSING NEED ALLOCATION - EXCEPTION SITES)**

The Group had before it a report * from the Director of Operations regarding a Housing Enabling Supplementary Planning Document. The policy had last been adopted in June 2012, since then the policy had required some updating following the legal legislation regarding Armed Forces personnel.

The Housing Options Manager outlined the contents of the report and explained that affordable housing would be allocated to eligible people based on their level of housing need and local connection in accordance with the Meeting Housing Needs section 6 in the Supplementary Planning Document: Meeting Housing Needs. This annexe was revised whenever necessary to take account of changes made by the Council's Housing service to the eligibility criteria.

RECOMMENDED to the Cabinet that the new local need / qualification criteria in annexe 1 to the Meeting Housing Needs Supplementary Planning Document be approved.

(Proposed by Cllr P J Heal and seconded by Cllr D R Coren)

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

11 UPDATE ON THE HOUSING OF SYRIAN REFUGEES (00:34:35)

The Housing Options Manager provided the Group with a verbal update regarding the housing of Syrian Refugees within Mid Devon. This included the following:

- 4 properties had been identified within the district.
- The first of these was in Washfield, however, it was explained that Mid Devon District Council had agreed with Devon County Council that an agreement would not be entered into with the Home Office unless a family could be identified that would be suited to a very rural location.
- The second one was a three bedroomed house in Cullompton.
- The third and fourth properties were in Bradninch.
- The Council was looking to the end of July for the arrival of the first family.
- A fifth property in Crediton would not be progressed until the other families had been settled.
- Due to the amount of time it was taking officers to progress these arrangements there had been some affect upon the frontline service offered by the housing options team.
- It was confirmed that there was only 4 years remaining in relation to this Government scheme.

The Group requested that they receive an update at their next meeting.

12 START TIME OF MEETINGS (00:40:00)

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

13 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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

- Civil Penalties Policy
- Fire safety in communal area's

The Tenancy Policy was unlikely to be brought before the Group until the Government had released the associated regulations.

(The meeting ended at 3.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 18 May 2017 at 6.00 pm

Present

Councillors

Mrs B M Hull (Chairman)
Mrs A R Berry, Mrs C Collis, J M Downes, R Evans,
S G Flaws, F J Rosamond and Mrs N Woollatt

Also Present

Councillor

R J Chesterton

Present

Officers

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), John Bodley-Scott (Economic Development & Regeneration Manager), Alan Ottey (Tiverton Town Centre and Market Manager) and Sarah Lees (Member Services Officer)

1 Election of Chairman for 2017/18 (Vice Chairman of the Council, in the Chair)

RESOLVED that Cllr Mrs B Hull be elected Chairman of the Group for the municipal year 2017/18.

Cllr Mrs B M Hull then took the Chair.

2 Election of Vice Chairman for 2017/18

RESOLVED that Cllr R Evans be elected Vice Chairman of the Group for the municipal year 2017/18.

3 Apologies and Substitute Members

There were no apologies for absence.

4 Public Question Time

There were no members of the public present.

5 Minutes

The minutes of the meeting held on 16 March 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

6 Chairman's Announcements

The Chairman welcomed Cllr Mrs C A Collis as a new Member to the Group. She hoped that she would find it enjoyable and interesting.

7 Performance and Risk for 2016-17

The Group had before it, and **NOTED**, a report * from the Director of Growth and Chief Executive 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 contents of the report were outlined with the following areas being highlighted:

- The number of business rate accounts was up on the target figure for the year which was seen as positive.
- The number of Apprentice starts was lower than targeted for.
- Up until the end of March 2017 the number of empty shops across the district was below what had been expected which was seen as being very positive, however, in recent weeks the number had increased in Tiverton and Cullompton.
- Unfortunately commencement of the cleaning contract for the Pannier Market had been delayed in order to procure as part of a wider process incorporating the entire corporate estate (to achieve better value). However, essential cleaning had taken place.

Discussion took place regarding:

- The types of Performance Indicators that would best reflect Corporate Plan targets, for example, levels of unemployment or the number of business sites available.
- The Peer Review had focussed very much on economic issues.
- Service managers were being tasked with thinking about future activities and how these could be measured against the agreed set of corporate objectives.

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

8 Apprenticeship Levy Briefing

The Group had before it, and **NOTED**, a briefing paper * from the HR Group Manager providing an overview of the Apprenticeship Levy. The Director of Corporate Affairs and Business Transformation explained that as from April 2017 the way the Government funded apprenticeships in England were changing. Employers with a pay bill over £3 million were expected to pay 0.5% of their pay bill towards a new 'Apprenticeship Levy' to be spent purely on apprenticeship standards to increase skills within the workplace. For Mid Devon District Council this meant that the amount it had to pay would be approximately £50k per year. The Council had 24 months to spend the money otherwise it would be returned to central Government.

It was further explained that the amount of money the Council had to pay might go up simply because it employed more apprentices. It did mean that the pot of money could be used for additional staff development as it was not age related. The Council

was working with Petroc on this and the scheme was still very much in the early stages.

Discussion took place regarding:

- Apprentices were able to gain a qualification such as a BTEC at the end of their apprenticeship.
- Often apprentices were able to apply for positions within the Council at the end of their placements.
- Many businesses considered having an apprentice as the norm.
- Mid Devon District Council apprentices had been asked for their views on how to attract younger people to work for the organisation.

Note: * Briefing paper previously circulated, copy attached to the signed minutes.

9 **Feasibility of running a Farmers Market in Tiverton**

The Group had before it a report * from the Town Centre and Market Manager providing Members with information on the feasibility of holding a 'Farmers Market' in Tiverton Market and to appreciate the implications and to decide which option should be adopted.

The officer outlined the contents of the report which included the following:

- The need to analyse the customer base, footfall within the town and local demographics.
- Ascertain whether there was a desire for a Farmers Market. What publicity would be needed and how to attract customers.
- Other questions that needed answering included:
 - What would be the best day of the week to hold it on?
 - Mid week or weekend?
 - How would traders be recruited?
 - When would restocking take place?
 - How 'local' is 'local'?
 - Should there be more encouragement to trade farmers produce at the normal market?
- Resources were very limited.
- A number of options were available ranging from doing nothing to sourcing a private operator.

Discussion took place regarding:

- The need to avoid competition with other Farmers Markets in other towns within the district. The Cullompton Framers Market had declined in recent years and any competition with Tiverton would not be beneficial. Days and times of any potential new markets would need to be a crucial consideration so as to avoid clashes.
- Quality produce would be a key factor in attracting customers.
- There was a general consensus that Sunday was not a good day to hold a market.
- Promotion and publicity costs.

- The potential benefits of using social media as an advertising tool.
- Possible missed opportunities to work with Cullompton and Crediton by inviting them to the British Street Foods Awards on Sunday 21st May.
- A minimum number of traders in the region of 12 to 15 would be needed to make a venture viable.

RECOMMENDED to the Cabinet that trade on the normal retail market be encouraged to encompass all goods and produce found on a Farmers' Market and promote it as part of the offer of Tiverton Pannier Market.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr F J Rosamond)

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

(ii) Cllr S Flaws requested that his vote against the decision be recorded.

10 **Economic Development Service Update**

The Group had before it, and **NOTED**, a report * from the Chief Executive and Director of Growth updating Members on progress with key Economic Development Service priorities.

Additional information was provided in relation to the following projects:

Mills / Hydro Project

Developments in this area fitted in well with the need to look at higher productivity projects. This was an exciting area of development both nationally and internationally. A Business Plan was being developed and an application would be made for European funding at the end of May 2017.

Broadband

It was now clear that Connecting Devon and Somerset (CDS) was not meeting the needs of rural districts. Conversations were taking place regarding another scheme but there was nothing to report at the moment. The plea for reliable Broadband was reiterated as it was severely affecting businesses in rural wards. It was stated that consideration was being given to inviting an officer from Devon County Council to come and give a Member briefing by way of an update to Members.

Cullompton Springfest and Electric Nights

Both these events had been very successful. The South West heat of the British Street Food Awards would be held at the Tiverton Pannier Market on 21st May 2017.

A brief discussion took place regarding the positive nature of the report and how exciting some of the opportunities presented within it were.

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

11 **Manufacturing and Engineering Sector - Briefing Paper**

The Group had before it, and **NOTED**, a report * from the Economic Development and Regeneration Manager regarding the Manufacturing and Engineering Sectors within Mid Devon. This report was one of a series that considered the employment and economic value of various sectors of the Mid Devon economy.

The contents of the report were outlined with the following information being highlighted:

- Mid Devon was strong in this area compared to other districts.
- The main areas of manufacturing activity were in the food and drink sector, textiles, paper and paper products and metal fabrication.
- Some of the largest companies working in the district were at the top end of their markets and trading globally.
- However, the high proportion of food and drink businesses within the sector which leaves manufacturing vulnerable.
- Because of the heavy reliance on the food and drink industry there were pressures on other areas of the manufacturing industry.
- The introduction of more technology would inevitably reduce employment within this sector.

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

12 **Tiverton Shopfront Facelift Grant Scheme**

The Group had before it, and **NOTED**, a report * from the Chief Executive and Director of Growth updating Members on the progress of the Town Shopfront Enhancement Schemes.

The Tiverton Shopfront Facelift Grant Scheme was set up in 2015 with £15k from the High Street Innovation Fund to provide small grants to encourage shop-owners / tenants to improve the physical state and visual appearance of their shopfronts in order to enhance the retail environment and preserve conservation features.

Currently, there was approximately £10k uncommitted spend within the scheme. The Town Centre Manager continued to promote the scheme through his regular newsletter and in liaison with the Conservation Officer to target specific properties for improvement.

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

13 **High Street Innovation Fund**

The Group had before it, and **NOTED**, a report * from the Chief Executive and Director of Growth updating Members on the completion of the High Street Innovation Fund phase 2. A summary of the projects which had been supported was provided within the report. It was explained that the Fund was now fully allocated and the programme was now closed.

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

14 **Feedback from the Cabinet Member of Planning and Economic Regeneration walking leaflets**

The Cabinet Member for Planning and Economic Regeneration provided the Group with the rationale behind the recent Cabinet decision regarding walking leaflets. He explained that there had been a long discussion at the Cabinet meeting but one or two other Cabinet Members had considered that the walking guides could be developed in parallel with the other tourism work that was planned reducing the need for additional resource. The Group were informed that some of the guides, which were still relevant and up to date, had recently been welcomed by some parishes and had been brought back into use.

Discussion took place regarding:

- The external facades of some industrial units in rural landscapes being very visible and out of keeping with the surroundings. The Cabinet Member stated that once the Local Plan process had been progressed the Planning Department would consider this as part of the Design Guide for the district. He stated that an appropriate design guide was just as important for industrial units as it was for houses.
- The disappointment by some Members of the Group with the Cabinet decision. They had felt that resources needed to be focussed in other areas particularly the projects listed in the Economic Development report discussed earlier in the meeting.
- Other Members of the Group had considered that the walking leaflets had presented an opportunity to raise revenue by advertising and it had been considered essential to have a tourism guide and website.
- It was pointed out by the Chief Executive that there had still been no change to the underlying resource available to progress this work.

15 **Start time of meetings**

The Group **AGREED** to hold future meetings of this Group at 5.30pm during the remainder of the municipal year.

16 **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 a future meeting:

- Green screening for industrial estates (for consideration at some point in the next 12 months).
- Peer Review comments in relation to the Council's economic aspirations (for the 7 September 2017 meeting).

(The meeting ended at 7.35 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 6 June 2017 at 2.15 pm

Present

Councillors

B A Moore (Chairman)
Mrs A R Berry, Mrs E J Slade, Mrs G Doe,
R J Dolley, Mrs J B Binks and R Wright

Apologies

Councillor(s)

Mrs E M Andrews, F W Letch, Mrs H Bainbridge and
Mrs C P Daw

Also Present

Councillor(s)

C R Slade and Mrs M E Squires

Also Present

Officer(s):

John Bodley-Scott (Economic Development Team Leader),
Lee Chester (Leisure Manager), Simon Newcombe (Public
Health and Professional Services Manager), Catherine
Yandle (Internal Audit Team Leader), Kevin Swift (Public
Health Officer) and Julia Stuckey (Member Services
Officer)

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

RESOLVED that Cllr B A Moore be elected Chairman of the Group for the municipal year 2017/18.

Cllr Moore then took the Chair.

2 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr Mrs E J Slade be elected Vice Chairman of the Group for the municipal year 2017/18.

3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs E M Andrews, Cllr F W Letch, who was substituted by Cllr R Wright, Cllr Mrs H Bainbridge who was replaced for one meeting by Cllr Mrs J B Binks and Cllr Mrs C P Daw.

4 **PUBLIC QUESTION TIME**

There were no members of the public present.

5 **MINUTES OF THE PREVIOUS MEETING**

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

6 CHAIRMANS ANNOUNCEMENTS

The Chairman thanked the Members of the Group for re-electing him as Chairman and welcomed them to the new municipal year.

The Chairman informed the Group that following the Peer Review it had been agreed that links between Committees and the Members of the Cabinet should be strengthened. He had therefore started a series of meetings with Cabinet Members for Community Well Being and the Working Environment. An informal meeting had been arranged for 21 August, to which all Members had received an appointment, which would allow the Group to discuss ideas informally with officers and Cabinet Members in attendance to support and guide.

The Chairman informed the Group that he had discussed Trim Trails with the Cabinet Member for Community Well Being and hoped that this was a project that could be moved forward.

7 TAP FUND

The Group had before it a report * from the Director of Growth providing Members with a summary of spend for the Town and Parish (TAP) Fund in 2016/17 and to inform them of any changes to criteria for 2017/18.

The Economic Development & Regeneration Manager outlined the contents of the report, explaining that the Town, Parish and Community (TAP) Fund (formerly known as the Town and Parish Fund) could be used by towns and parishes working together to respond to community issues of shared interest and/or concern. The scheme was also known as the '£1 per Elector Fund' whereby each town or parish area was allocated £1.00 from Devon County Council (DCC) and £0.10 from Mid Devon District Council (MDCC) for every elector in the parish using figures based on the electoral register. For the 2016/17 TAP Fund, these figures were based on the February 2016 electoral register.

The Officer explained that though low cost regarding financial contributions the scheme took considerable officer time to administer. Changes had been made to the application process for the coming year in order to reduce administration as much as possible. Information regarding the fund and the new process for applications would be distributed to the Towns and Parishes via the monthly Town and Parish Council Newsletter. It was **AGREED** that the report be circulated to all Members and that they be asked to encourage their local councils to apply.

Discussion took place regarding:

- The system was considered to be fairer now than it used to be due to the distribution of funds throughout the District;
- The need to encourage smaller groups and parishes to apply;
- The Mid Devon Attractions Group which received funding from all of the County areas as it was a district wide scheme working to promote tourism throughout the District;

- The Mid Devon Attractions Group would be giving a presentation to the next meeting of the Economy PDG and Members requested a copy of this;
- The fact that applications which involved more than one town or parish would be more favourably received but this did not prevent applications from lone parishes.

The Chairman thanked the officer for his report.

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

8 PERFORMANCE AND RISK

The Group had before it a report * from the Director of Corporate Affairs and Business Transformation 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 outlined the contents of the report.

Discussion took place regarding:

- Leisure Memberships which had reduced following changes to the charging structure, and the need to retain members. It was **AGREED** that the Leisure Manager be asked to provide an update regarding this in six months time;
- Trim Trails and the possibility that funding could be available from Devon County Council or Sport England and the need to ensure that consideration was given to location. It was **AGREED** that this be an agenda item for the next meeting of the Group;
- Compliance with food safety:- the fact that around 90% of food premises were compliant which was the level that the Food Standards Agency would expect and the importance of non compliance being identified and dealt with.

The Chairman thanked the officer for her report.

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

9 LEISURE UPDATE

The Leisure Manager (Development and Performance, gave a presentation (attached to Minutes) which provided Members with an update regarding:

- Exe Valley Fitness Centre Development;
- South West Youth Games;
- Wetside upgrades;
- Performance and SPAR KPI's for 2016/17
- Business Plan for 2017/18
- Top projects.

Discussion took place regarding:

- The utilisation of empty units in Market Walk to replace activities that were normally undertaken in areas that had been closed due to the refurbishment at Exe Valley;
- The success achieved by local children at the Youth Games;
- Retention of members and a target to increase casual participation;
- Nutritional advice that could be provided;
- Links to GP Surgeries.

Note: Presentation attached to Minutes.

10 AIR QUALITY UPDATE

The Group had before it a report * from the Public Health and Professional Services Manager providing an update on development of the statutory Air Quality Action Plan 2017-21 for the district.

The Officer outlined the contents of the report, informing Members that the Draft Air Quality Action Plan would be presented to the Group at the September meeting.

He went on to explain that the bid for funding that had been submitted to DEFRA had been unsuccessful as the scheme had been massively oversubscribed and most of the funding had gone to metropolitan areas. There were further opportunities for EU funding which were currently being investigated.

Discussion took place regarding:

- Electric Charging points which would be provided at 8 locations across Mid Devon;
- Air quality testing in Crediton and the ongoing issues created by traffic in the High Street;
- The Local Plan and air quality, the impact of which would be a consideration for large developments;
- Potential cheap options to improve air quality such as moving a bus stop;
- Future changes to vehicles such as a potential reduction in the number of diesel vehicles and increase in the number of electric vehicles;
- Section 106 funds and how they were allocated to air quality projects.

The Chairman thanked the officer for his report.

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

11 PUBLIC HEALTH SIX MONTHLY UPDATE

The Group had before it a report * from the Public Health and Professional Services Manager providing an update on the progress of the Public Health Plan.

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

- Active Start (GP referral) which provided specialised, supervised exercise programmes for anyone whose fitness and health conditions could be improved by regular exercise. There were now an average of 40 participants each week.
- A recognised need to audit food and drink that was sold at Leisure Centres;
- Nutritional advice that could be provided by Leisure Service staff;
- The Energy Switching Scheme that was highlighted at the last meeting would shortly be going live;
- Public Health were working with Cosy Devon regarding new initiatives and 43 residents in Mid Devon had had a new heating system installed as part of the Central Heating Fund;
- Seated exercise classes had been well received providing exercise, social interaction and some respite for carers. It was hoped that these groups would become self sustaining;
- Walk and Talk groups which were active within the District.

It was **AGREED** that the officer be asked to provide an update on the progress being made regarding the food and drink sold at Leisure Centres at the next six monthly update.

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

12 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Performance and Risk
Air Quality Update
Town and Parish Charter
Gypsies and Travellers
Trim Trails

(The meeting ended at 4.15 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 17 May 2017 at 2.15 pm

Present Councillors

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

Apologies Councillor(s)

D J Knowles

Also Present Councillor(s)

C J Eginton, R Evans and Mrs M E Squires

Present Officers:

Jenny Clifford (Head of Planning and Regeneration), Thea Billeter (Area Planning Officer), Tina Maryan (Area Planning Officer), Simon Trafford (Area Planning Officer) and Sally Gabriel (Member Services Manager)

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

RESOLVED that Cllr F J Colthorpe be elected Chairman of the Committee for the municipal year 2017/18.

(Proposed by Mrs H Bainbridge and seconded by Cllr Mrs C A Collis)

2 **ELECTION OF VICE CHAIRMAN**

RESOLVED that Cllr P J Heal be elected Vice Chairman of the Committee for the municipal year 2017/18.

(Proposed by Cllr R F Radford and seconded by Cllr Mrs J Roach).

3 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr D J Knowles who was substituted by Cllr Mrs J Roach.

4 **PUBLIC QUESTION TIME (00-06-04)**

Mike Shaw, referring to Item 1 (Crosses Farm) on the agenda stated: please can the Committee and Officers advise on the progress of the Mid Devon Local Development Plan. I understand it was submitted to the Planning Inspectorate on the 31st March and the Inspector will shortly be reporting on his findings and

approval that it is sound. Please can you confirm that it includes a clear 5-year housing land supply for Mid-Devon - thus making any speculative applications in communities which have been specifically excluded in the emerging LDP unnecessary and unwarranted?

Mike Scott (CPRE), referring to Item 1 (Crosses Farm) on the agenda stated that the site proposed in this application is, and always has been, open countryside, and never within any settlement boundary. With regards to the NPPF and local COR policies, please can the Committee advise why any permission would be granted for building on open countryside in an area identified as unsustainable, when sufficient 5 year land-supply within Mid Devon has been identified through a thorough consultation process in producing the LDP?

Jenny Mayne, referring to Item 1 (Crosses Farm) on the agenda stated that for applications proposing 10 dwellings or under, formal consultation of the surrounding community is not a requirement. Of the 55 letters of support for this application, only five came from within the Uplowman Parish. In contrast, of the 43 objections, 33 came from residents within the Uplowman Parish who would be directly affected by the proposal, and the exact community which should have been consulted. This is also in line with Secretary of States clear direction for community-led development in his recent letter regarding this application. Please can you advise how the Committee takes the context and sources of all public submissions into consideration?

Paul Lovell referring to Item 1 (Crosses Farm) on the agenda stated that last year, the planning inspector ruled on a separate application for a single dwelling within Uplowman. He clearly stated that Uplowman is a rural settlement, and based on the objective criteria defined in the NPPF, was unsustainable. He therefore upheld the refusal of permission. These objective criteria for sustainability were established to prevent any lobbying or misrepresentation by applicants confusing the definition of what is a sustainable community. Can the Committee confirm that they respect and abide by the legal definition of sustainability in the NPPF and the recent ruling by the Planning Inspectorate with regards to the status of Uplowman?

Tim Kenyon referring to Item 1 (Crosses Farm) on the agenda stated that Uplowman has no public transport or footpaths and the proposal is heavily reliant on the use of private cars. These factors combine to produce an application which does not meet sustainability criteria as it would significantly increase pollution and road traffic locally. Does the committee agree that this application is therefore at odds with the Mid Devon Core Strategy to coordinate development to reduce the use of the car, the NPPF on environmental impact, and the new guidance issued to Local Authorities recently on reducing pollution locally?

Wayne Elliott, referring to Item 1 (Crosses Farm) on the agenda stated that my question is about road safety, particularly at the entrance to the proposed development. The entrance is on a dangerous, blind bend where there are near-misses between vehicles and pedestrians on a daily basis. We do not understand why the Highways' report fails to mention this aspect and we were not given the opportunity to discuss it with them. The proposed development means there will be more vehicles feeding directly into this location. Additionally, the application proposes that the rubbish and recycling bins will be emptied on this bend - the worst possible location for a lorry to be parked. So aside from the detrimental visual impact of having

all these bins in one place, the bend will become even more hazardous. What are the committee members' views on this please?

Ivor Mayne referring to Item 1 (Crosses Farm) on the agenda stated that the NPPF makes reference to the need to enhance the visual aspect of local communities. The proposed site in Uplowman is compromised in many ways. It requires a detour of traffic to and from the proposed 8 dwellings through a one-way system. To enforce this, such measures as having crocodile teeth obstructions, lighting and warning signs at the entrance and exit are needed. These are not features that add to the appearance of a small Devon village. Can I ask that the committee give their views of the impact of the development on the street scene please?

Wayne Elliott (on behalf of Chris Gellion), referring to Item 1 (Crosses Farm) on the agenda stated that given the recent involvement and decisions of the Planning Inspector on applications to develop this area, namely the long standing dispute over the agricultural building which resulted in a refusal and his rejection of the application to build a single dwelling on the adjacent site of Little Chase, under what circumstances would the Planning Committee go against the Planning Official's recommendation in this case?

Cllr Grantham speaking on behalf of Willand Parish Council referring to Item 4 on the Plans List - Junction 27 stated that from your notes, outline planning for this site was granted in 1995. Now in 2017, some 22 years later, we are told by AXA, Friends Life, and Eden Westwood, that they want these conditions varying, because of their commercial interest in this site, i.e. to do as least work as possible on this application site to fulfil obligations. It seems to me, once again, at every opportunity, the planning department are accommodating this developer.

Why is it necessary to take into account the commercial interest of this developer to remove and amend conditions? This appears to be some reliance on legislation, which is pending and not yet law.

Why do the planning department again give the developer another 2 years to comply? After 22 years, I think they have had enough time.

Condition 13, basically this covers the protection of trees and hedgerows by erecting fencing to protect the roots. This condition is now not being contested by the developer, so one would assume fencing will be erected before the work commences. If this is not being done why?

Because this condition appears later in the text, it is confusing and needs clarifying. I hope the Members will consider these genuine comments, when they discuss this application.

Carol Pledge referring to item 3 on the plans list (Woodford Farm Witheridge) stated that she wished to ask if Members were aware that the ecology report was inaccurate, there were 3 lots of birds nesting on the site and she highlighted the different varieties of wildlife birds, mice and badgers in the vicinity of the application site. She also highlighted the noise impact of the proposal on the ground breeding species in the area and asked that further consideration be given to these issues when determining the application.

5 MINUTES OF THE PREVIOUS MEETING (00-20-04)

The Minutes of the meeting held on 19 April 2017 were approved as a correct record and **SIGNED** by the Chairman.

6 CHAIRMAN'S ANNOUNCEMENTS (00-21-00)

The Chairman had the following announcements to make:

- She advised the meeting that Item 11 on the agenda had been deferred as the landowner had not received the appropriate notice that the application was due to be determined.
- She provided an update for application reference: 17/00217/FULL (Land at The Shippens, Blackborough) previously considered by the planning committee on Wednesday 19th April 2017.

The application was considered by Members at the Planning Committee meeting held on Wednesday 19th April 2017. The application considered at the meeting consisted of two parts; the polytunnel which you indicated you had no concerns with, and the field shed which had cause for more concern. This resulted in deferral of the application to allow officers to further discuss the scheme with the applicants to seek changes to the size, location and need for the field shed and to seek that the unauthorised play/exercise equipment and the change of use of the land was included within the application.

The applicant has decided to withdraw the field shed element of the application, leaving only the polytunnel to be considered in this planning application. Officers have been advised by the agent that a further application for a field shed, the unauthorised equipment and the change of use of the land will be submitted at a later date.

As Members did not have concerns with the polytunnel, the revised application is intended to be considered under delegated powers by your officers. Myself, Cllr Heal and Cllr Moore, who moved and seconded the deferral are happy with this. Is there anyone who would continue to wish for the application to come back before us for a decision?

It was **AGREED** that the application be dealt with under delegated powers.

7 DEFERRALS FROM THE PLANS LIST (00-23-39)

There were no deferrals on the plans list.

8 THE PLANS LIST (00-27-10)

The Committee considered the applications in the plans list *.

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

(a) No 1 on the Plans List (17/00033/OUT – **outline for the erection of 8 dwellings – land and buildings at NGR 3014160115145, Crosses Farm, Uplowman**).

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, the access points that would be considered within the outline application and the visibility issues that had been raised. Members viewed photographs from various aspects of the site.

Addressing the questions posed within public question time she stated that the Local Plan had been submitted but that a date for examination had not been received. The figures in the Local Plan (once adopted) would provide enough housing allocation to meet the objectively assessed housing need and re-establish a 5 year housing land supply but at the present time there was still a deficiency.

With regard to building in the open countryside in an area that had not been identified as sustainable in Mid Devon's Local Plan priorities, she reiterated that the Local Plan had been submitted but had yet to be examined, therefore there was still a 5 year land supply issue and refusal had been recommended on the grounds of Uplowman not being a sustainable location for new housing development

Consideration was given to:

- The quality of the land and archaeological issues
- The lack of public transport in the area
- The capacity of the sewerage system in the area
- Possible highway issues
- The unsuitability of Uplowman for development
- Whether there were enough services in the village and whether additional development would encourage further facilities to become available
- The views of the Parish Council, the limited facilities and the lack of demand for local housing
- The need for an affordable housing contribution should the application be approved.

RESOLVED that planning permission be refused as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F W Letch)

Notes:

- i) Cllr R F Radford declared a personal interest as the applicant and the objectors were well known to him and his involvement in the application as Ward Member and chose to leave the meeting during the discussion thereon;
- ii) Cllrs Mrs H Bainbridge, Mrs C Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, F W Letch, B A Moore, Mrs J Roach, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors Dealing in Planning Matters as they had all received correspondence regarding the application;

- iii) Cllr Mrs F J Colthorpe declared a personal interest as one of the objectors was known to her;
- iv) Cllr R J Dolley declared a personal interest as the applicant and the objectors were known to him;
- v) Cllr Mrs J Roach declared a personal interest as some of the objectors were known to her;
- vi) Dr Lovell spoke on behalf of the objectors;
- vii) Janine Banks spoke as Agent;
- viii) Cllr Milner spoke on behalf of the Parish Council;
- ix) Cllr Mrs H Bainbridge requested that her vote against the decision be recorded;
- x) Cllr R J Dolley requested that his abstention from voting be recorded;
- xi) The following late information was reported: Further information on behalf of the applicant addressing objections in respect of Design and Access Statement, access proposals and visibility. Further information on behalf of the applicant addressing objections in respect of the drainage strategy. Further objection setting out comments from DCLG in respect of determining applications. The additional information and objections add nothing material that has not been considered and commented on in the committee report.

(b) No 2 on the Plans *List (17/00300/MOUT – outline for the erection of 30 dwellings and new vehicular and pedestrian accesses – land at NGR 305578 112053 Uffculme Road, Uffculme)*.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the outline application which included the access to the site. She explained that the plan shown on the front of the report had been amended so that the land for the proposed footway and internal road from the access point could be included. The revised location plan was considered along with the proposed access that had been already approved within the application at Harvesters which had been granted at appeal, the amendments to the 30 mph speed limit and the indicative layout which demonstrated that 30 dwellings would be achievable on the site. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The recent appeal at Harvesters
- Whether 30 additional dwellings on the site would have a detrimental impact on Uffculme
- The lack of a 5 year land supply and the timing of the Local Plan examination and what weight the plan held at the current time
- The impact of the development on the village of Uffculme
- Planning policy and continued development in the countryside

RESOLVED that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- The application was outside the settlement limit and contrary to Local Plan policy relating to housing provision
- The cumulative impact of the development alongside the adjacent site would lead to a detrimental impact upon the rural character of the area as a result of the ribbon form of development
- Effect of closing the existing gap between Uffculme and the industrial estate

(Proposed by Cllr Mrs J Roach and seconded by Cllr R L Stanley)

(Vote 6 for; 5 against)

Notes:

- (i) Cllr R J Dolley declared a personal interest as the applicant was known to him;
 - (ii) Cllr Mrs F J Colthorpe declared a personal interest as the Halberton Parish Councillor was known to her;
 - (iii) Cllrs R Evans and Mrs J Roach made declarations in accordance with the Protocol of Good Practice for Councillors Dealing in Planning Matters as they had received correspondence regarding the application;
 - (iv) Cllr Hignell (Halberton Parish Council spoke);
 - (v) Cllr R F Radford spoke as Ward Member;
 - (vi) Cllr R Evans spoke as an adjacent Ward Member;
 - (vii) Cllrs Mrs H Bainbridge, Mrs F J Colthorpe, P J Heal, F W Letch and J D Squire requested that their vote against the decision be recorded.
- (c) No 3 on the Plans *List (17/00395/FULL – erection of a barn to house flexible generation and energy storage plan with associated infrastructure, access, cable route and landscaping – land and building at NGR 280066 113155 (Woodford Farm), Witheridge).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the application site, the proposed site plan, the main buildings and the ancillary building, the scope of the cable to the substation, the elevations and floor plan and the proposed landscaping and additional screening. Members also viewed photographs from various aspects of the site. He explained that the fuel source for the generation of power had now been amended to gas only.

Consideration was given to:

- The operational hours the generators would be expected to run
- The noise impact

- Whether there was a business case for the flexible generation of energy when the National Grid required additional demand
- Whether this was industrialisation in the countryside

RESOLVED that planning permission be refused as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllrs Mrs F J Colthorpe, P J Heal and Mrs M E Squires declared personal interests as the applicant was known to them;
- (ii) Mr Scott spoke on behalf of the CPRE in objection to the application;
- (iii) Ms Lodge (Agent) spoke;
- (iv) The Chairman read a statement on behalf of Cllr Mrs J B Binks (Ward Member);
- (v) Cllr Mrs M E Squires spoke as Ward Member;
- (vi) The following late information was reported:

8th May 2017- Consultation response received from Witheridge Parish Council- *No objection subject to verification the proposal will not impact* on the amenity of the proposed 65 houses to be sited on land east of Butts Close Witheridge (Tiverton side of the adventure playground); specifically noise and diesel fumes from operation of the proposed generators.

In response, the applicants have submitted a letter from the Air Quality Consultants confirming that the assessment has considered the impacts on the proposal on sensitive receptors i.e. residential properties to the north and south boundary of the site. They conclude that it is demonstrated that the air quality effects of the proposed dual- fuel flexible generation and energy storage barn at Woodford Farm on the proposed residential development on the land south of Butts Close will be insignificant.

Following feedback and comments from the local community in regards to the use of diesel, the applicant is prepared to make a commitment to operate the site on gas only thereby directly addressing their concerns.

Officer comment: This does not change our assessment of the application as gas is not a renewable energy and as such the proposal does not support objectives to increase renewable energy capacity in accordance with policies COR1 and COR5 of the Mid Devon Core Strategy and DM5 of the Local Plan part 3 (Development Management Policies). Should members be minded to approve the proposal on this basis they could include a condition to restrict the operation of the site to gas only.

(d) No 4 on the Plans List (17/00407/FULL – ***Variation of conditions 5, 6, 15, 23, 27, 28, 31, 32, 34 and 35 to allow certain works to be undertaken before additional details are submitted to the Local Planning Authority, to phase the Construction Management Plan/s and to enable works to be carried out before the tree and hedgerow protection fencing is erected; and removal of conditions 24 and 26 (duplication of the requirements of other conditions) of planning 13/000947/MOUT – land at NGR 305036 11372 (Junction 27) Sampford Peverell.***

The Area Planning Officer outlined the contents of the report by way of presentation explaining the history of the site, the outline application that had been approved and the Reserved Matters application approved by the Committee in February 2017, she explained that the applicant was seeking to vary the conditions within the outline application. She highlighted the site location and Members viewed photographs from various aspects of the site.

She addressed the questions posed in public question time stating that the outline application referred to was that of 2013 and it was the conditions within that application which required variation. The application of 1995 was no longer valid. She added that each application had to be accessed on its merits. The Government set out the statutory timescales for the start of development, Condition 1 reflected this. The contents of the original condition 13 were now reflected in Condition 10.

Consideration was given to:

- Whether it was the role of the committee to protect the applicants interests
- Should the commercial interests of the applicant be considered
- The requirements of the conditions
- Whether the Committee Members would be pre-determining any future applications on the site
- The draft Neighbourhood Planning Bill
- The requirement for legal advice on the matter of determining the application because of the wider issues on the site

RESOLVED that the application be deferred so that legal advice could be obtained with regard to:

- The legal implications of decision making with regard to this application
- Whether the Committee were at risk of being accused of pre-determination
- The process of changing conditions on a previously approved planning application.

(Proposed by Cllr Mrs J Roach and seconded by Cllr R L Stanley)

Notes:

- (i) Cllrs Mrs H Bainbridge and Mrs C A Collis spoke as Ward Members;
- (ii) Cllr R Evans spoke as an adjacent Ward Member;
- (ii) Cllrs Mrs F J Colthorpe and P J Heal requested that their vote against the decision be recorded;

(iv) Cllr Mrs H Bainbridge requested that her abstention from voting be recorded.

9 MAJOR APPLICATIONS WITH NO DECISION (3-08-00)

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

It was **AGREED** that application 17/00652/MOUT (NE of Rydon House, Willand) be brought before Committee for determination and that a site visit take place if the officer recommendation was minded to approve.

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

10 APPEAL DECISIONS (3-11-11)

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 Minutes.

11 APPLICATION 17/00001/TPO - TREE PRESERVATION ORDER FOR AN AREA OF TREES - 1 SYCAMORE, 1 ELM, 1 OAK, 1 HOLLY, 1 HAZEL - TRACK AT NGR 296538 103662 (GREENSLINCH LANE), SILVERTON.

This item had been deferred as highlighted earlier in the meeting.

12 COMMITTEE DECISIONS 2016/17 NOT IN ACCORDANCE WITH OFFICER RECOMMENDATION (3-11-32)

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

The Officer outlined the contents of the report stating that 11 decisions made by the Committee were not in agreement with officer recommendations; 9 had been granted planning permission and 2 were refused permission, the 2 refusals were currently in the process of being appealed.

Note: *Report previously circulated copy attached to minutes.

13 APPEAL PERFORMANCE (3-12-55)

The Committee had before it and **NOTED** a report of the Head of Planning and Regeneration providing information on the outcome of planning appeals for the financial year 2016/17.

She outlined the contents of the report stating that 32 appeals had been determined within the period being considered, 78% of those had been dismissed. The total number of appeals had been similar to previous years, however the percentage of dismissals had been the highest since 2010 with appeals allowed sitting at 22% against the England average of 32%-34%. She reiterated the Government targets for appeal performance as outlined in the report.

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

14 **START TIMES OF MEETINGS (3-18-00)**

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

RESOLVED that the Planning Committee continued to commence at 2.15pm

(Proposed by the Chairman)

(The meeting ended at 5.50 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 14 June 2017 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

P J Heal

Also Present

Councillor(s)

R M Deed, R Evans and Mrs M E Squires

Present

Officers:

Thea Billeter (Area Planning Officer), Simon Trafford (Area Planning Officer), Alison Fish (Area Planning Officer), Kathryn Tebbey (Legal Services Manager and Monitoring Officer) and Sally Gabriel (Member Services Manager)

15 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr P J Heal who was substituted by Cllr Mrs G Doe.

16 **VICE CHAIRMAN**

In the absence of the Vice Chairman, the Chairman requested that a Member of the Committee take on the role for this meeting only.

It was **AGREED** that Cllr B A Moore act as Vice Chairman for the meeting.

17 **PUBLIC QUESTION TIME (00-02-52)**

Cllr Grantham - Willand Parish Council referred to Item 10 on the agenda (Junction 27) and highlighting the Town and County Planning Act 1990 (Listed Buildings and Conservation Areas) Act. The report sought to vary conditions 5, 6, 15, 23 etc of 13/009470MOUT and to consider legal advice that would be presented at this meeting. I agree with most of this report, as it just confirms the principles of Section 73 of the Town and Planning Act 1990 which I believe is in the process of being amended but is not yet law and that we must consider the application on the present law. The applicants have asked for a variation of conditions (Listed Buildings and Conservations Areas) which is part of the Act. It states in the Government guidelines (flexible options for planning permissions):

1. Can this procedure be used to make non material amendments to listed building consents? It states no, this cannot be used. The applicant on all of

these applications has used the incorrect terminology (listed buildings) so this application to vary conditions fails and does not comply with the core principles of Section 73.

2. Using Section 73 of the Town and Planning Act and using Government guidance notes - it states a time limit for determination of 28 days, a decision must be made in this period. Nowhere in the briefing notes does it state an extension has been agreed, so this application must fail.

In my opinion MDDC have already put themselves in a precarious position of being accused of pre-determination.

The so called land application at Junction 27 (which we all know is the exact size and proportions that is needed by Eden Westwood for their development) the granting again in 2017 of planning permissions for the garage and services by MDDC whether it is implemented or not, knowing Eden Westwood is promoting this site, giving them priority on both sides. This could be seen by the inspector as giving Eden Westwood a district advantage acquiring all of the land allocation at Junction 27 and no other developer could get direct access to the site from the M5 motorway.

The application for variations should be dismissed, as in its present form, it does not comply with Section 73 of the Town and Country Planning Act of 1990.

Cllr Hugill - Halberton Parish Council referring to Item 9 on the agenda (Uffculme) stated that the Parish Council supported the decision to refuse the application for 30 dwellings on the Uffculme straight. Officers have been asked for reasons for refusal and Halberton Parish Council continue to ask you to refuse the application. Officers continue to talk about the land supply matter and disregard the contents of the Local Plan Review because it has not been tested. I say as a Parish Councillor and a resident that the Local Plan is valid and we expect you to follow it, we therefore ask that you continue to vote against the application.

Paula Mossman referring to Item 1 on the Plans List (White Cross, Cheriton Fitzpaine) representing the Shop Management Committee for the Community Shop asked if Councillors were aware that the community of Cheriton Fitzpaine stood to benefit from this retail space. Can we ask the Committee that 90 sqm of retail floor space relates to the Cheriton Fitzpaine community shop only as discussions with the developer, DCC and Planning Officers have also been along the lines of plans already submitted.

Jill Hordon again referring to Item 1 on the Plans List asked if Councillors are aware of the impact of refusal of the application on the residents of Cheriton Fitzpaine if there was not a site for the community shop which could be a hub for the whole village.?

Cllr R M Deed referring to Item 11 on the agenda (TPO - Greenslinch Lane) stated that he had been asked by the landowner to speak on his behalf as he lived in Silverton North which was in his Ward. The land was in Silverton Ward meaning that Cllr Mrs Roach would normally address you, but she had agreed with Cllr Deed that he would attend and speak. The owner of the land that the TPO is proposed on has always maintained good husbandry on his land but a couple of people adjacent have taken against him and applied for a TPO on a piece of track which the farmer has no

intention of developing. The TPO would preserve the visual amenity of the area, the landowner has no intention of developing the area proposed by the TPO. Do Members believe that just because the person in the village does not like him that a vexatious TPO application on the land of any farmer should be approved? Please reject this application.

The Chairman apologised to Cllr Deed and to Cllr Mrs Roach, she stated that if she had known that Cllr Deed had been asked to speak on behalf of the Ward Member Cllr Mrs Roach regarding this application then her decision not to let Cllr Deed speak prior to the application being determined would have been different, she had not had this information when she made the decision.

Mr Gordon referring to Item 1 on the Plans List (White Cross, Cheriton Fitzpaine) stated that he lived opposite the site, the land was relatively flat with drainage ditches around the site as it is wet and can often be two thirds flooded and holds water from the rest of the village which goes via a culvert to bypass the village. I feel that 28 dwellings on the site will create flood issues for Cherry Meadow as it is lower than the application site. There are other locations in the village for a shop which could be made good rather than a big development outside the village. 28 dwellings on a boggy field will create problems.

18 **MINUTES OF THE PREVIOUS MEETING (00-19-14)**

The minutes of the meeting held on 17 May were approved as a correct record and **SIGNED** by the Chairman.

19 **CHAIRMAN'S ANNOUNCEMENTS (00-20-14)**

The Chairman had the following announcements to make:

- She informed the meeting that Thea Billeter (Area Planning Officer) would be leaving the authority; she would be sad to see her go and wished her well for the future.
- Members were also informed that Shane Broad (Administration and Performance Manager) was retiring.
- She welcomed Mrs Kathryn Tebbey to her first committee as Legal Services Manager.
- She was also pleased to welcome Pat Patterson (Enforcement Officer) to Committee and informed Members that Jo Williams had returned as an Enforcement Officer.

20 **DEFERRALS FROM THE PLANS LIST (00-23-51)**

The Chairman informed the meeting that Item 4 on the Plans List (Highfield Farm, Oakford) has been deferred so that the Local Planning Authority could investigate if there had been any breaches of planning control on the site.

21 THE PLANS LIST (00-24-52)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) **No 7 on the Plans List (17/00593/HOUSE – *Erection of first floor extension to single storey dwellings – Woodlawn, Calverleigh*)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they all knew the applicant as a fellow Councillor;
- (ii) Cllr R J Dolley declared a personal interest as the applicant was a personal friend.

(ii) **No 8 on the Plans List (17/00812/CAT – *Notification of intention to reduce height of 82 leylandi trees by 2 m within the Conservation Area – Treetops, 28 High Street, Halberton*)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

Notes:

- (i) Cllr R F Radford declared a disposable pecuniary interest as he was the applicant and left the meeting for the discussion and whilst the vote was taken;
- (ii) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they all knew the applicant as a fellow Councillor;
- (iii) The meeting was informed that Halberton Parish Council had discussed the matter at its meeting the previous evening and had no objections. The tree officer had provided no written comments on the notification but had verbally

confirmed that she was content with the proposals and did not wish to impose a Tree Preservation Order.

(b) No 1 on the Plans List ***(17/00173/MOUT – Outline for the erection of up to 28 dwellings and up to 90 sqm of A1 retail floorspace, including incidental open space and car parking – land at NGR 287483 106365 (White Cross) Cheriton Fitzpaine).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the illustrative layout, mitigation to manage surface water, the preferred location of the community shop, the proposed block plan of the shop, the proposed access and photographs from various aspects of the site. He also highlighted an amendment to Condition 3.

Answering questions posed in public question time with regard to the community shop, he stated that this was not required as part of the planning application, but following discussions between the applicant and the Community Shop Group the proposal had been amended to include the provision of a shop. With regard to the possible flood issues, conditions as set out in the report mitigated against such issues.

Consideration was given to:

- The conditions to mitigate flood issues on the site
- The community shop and the benefits for the village

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration with the redrafting of Condition 3 to state that “The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters which have been approved, whichever is the later and the prior signing of the provision of a S106 agreement to secure:

- a) Affordable Housing: 30% affordable housing on-site
- b) A secondary school contribution of £13,442.00 towards school transport to Queen Elizabeth’s Academy Trust.
- c) A contribution of £16,500.00 (£5,500.00 per year for three years) towards local bus services in the locality.
- d) Specification for layout of and ongoing maintenance provisions for the formal open space area and sustainable urban drainage scheme (SUDs).

(Proposed by Cllr F W Letch and seconded by Cllr Mrs H Bainbridge.)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she knew people involved in the application and had been present at the Parish Council meeting when the application had been discussed;
- (ii) Cllr F W Letch declared a personal interest as he knew people involved in the application;

- (iii) Cllr Mrs M E Squires declared a personal interest as she had been present at the Parish Council meeting when the application was discussed;
 - (iv) Mr Plumridge spoke on behalf of the supporters.
 - (v) The following late information was reported, the redrafting of condition 3.
- c) No 2 on the Plans List ***(17/00199/OUT – Outline for the erection of 5 dwellings – land at NGR 300011 112475 (Adjacent to The Pethers) Crown Hill, Halberton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site which adjoined the settlement limit, the indicative site plan and layout, the section drawings and the relative relationship between the proposed development and existing dwellings. Members also viewed photographs from various aspects of the site.

Consideration was given to:

- The issue of a 5 year land supply and what weight could be given to the Local Plan Review
- The narrowness of the existing roads and lack of pavements
- Building on Grade 1 agricultural land
- Overlooking issues
- The height of the site in relation to the existing dwellings

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration and the prior signing of a S106 agreement seeking an education payment of £2,802 towards secondary school transport.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr Mrs F J Colthorpe)

(Vote 6 for: 5 against)

Notes:

- (i) Cllr R F Radford declared a personal interest as the applicant and residents were known to him;
- (ii) Cllr Mrs F J Colthorpe made a declaration in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as she knew the Parish Councillor;
- (iii) Mr Hubble spoke in objection to the application;
- (iv) Cllr Hugill – Halberton Parish Council spoke;
- (v) The following late information was reported: Halberton Parish Council still objects to the application on the grounds of:
 - it is outside the local plan settlement limit
 - it will cause additional traffic and disturbance to residents

- it is grade 1 agricultural land
- the development will overlook adjoining properties
- increased traffic will cause a danger to pedestrians who use the road to access the canal as there is no footpath
- increased traffic on an official Sustrans cycle route (route 3)

I trust you will take the parish's objections into account when considering the application.

The applicant has paid the £6,025 Public Open Space contribution already and has advised that the DCC Education contribution of £2,802 will be paid shortly by unilateral undertaking

REVISED RECOMMENDATION: Grant outline planning permission subject to the prior signing of a s106 agreement seeking an education payment of £2,802 towards secondary school transport, and conditions

In the second paragraph of the Highway Authority response, the word 'regarded' should read 'regraded'

d) No 3 on the Plans List (***17/00353/FULL – Erection of 6 affordable dwellings and formation of access – land at NGR 307578 116857 (SE of Oakfield), Burlescombe***).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site, the new and existing access, the proposed footpath, block plans, elevations, site sections and photographs from various aspects of the site. She outlined the response received from the Flood Authority.

Consideration was given to:

- The vehicular access
- The sustainability of the site with regard to lack of shops and other community facilities
- The removal of trees
- The impact of the lorries leaving the quarry on the proposed development
- The volume of traffic climbing out of Burlescombe
- Air quality and road safety issues
- The need for transport to travel anywhere in the vicinity of the application site

RESOLVED that Members were minded to refuse the application and therefore wished to defer the decision to allow for a report to be received setting out the implications for the proposed reasons for refusal based on the following issues:

- Highway safety
- Air quality
- The sustainability of the site

(Proposed by Cllr F W Letch and seconded by Cllr B A Moore)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and chose to leave the meeting during the discussion thereon;
- (ii) Cllr R F Radford declared a personal interest as the landowner was known to him;
- (iii) Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, G Doe, R J Dolley, D J Knowles, F W Letch, B A Moore, R F Radford J D Squire and R L Stanley made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as this was a Council application;
- (iv) Mrs Downing spoke as an objector
- (v) Cllr Mrs F J Colthorpe requested that her vote against the decision be recorded;
- (vi) The following late information was reported:

A CONSULTATION RESPONSE FROM DCC LEAD LOCAL FLOOD AUTHORITY HAS BEEN RECEIVED AS FOLLOWS:

Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

Observations:

The applicant has now submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined.

The strategy presented within the submitted within the Drainage Statement (Ref: 16.11.283, Rev, 01, dated May 2017) is acceptable and SWW have agreed the proposed discharge point. However given concerns raised by adjacent residents about changes in overland flow routes, it would recommended that the proposed 300 mm high edge protection to development as shown on Drawing No. 16.11.283-1002-P01 to prevent overland flows is reduced in length to still provided to prevent exceedance from entering the proposed new dwellings but allow exceedance flows to enter the green space. However flows should be prevented from entering the proposed attenuation facility if this option is explored.

The applicant has provided plans which show the pedestrian access being provided up to the concrete apron of the bus stop as suggested by DCC Highways

REVISED RECOMMENDATION: Subject to the prior signing of a section106 agreement to ensure that the site is only developed as an affordable housing exception site, grant planning permission subject to conditions.

e) No 4 on the Plans List **(17/00462/FULL – Erection of a workshop – land and buildings at NGR 286112 123782 (Highfield Farm) Oakford).**

This item had been deferred as previously explained.

f) No 5 on the Plans List **(17/00542/FULL – Erection of 2 dwellings – Brick House, Silver Park, Kentisbeare)**

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the proposal the site block plan and vehicular access, the layout of both the proposed properties, the proposed street view and photographs from various aspects of the site. She highlighted the revised recommendation as set out in the update sheet.

Consideration was given to:

- Possible overlooking and overbearing
- Access issues and parking problems
- Previous schemes on the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration and the prior signing of a S106 agreement to secure:

- £2,332 towards improvements to Silver Park Playing Fields, Kentisbeare (Public Open Space contribution)
- £10,436, or any other lesser amount agreed by the Head of Planning and Regeneration, towards community car share schemes and clubs for Cullompton (Air Quality contribution)

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr R J Dolley)

Notes:

- (i) Mrs Turner (Objector) spoke;
- (ii) Mr Issac (Applicant) spoke;
- (iii) Cllrs Mrs C A Collis and F W Letch requested that their vote against the decision be recorded;
- (iv) The following late information was reported: The applicant has put forward an argument to reduce the air quality contribution requested from a total of £10,436 to £1669.76 on the basis of the majority of traffic arising from the proposed development would not pass through the Cullompton Air Quality Management Area. This figure has not yet been agreed by Officers.

The recommendation is therefore amended as follows:

Grant planning permission subject to the provisions of a S106 agreement to provide the following:

- £2,332 towards improvements to Silver Park Playing Fields, Kentisbeare (Public Open Space contribution)
- £10,436, or any other lesser amount agreed by the Head of Planning and Regeneration, towards community car share schemes and clubs for Cullompton (Air Quality contribution).

g) No 6 on the Plans List (***17/00557/FULL – Erection of a temporary agricultural work's caravan – land at NGR 283175 113696 (Menchine Farm) Nomansland***)

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan amongst the previously approved developments on the site, the proposed block plans, elevations, floor and roof plans. He stated that he did not consider that the need for a second dwelling was essential.

Consideration was given to:

- The Agent's view that there was a need and that the temporary dwelling was proposed to establish that need
- The requirement for the 2 units be totally separate
- Whether this was a piecemeal application

RESOLVED that planning permission be refused as recommended by the Head of Planning and Regeneration.

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

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant and his extended family were known to her as was the agent;
- (ii) Cllr Mrs M E Squires declared a personal interest as the applicant was known to her and that she had visited the site;
- (iii) Cllr R J Dolley declared a personal interest as the applicant was known to him;
- (iv) Mr Crocker (Agent) spoke;
- (v) Cllr Mrs M E Squires spoke as Ward Member;
- (vi) Cllrs Mrs H Bainbridge, Mrs C A Collis, D J Knowles and J D Squire requested that their vote against the decision be recorded;
- (vii) Cllr R F Radford requested that his abstention from voting be recorded.

22 MAJOR APPLICATIONS WITH NO DECISION (2-44-03)

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

It was **AGREED** that the following applications be determined by the Committee

Application 17/00855/MFUL - Bow Garden Centre, Bow
Application 17/00617/MFUL – Hartnoll Business Centre

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

23 APPEAL DECISIONS (2-51-43)

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

Consideration was given to the appeal at Ingleton Farm, Members were advised that following this decision there would be a need to change the procedure when imposing different conditions to any decision in that discussion would need to take place with the applicant prior to the decision being made.

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

24 APPLICATION 17/00300/MOUT - OUTLINE FOR THE ERECTION OF 30 DWELLINGS AND NEW VEHICULAR AND PEDESTRIAN ACCESSSES AT LAND AT NGR 305578 112053, UFFCULME (2-55-07)

The Committee had before it an * implications report of the Head of Planning and Regeneration following discussions at the previous meeting where Members were minded to refuse the application.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site and the outcomes of the Harvesters appeal. She identified the proposed access to the site, the pedestrian footway, the indicative layout and photographs from various aspects of the site.

Consideration was given to:

- The issue of the 5 year land supply
- The reasons for refusal within the report
- The implications of refusing the application

RESOLVED that the application be refused on the following grounds:

- (i) The application site is outside the current settlement limit boundaries of the village of Uffculme and is in the open countryside. Policy COR18 of the adopted Mid Devon Core Strategy (Local Plan Part 1) seeks to strictly control

development outside settlement limits and a development in this location of the scale as proposed would not be permitted under criteria a - f of this adopted policy. Neither is the site proposed to be allocated for housing within the Councils Local Plan Review 2013 -2033. The applicant asserts that the Local Planning Authority cannot demonstrate that it has an adequate five year supply of housing land as required by the National Planning Policy Framework, and therefore Policy COR18 should be afforded limited weight and that the application should be determined against the provisions of Paragraph 14 of the National Planning Policy Framework. When tested against Paragraph 14 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole as well as being contrary to Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM1 of the Mid Devon Local Plan Part 3 (Development Management Policies).

- (ii) The Local Planning Authority consider that the proposed unplanned development individually, and cumulatively together with the proposed development of the adjacent site (policy UF1 in the Local Plan Review) would lead to a detrimental impact upon the rural character of the area as a result of the ribbon form of development running west from the village of Uffculme and the effect of closing the existing green gap between Uffculme and the Langlands Business Park, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies).

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

(Vote: 6 for; 5 against)

Notes:

- (i) A proposal to approve the application was not supported;
- (ii) Cllrs Mrs F J Colthorpe, F W Letch and J D Squire requested that their vote against the decision be recorded;
- (iii) In the case of an appeal, Cllrs R J Dolley, B A Moore and R L Stanley would represent the Local Planning Authority;
- (iv) *Report previously circulated , copy attached to minutes.

- 25 **APPLICATION 17/00407/FULL - VARIATION OF CONDITIONS 5, 6, 15, 23, 27, 28, 31, 32, 34 AND 35 TO ALLOW CERTAIN WORKS TO BE UNDERTAKEN BEFORE ADDITIONAL DETAILS ARE SUBMITTED TO THE LOCAL PLANNING AUTHORITY, TO PHASE THE CONSTRUCTION MANAGEMENT PLAN/S AND TO ENABLE WORKS TO BE CARRIED OUT BEFORE THE TREE AND HEDGEROW PROTECTION FENCING IS ERECTED; AND REMOVAL OF CONDITIONS 24 AND 26 (DUPLICATION OF THE REQUIREMENTS OF OTHER CONDITIONS) OF**

**PLANNING PERMISSION 13/00947/MOUT AT LAND AT NGR 305036 113872
(JUNCTION 27) SAMPFORD PEVERELL (3-12-58)**

The Committee had before a report of the Head of Planning and Regeneration following discussions at the previous meeting where Members resolved to defer the item to obtain legal advice with regard to:

- The legal implications of decision making with regard to this application
- Whether the Committee were at risk of being accused of pre-determination
- The process of changing conditions on a previously approved planning application.

The Area Planning Officer outlined the contents of the report highlighting the location of the site, the previous planning permission and emphasised that this application merely sought to amend the conditions of the approved application. Members viewed photographs from various aspects of the site.

She referred to the questions posed in public question time with regard to non material amendments on a listed building application, this was not a listed building and the application was submitted under S73 of the Act and not S96a (non-material amendment) and therefore the 28 day time limit was not relevant to this proposal. We do have 8 weeks to consider the application and we have negotiated an extension of time.

Consideration was given to:

- The history of applications on the site
- That this was a separate issue from the Local Plan Review
- The amalgamation of conditions
- The contents of the report which referred to the question of pre-determination

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr F W Letch.)

Notes:

- (i) Mr Clements (Agent) spoke;
- (ii) Cllr R Evans spoke;
- (iii) Cllr Mrs C A Collis requested that her vote against the decision be recorded;
- (iv) *Report previously circulated, copy attached to minutes.

26 **APPLICATION 17/00001/TPO - TREE PRESERVATION ORDER FOR AN AREA OF TREES - 1 SYCAMORE, 1 ELM, 1 OAK, 1 HOLLY, 1 HAZEL - TRACK AT NGR 296538 103662 (GREENSLINCH LANE), SILVERTON. (3-30-59)**

The Committee had before a report of the Head of Planning and Regeneration which had been deferred from the previous meeting as the landowner had not received the appropriate notice that the application was to be determined.

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the trees and providing photographs which highlighted the felling of a significant amount of trees along both edges of Greenslinch Lane

Consideration was given to:

- The implementation of a track improvement scheme
- Whether the area of trees warranted a Tree Preservation Order
- The views of local residents
- Maintaining trees which were the subject of a Tree Preservation Order

RESOLVED that the Tree Preservation Order be confirmed.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllr F W Letch had left the meeting prior to determination of this application;
- (ii) Mr Crocker (Agent) spoke;
- (iii) Mr Jones spoke in support of the Tree Preservation Order;
- (iv) The Chairman again apologised for not allowing Cllr Deed to speak on behalf of the Ward Member, Cllr Mrs Roach, in her absence, this request had been lost in translation by us and that was why Cllr Deed spoke in public question time and not prior to the determination of the application, this was our mistake;
- (v) Cllrs Mrs C A Collis and J D Squire requested that their vote against the decision be recorded;
- (vi) * Report previously circulated, copy attached to minutes.

(The meeting ended at 6.15 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE D** held on 8 May 2017 at 9.00 am

Present

Councillors Mrs G Doe (Chairman)
K Busch and P H D Hare-Scott

Present

Officers Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Simon Newcombe (Public Health and Professional Services Manager), Thomas Keating (Lead Licensing Officer) and Sarah Lees (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies for absence.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr Mrs G Doe be elected Chairman of the Sub Committee for the meeting.

Cllr Mrs G Doe then took the Chair.

3 TO DETERMINE WHETHER OR NOT A LICENCE HOLDER REMAINS FIT AND PROPER TO HOLD A LICENCE (HEARING 1)

The Members and officers present introduced themselves.

There were no interests to declare.

Prior to consideration of a report from the Director of Operations setting out the circumstances relating to a licence holder and a review of their licence, the Sub Committee considered that the circumstances of the case would be likely to reveal the identity of the applicant as well as details relating to his or her personal life and business affairs. The following resolution was therefore passed:

ACCESS TO INFORMATION – EXCLUSION OF THE PRESS AND PUBLIC

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 1, of Part 1 of Schedule 12A of the Act, namely information relating to any individual.

The Lead Licensing Officer informed the Sub Committee that since the report had been published with the agenda the applicant had surrendered the licence in question and was now working for another operator. Given this information there was now no need for the Sub Committee to determine the applicant's suitability to hold a licence as the application had been withdrawn.

4 **TO DETERMINE WHETHER OR NOT A LICENCE HOLDER REMAINS FIT AND PROPER TO HOLD A LICENCE (HEARING 2)**

Prior to consideration of a report of the Director of Operations considering an application which had been received for a hackney carriage / private hire driver licence, the Sub Committee discussed whether or not the Hearing should be held in public or private. Members considered that the circumstances of the case would be likely to reveal the identity of the applicant as well as details relating to his or her personal life and business affairs. The following resolution was therefore passed:

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

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 1, of Part 1 of Schedule 12A of the Act, namely information relating to any individual.

The Public Health and Professional Services Manager outlined the contents of the report and the relevant facts of the case. The applicant, who was in attendance, was given the opportunity to respond to comments made within the report and to present their own version of events.

Having reflected on the evidence presented to them the Sub Committee:

RESOLVED that the application to renew a Hackney Carriage/Private Hire Driver's Licence be granted for a period of one year. However, in granting the licence the Sub Committee felt that the applicant needed to bear in mind comments made by the Sub Committee in relation to previous conduct and their attitude towards the licensing process.

Reasons:

In reaching this decision the Sub Committee's overarching concern was for the safety of the public and they were mindful of the absence of any concerns raised by the public.

However in granting the licence, the Sub Committee wished for it to be issued with a strong warning regarding any future unacceptable behaviour towards Council staff. The applicant needed to understand that there was no automatic right to a licence and that there needed to be respect for the licensing process, which it was stressed was a statutory procedure applied consistently to all applicants.

(The meeting ended at 12.10 pm)

CHAIRMAN

COUNCIL
28 JUNE 2017

SPECIAL URGENCY DECISIONS: JANUARY – MARCH 2017

Cabinet Member(s): The Leader of the Council

Responsible Officer: Legal Services Manager and Monitoring Officer

Reason for Report: To report special urgency decisions taken in the preceding quarter.

RECOMMENDATION: That the report be noted.

Relationship to Corporate Plan: None arising from this report, but the decision described below might fall within the section on “Economy” – be more entrepreneurial and commercial as a council.

Financial Implications: None arising from this report. The financial implications of the decision described below were considered when making that decision.

Legal Implications: Rule 17.3 of the Access to Information Procedure Rules in the Constitution requires the Leader to submit quarterly reports to Council on decisions taken by Cabinet under Rule 16 (Special Urgency).

Risk Assessment: None arising from this report. Any risk arising from the decision(s) reported here would be a matter considered at the time of that decision.

Equality Impact Assessment: None arising from this report. Any risk arising from the decision(s) reported here would be a matter considered at the time of that decision.

1.0 Introduction

1.1 The Council has made provision in its Constitution for decisions to be taken which are so urgent that there is insufficient time:

- (a) to publish a Notice of Key Decision in the Forward Plan; and
- (b) to comply with the general exception (to the obligation to publish a Notice of Key Decision) set out in Rule 15 of the Access to Information Procedure Rules (“the Access Rules”).

1.2 The relevant provisions on Special Urgency are set out in Rule 16 of the Access Rules. Rule 17 then addresses subsequent reporting requirements. Rule 17.3 provides:

In any event the Leader of the Council will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

1.3 For the future, I would propose that the quarterly reports relate to the following quarters in any year: January – March, April – June, July – September and October – December. Whilst in most cases the report would go to the next ordinary meeting of the Council following the end of each quarter, the timing of such meetings may occasionally not sit well with the end of the relevant quarter and the timescales for producing the agenda. In that case, the report may have to a subsequent meeting.

2.0 **Special urgency decisions – January – March 2017**

2.1 There has been one decision taken relying on the special urgency powers. This decision, taken on 10 February 2017, authorised the purchase of Coggans Well House (formerly Tiverton Job Centre) at Phoenix Lane, Tiverton.

2.2 The reasons for the decision were:

- (a) The purchase is a strategic investment allowing future development opportunity of the area following production of the masterplan for Tiverton Town Centre;
- (b) Purchase at this time will be lower cost to the Council than part of a wider redevelopment scheme;
- (c) Treated as an urgent decision to enable an offer to be submitted within a tight deadline following its commercial marketing; and
- (d) Purchase affords the ability to receive a greater return on capital sums rather than invested in a bank.

2.3 The decision was taken under Rule 16.3 by the Head of Housing and Property in consultation with the Leader and with the agreement of the Cabinet, the Chairman of Scrutiny, the Chief Executive and the Director of Finance, Assets and Resources (Section 151 Officer).

Contact for more Information: Kathryn Tebbey, Legal Services Manager and Monitoring Officer, 01884 234210, monitoringofficer@middevon.gov.uk

Circulation of the Report:

List of Background Papers: Decision recording form dated 10 February 2017