

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, 30 August 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, 25 October 2017 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

21 August 2017

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

Reverend Peter Daw will lead the Council in prayer.

AGENDA

1 Apologies

To receive any apologies for absence.

2 Minutes (*Pages 5 - 14*)

To approve as a correct record the Minutes of the Meeting of Council held on 28 June 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 following motion had been referred to the Environment Policy Development Group for consideration and report:

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 16.6(a) Councillor Mrs Woollatt had requested that her Motion be amended to read 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 **and are currently enclosed remain enclosed and that new facilities be enclosed**, to facilitate the health and safety of its young users.’

The Policy Development Group at its meeting on 11 July 2017 considered the Motion and **RESOLVED** that it not be supported.

7 Reports (Pages 15 - 102)

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

(1) Cabinet

- 6 July 2017
- 3 August 2017

(2) Scrutiny Committee

- 17 July 2017
- 14 August 2017

(3) Audit Committee

- 17 July 2017

(4) Environment Policy Development Group

- 11 July 2017

(5) Homes Policy Development Group

- 18 July 2017

(6) Economy Policy Development Group

- 13 July 2017

(7) Community Policy Development Group

- 1 August 2017

(8) Planning Committee

- 12 July 2017
- 9 August 2017

(9) Standards Committee

- 26 July 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**

Decisions taken under Rule 16 (of the Constitution) Special Urgency – April to June 2017.

There have been no such decisions in this period.

10 **State of the District Debate**

The Leader to inform the Council on the timing, 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 28 June 2017 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs H Bainbridge, Mrs J B Binks,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
W J Daw, Mrs C P Daw, Mrs G Doe,
R J Dolley, C J Eginton, R Evans,
S G Flaws, Mrs S Griggs, P H D Hare-Scott,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, Mrs J Roach, F J Rosamond,
Mrs E J Slade, C R Slade, T W Snow,
J D Squire, Mrs M E Squires, R L Stanley,
L D Taylor and R Wright

Apologies

Councillors

Mrs E M Andrews, Mrs A R Berry, K Busch,
R M Deed, J M Downes, T G Hughes,
D J Knowles, Miss C E L Slade, J L Smith,
N A Way and Mrs N Woollatt

10 Apologies

Apologies were received from Councillors: Mrs E M Andrews, Mrs A R Berry, K I Busch, R M Deed, J M Downes, T G Hughes D J Knowles, Miss C E L Slade, J L Smith, N A Way and Mrs N Woollatt.

11 Minutes (00-05-30)

Subject to the addition of Councillor Mrs E M Andrews to the attendance list, the minutes of the annual meeting held on 10 May 2017 were agreed as a correct record and signed by the Chairman.

12 Chairman's Announcements (00-06-03)

The Chairman informed the meeting that he had attended the following events:

- Tiverton Mayor's Parade
- The Crediton Mayor's reception
- Bradninch Civic Service
- The Lord Mayor of Exeter's Civic Service
- A reception to celebrate the major refurbishment of St Luke's Church Posbury
- He had also had the privilege of raising the Armed Forces flag at Phoenix House

The Vice Chairman would be attend the Devon Youth Games in a week's time and that he and the Vice Chairman had been invited to judge the floral displays in Cullompton as part of the town's festival week on Friday.

13 Public Question Time (00-07-56)

Councillor Warren (Willand Parish Council) referring to Item 6 (1) Motion 537 on the agenda asked were Members aware that the Director of Operations had sent an email to Town and Parish Councils in which he stated "I think the very clear message from the outset is that it is not council policy to remove fencing from play areas". This appears to be contrary to advice given to Crediton Town Council, Cullompton residents and the press by other officers at earlier dates. There may not be a policy currently but in reality it is happening. With this in mind and the decision of the Chair will Members please be minded to be very clear as to the actual position when discussing the matter at the Environment PDG.

Councillor Grantham (Willand Parish Council) referring to Item 7 (7) on the agenda in relation to the Environment Policy Development Group meeting of 16 May 2017. Asked if Members would note that the policy document listed under this item was questioned particularly in relation to item 5 of the report? Would it be more appropriate to make a clear cross reference to the Cabinet decision recorded in minutes of their meeting of 15 June (Minute 12) where the recommendations clearly identified that bins placed in fenced children's play areas should not be used for faeces?

The Head of Operations responded confirming that the email was correct. A design principles paper would be going to the PDG in July to start discussions on how the policy would be formed. We have a large number of play areas and we will be asking the PDG to discuss and debate the options. With regard to dog bins, there would not be any dog bins in play areas, which had been agreed by the Cabinet.

14 Petitions (00-12-07)

There were no petitions from members of the public.

15 Notices of Motions (00-12-15)

(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.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor R J Chesterton.

In accordance with Procedure Rule 14.4, the Chairman ruled that this **MOTION STAND REFERRED** 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.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor R Wright.

In accordance with Procedure Rule 14.4, the Chairman ruled that this **MOTION STAND REFERRED** 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 ruled that this Motion be dealt with at this meeting.

Following debate, the Leader **MOVED** in accordance with Procedure Rule 19.4:

"THAT the vote in respect of the **MOTION** shall be by Roll Call"

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

Those voting **FOR** the **MOTION**: Councillors: F W Letch, Mrs J Roach, F J Rosamond, T W Snow, L D Taylor and R Wright.

Those voting **AGAINST** the **MOTION** : Councillors: Mrs H Bainbridge, Mrs J B Binks, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, Mrs C P Daw, W J Daw, Mrs G Doe, C J Eginton, R Evans, S G Flaws, P H D Hare-Scott, P J Heal, Mrs

B M Hull, B A Moore, R F Radford, C R Slade, Mrs E J Slade, J D Squire, Mrs M E Squires and R L Stanley.

Those **ABSTAINING** from voting: Councillors: N V Davey, R J Dolley and Mrs S Griggs.

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

16 Cabinet Report - 11 May 2017 (00-26-48)

The Leader presented the report of the meeting of the Cabinet held on 11 May 2017.

17 Cabinet Report - 15 June 2017 (00-27-15)

The Leader presented the report of the meeting of the Cabinet held on 15 June 2017.

1. Litter and Dog Bin Policy (Minute 12)

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

THAT the recommendation of the Cabinet as set out in Minute 12 be **ADOPTED**.

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

18 Scrutiny Committee Report - 22 May 2017 (00-31-31)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 22 May 2017.

19 Scrutiny Committee Report - 19 June 2017 (00-32-30)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 June 2017.

20 Audit Committee Report - 30 May 2017 (00-35-55)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 30 May 2017.

1. Report on Internal Audit Provision from 2017/18 (Minute 7)

The Chairman of the Audit Committee **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Audit Committee as set out in Minute 7 be **ADOPTED**.

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

21 Environment Policy Development Group Report - 16 May 2017 (00-37-18)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 16 May 2017.

22 Homes Policy Development Group Report - 23 May 2017 (00-38-13)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 23 May 2017.

The Council had before it a *question submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 together with a response from the Director of Operations.

Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 13.10 requiring an answer to her initial question and that she did not understand the difference with regard to the grant therefore she asked whether anyone had been waiting more than 12 months?

The Director of Operations responded explaining that Housing and Building Services had confirmed the list attached to the response but that if the resident receiving a grant had chosen a private contractor, no data was available but the grant had been processed.

Notes:

- (i) Councillor P J Heal declared a personal interest in this matter as his daughter was in receipt of a disabled facility grant;
- (ii) *Question and response previously circulated, copy attached to minutes.

23 Economy Policy Development Group - Report - 18 May 2017 (00-43-31)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 18 May 2017.

24 Community Policy Development Group Report - 6 June 2017 (00-46-30)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 6 June 2017.

25 Planning Committee Report - 17 May 2017 (00-47-40)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 17 May 2017.

26 Planning Committee Report - 14 June 2017 (00-48-20)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 14 June 2017.

27 Questions (00-50-00)

Councillor Mrs Roach raised an issue with regard to a health and safety matter regarding a prickly bush that had been reported to Customer Services over a period of 5 months and no action had been taken until she had raised the issue, she questioned how the authority was making sure that the calls could be screened to see if there really was a health and safety issue?

Councillor F W Letch raised the issue of the closure of surgeries in Crediton and Cullompton, he had been informed that this had been an operational decision but that the Chief Executive had been unavailable to comment. He felt that the facilities should remain open for the residents who sort the help that the service provided.

28 Decisions taken under Special Urgency (00-54-54)

The Council had before it and **NOTED** a * report of the Leader (and Monitoring Officer) reporting special urgency decisions taken in the preceding quarter.

The Monitoring Officer outlined the contents of the report stating that there was provision in the Constitution for decisions to be taken which were so urgent that there was insufficient time for normal procedures to take place. She explained that such decisions were rare and that she intended to report to Council on a quarterly basis in line with the requirements set out in the Constitution.

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

29 State of the District Debate (00-56-26)

The Leader requested that consideration be given to the theme and format of a State of the District Debate so that he could consider requests and make a decision to be reported at the next meeting. He felt that the subject should be one that would not ordinarily be discussed at the Policy Development Groups.

Members highlighted the following issues:

- Grass Cutting, Play Areas and Public Toilets, it was felt that these were major issues that residents should have the opportunity to discuss and debate.
- What services did the electorate want and what could the Council afford.
- The provision of services to the public.
- The direction and benefit of devolution.
- Whether we should look at reviving the Local Democracy Week as it would be refreshing for Members to visit schools and engage with young people.
- That the event should be a debate and not a lecture.

The Leader requested that any additional ideas be forwarded to him.

30 Questions to Cabinet Members (1-02-00)

There were no questions to Cabinet Members.

31 **Members Business (1-03-00)**

There was no Members business.

(The meeting ended at 7.04 pm)

CHAIRMAN

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AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 28 JUNE 2017

AMENDMENTS

No amendments have been received.

WRITTEN QUESTIONS

1. HOMES POLICY DEVELOPMENT GROUP - 23 MAY 2017

MINUTE NO. 9

Questions submitted by Councillor Mrs J Roach and a response of the Director of Operations

How many people have been waiting over 12 months for adaptations to enable them to have a bath or shower in their own home? Has anyone been waiting more than 2 yrs? Please take the timing from the first request from the tenant.

Is any tenant waiting for the Council to install a ramp to enable the tenant to access and leave their own home independently?

If the answer is yes, how long have they been waiting?

RESPONSE:

In terms of our response there are subtle differences between those occupying their own home or private rented accommodation and those living in our housing stock.

The process required for one of our tenants to receive any form of adaptation work to their home differs slightly to that for a private owner occupier or private tenant. First and foremost a council tenant cannot receive funding from a Disabled Facilities Grant (DFG), as the property is owned by a Local Authority. What this means is that funding for any adaptation work is provided through the Housing Revenue Account (HRA) and as such we carry out the necessary works.

However one thing is the same, in order to qualify for any form of major adaptation work we must receive a statement of need (SON) from the tenant's occupational therapist (OT). The OT will recommend to us what work is required and without this the application would be incomplete. The OT also states the urgency of the case and uses the following as a guide of urgency:

- *Difficulty – 18 months*
- *Deterioration – 12 months*
- *Danger – 6 months*

We currently have three tenants waiting for access works to be carried out and all three have been classified by the OT as 'deterioration' and as such need to be carried out within 12 months of receipt.

1. *Request to provide a path to the back garden and install a gate, there is currently level access to the front of the property but this does involve a long and awkward route to any vehicle. We received this SON on 12/01/2017 and it is categorized as Deterioration.*

2. Request to provide level access to front door, this involves numerous ramps and alterations to existing steps and ramps, there is currently access but is very long and steep, we have provided temporary ramping to improve situation until DFG works are carried out. We received this SON on 13/03/2017 and it is categorized as Deterioration.

3. Request to provide level access to rear door, property currently has level front access but tenant is unable to access Medical vehicles from there. We received this SON on 16/05/2017 and it is categorized as Deterioration.

All three of these requests should be carried out within the next 3 months, as we will be looking to complete all concreting works by the end of the summer.

For owner occupiers and tenants of privately rented properties the assistance is through the use of Disabled Facilities Grants. The average turnaround from receipt of OT referral to award of grant is 9 weeks. The client chooses when to have the work done and if they are using a private contractor we have no control over the timeline for final completion, however the grant is in place.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 6 July 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

Apologies

Councillor(s)

Also Present

Councillor(s)

Mrs E M Andrews, Mrs B M Hull, F W Letch,
F J Rosamond and R Wright

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), Nick Sanderson (Head of Housing and Property Services), Tina Maryan (Area Planning Officer) and Sally Gabriel (Member Services Manager)

20. **APOLOGIES**

There were no apologies.

21. **PUBLIC QUESTION TIME**

There were no members of the public present.

22. **MINUTES OF THE PREVIOUS MEETING (00-00-41)**

The minutes of the previous meeting held on 15 June 2017 were approved as a true record and signed by the Chairman.

23. **GARDEN VILLAGE GOVERNANCE STRUCTURE AND ARRANGEMENTS (00-01-30)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration requesting consideration of governance arrangements for the Culm Garden Village Project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Government had confirmed via a ministerial announcement on 2 January 2017, the success of Mid Devon's expression of interest for a garden village, one of 14 to be announced nationally. The expression of interest was

supported by Cullompton Town Council, Cullompton Neighbourhood Plan Steering Group and the Local Enterprise Partnership.

Since the announcement of garden village status, work had started to identify and scope out priority work streams and tasks and a project plan progressed. Governance arrangements were now required to establish a structure for the project identifying decision-making, reporting lines and links to the wider community in Cullompton.

He highlighted the mapping within Appendix A of the report which highlighted:

- The Delivery Board
- The Project team
- The Stakeholder Forum
- The Landowner/Developer Forum
- The Growth and Infrastructure Group
- The Neighbourhood Plan Group

Appendix B identified the initial composition and membership of the various elements of the proposed governance structure.

Consideration was given to:

- The involvement of the different forums and the delivery of the scheme
- The key role of the project coordinator
- The proposed number of dwellings within the initial and proposed scheme and whether that would impact on the allocated sites within the Local Plan Review
- Funding for the project
- The involvement of local Town and Parishes Councils
- The naming of the Garden Village, this issue was raised by a local Ward Member and it was confirmed that this should be considered by the Stakeholder Group.
- Bids for further funding that were being progressed
- Infrastructure requirements

RESOLVED that:

- a) The proposed garden village governance structure be agreed.
- b) Delegated authority be given to the Chief Executive and Legal Services Manager and Monitoring Officer in consultation with the Leader to prepare initial governance documents for approval at the first meeting of the Delivery Board.

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

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

24. **CABINET MEMBER DECISION (00-34-25)**

The Cabinet **NOTED** the following decision made by the Cabinet Member for Planning and Economic Regeneration:

That the Cabinet Member for Planning and Economic Regeneration approves the Authority's Monitoring Report 2016 for publication.

Reason for Decision:

To present the Authority's Monitoring Report (AMR) for the period 1 April 2015 – 31 March 2016.

25. **NOTIFICATION OF KEY DECISIONS**

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

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

26. **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (00-35-40)**

Prior to considering the following items on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore:

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

(Proposed by the Chairman)

27. **COUNCIL OFFICES, CREDITON**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources outlining options for the future use of the Crediton Office.

The Cabinet Member for Housing outlined the contents of the report

RESOLVED that this item be deferred for at least 2 months to allow for further discussions and investigations to take place with regard to the options for the building.

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

Note: * Report previously circulated.

28. **PROPERTY SPV BUSINESS PLAN**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources requesting approval of the draft 5 year business plan for 3 Rivers Development Limited.

The Cabinet Member for Housing outlined the contents of the report

RESOLVED that:

- a) Subject to an amendment to paragraph 10 of the Business Plan inserting “Acting” before “Managing Director.....”. and the removal of “who will be seconded into the Company” and the insertion after “Property” of an additional sentence stating that “The Head of Housing and Property Services will be seconded into the role of Acting Managing Director until such time as a substantive appointment is made.” The Business Plan to enable the company to operate within the parameters set out and with the capital funding be approved.
- b) The appointment of the three directors of the Company as set out be approved.

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

Note: * Report previously circulated.

29. **STRUCTURAL REPAIR OF COUNCIL HOMES CONTRACT 2017/18**

The Cabinet had before it a * report of the Director of Operations advising the Cabinet on the outcome of the recent tender for structural works associated with council stock and seeking approval to award the contract.

The Cabinet Member for Housing outlined the contents of the report

RESOLVED that the recommendations as set out in the report be approved.

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

Note:

- i) * Report previously circulated;
- ii) The meeting returned to open forum to announce the decisions agreed under Part II.

(The meeting ended at 3.24 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 3 August 2017 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, K Busch, C R Slade,
Mrs M E Squires and R L Stanley

Apologies

Councillor(s)

P H D Hare-Scott

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), Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Catherine Yandle (Internal Audit Team Leader) and Sally Gabriel (Member Services Manager)

30. APOLOGIES

Apologies were received from Cllr P H D Hare-Scott.

31. PUBLIC QUESTION TIME

There were no members of the public present.

32. MINUTES OF THE PREVIOUS MEETING (00-00-49)

The minutes of the meeting held on 6 July 2017 were approved as a correct record and signed by the Chairman.

33. PRIVATE SECTOR HOUSING FEES AND CHARGES - CIVIL PENALTIES (00-01-42)

Arising from a report of the Public Health and Professional Services Manager, the Homes Policy Development Group had recommended that the proposed civil penalties approach and the fines with regard to private sector housing as set out in the report be approved.

The Cabinet Member for Housing outlined the contents of the report stating that Section 126 and Schedule 9 of the Housing and Planning Act 2016 came into force on the 6th April 2017. The provisions gave the Council as the local housing authority the power to issue a financial penalty for certain Housing Act 2004 offences after the 6th April 2017 as an alternative to prosecution.

The offences included failing to comply with an improvement notice, offences in relation to the licensing of houses of multiple occupation, offences with regard to the licensing of houses, contravention of an overcrowding notice and failure to comply with management regulations in respect of houses in multiple occupation. He outlined the level of fines as set out in the report and informed the meeting that a civil penalty could only be imposed as an alternative to prosecution.

Discussion took place regarding proposed communication of the new procedures with landlords

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

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

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

34. **REVIEW OF THE HOUSING SERVICE FIRE RISK IN COMMUNAL AREA POLICY (00-05-06)**

Arising from a report of the Housing Services Manager, the Homes Policy Development Group had recommended that the revised Fire Risk in Communal Areas Policy be amended to include a reference to the fact that the Private Sector Housing lead officer had been consulted and that the revised policy as amended be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the policy had been approved in the summer of 2016 however a further review had taken place following some recent incidents with our own housing stock and following the horrific fire at Grenfell Tower in North Kensington. It had been decided that a zero tolerance policy should be implemented relating to the storage of personal belongings in communal areas so that access was unfettered in the event of fire.

He outlined the proposed changes within the report following discussions that had taken place with the Fire Service and highlighted the Council's obligations to the tenants, tenants' obligations and the storage of scooters.

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

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

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

35. **FINANCIAL MONITORING (00-07-52)**

The Cabinet had before it and **NOTED** a * report of the Director of Finance, Assets and Resources presenting financial monitoring information for the income and expenditure for the financial year 2017/18.

The officer outlined the contents of the report stating that it was very early in the financial year but at the present time the General Fund forecast was showing a deficit of £130k mainly due to shortfalls in the Leisure Service and the Building Control Partnership. Capital Receipts were showing a healthy balance due to the sale of Station Yard and 11 Right to Buy Council Houses, although it was noted that the receipts from Right to Buy were not sufficient to replace the council houses lost. The Housing Revenue Account was showing an anticipated forecast of £175k surplus which would increase the budgeted transfer into the Housing Maintenance Fund.

Consideration was given to the income from the solar panel investments.

Note: *Report previously circulated copy attached to minutes.

36. **PERFORMANCE AND RISK (00-12-18)**

The Cabinet had before it and **NOTED** a * report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

The Internal Audit Team Leader outlined the contents of the report highlighting the corporate aims and the actions that had taken place against the targets set out in the plan. She informed the meeting of the empty shop figure (8) for Crediton that had been missing from the economy priority

Consideration was given to:

- The corporate risk report specifically the mitigating controls within the plant rooms at the leisure centres
- The economy portfolio and whether the commercial portfolio should sit within the corporate targets

Note: *Report previously circulated copy attached to minutes.

37. **CABINET MEMBER DECISION (00-15-59)**

The Cabinet **NOTED** the following decision made by the Cabinet Member for Community Well-Being:

As part of the Service Level Agreement Grant Programme, to commission the Onion Collective to provide initial feasibility advice for Crediton Town Team on its Community Hub project

REASON FOR DECISION:

At its meeting held on 30 March 2017, the Council approved a £6,000 allocation for each of the 2017/18, 2018/19, 2019/20 financial years for an external consultancy, the Onion Collective to advise on 'flagship' community/social enterprise projects in the district. Crediton Town Team has approached the Council for consultancy advice from the Onion Collective to help scope and refine its plans to establish a Community Hub in Crediton. Support from the Onion Collective, if approved, would consist of an initial diagnostic session with the Crediton Town Team with representatives of MDDC in attendance. The diagnostic session would establish the means by which and level of consultancy support to be provided. This is unlikely to

exceed three days in the first instance (but may be extended following a review of progress), as the Onion Collective's time is expected to be allocated to key projects across the district. There are currently no other requests for Onion Collective support in the district. In line with its Service Level Agreement with the district, the Onion Collective will report on progress at the end of the second quarter.

38. **NOTIFICATION OF KEY DECISIONS (00-16-58)**

The Cabinet had before it and **NOTED**, its rolling plan* for August/September 2017.

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

(The meeting ended at 2.35 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 17 July 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, R J Dolley,
T G Hughes, Mrs B M Hull, F W Letch,
Mrs J Roach and T W Snow

Apologies

Councillor(s)

N A Way and J L Smith

Also Present

Councillor(s)

C J Eginton and Mrs M E Squires

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Solicitor), Simon Newcombe (Public Health and Professional Services Manager), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

26 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr J L Smith who was substituted by Cllr R J Dolley and from Cllr N A Way who was substituted by Cllr F W Letch.

27 PUBLIC QUESTION TIME

Miss S Coffin, Templeton Parish Council, referring to item 8 on the agenda, said we wish to personally thank the Chairman for taking on this issue and the many Scrutiny Councillors who have shown our Parish Council and affected residents both compassion and assistance.

As this has now become such a large and complex issue, no longer just a case of bullying or nuisance by a bad neighbour and impossible to cover in 3 minutes, we have submitted a written representation to enable Councillors to review and inwardly digest.

I personally as Chairman am extremely proud of the way our tiny hamlet and Parish Council with its small group of affected residents have conducted themselves and ensured that at every stage, both in Planning and Environmental Health issues, your officers were given every assistance to enable them to make full choices.

We, as well as other well qualified and professional objectors, have researched and presented facts and theories, opinions and articles from those better informed and qualified to assist your officers to try and understand both the situation arising and the council's obligations and responsibilities.

We can do no more to assist this council and with the huge increase in traffic movements and digestate disposal that will follow the completion of two anaerobic digesters on the Willand site in September with further production capacity to follow over a two year period I fear the consequences to Mid Devon tourism and holiday trade.

I personally have no intention of shouting into deaf ears anymore; it is now up to you the elected Councillors of Scrutiny to take issue with your own officers as to whether your Council has fulfilled all its responsibilities in this matter.

The Chairman thanked Miss Coffin for her comments.

28 MINUTES OF THE PREVIOUS MEETING

Subject to changing the word 'arctic' to 'artic' on page six and changing 'Tiverton Pannier Market' to 'Market Walk Tiverton' under 'discussion took place regarding' on page 11, the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

29 DECISIONS OF THE CABINET

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

30 MEMBER FORUM

Cllr Roach raised concerns regarding the amount of money spent on agency workers. The Director of Corporate Affairs & Business Transformation informed Members that agency workers were used to cover periods of annual leave and sickness.

It was **AGREED** that a report be prepared for the next meeting of the Committee providing detail on the amount spent on agency staff and the reasons for this.

31 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that there was a training session the following day and also advised them that he would be attending the open day at Red Linhay AD site that week.

32 PROPOSED CLOSURE OF CUSTOMER SERVICE SURGERIES IN CULLOMPTON AND CREDITON

Cllr F W Letch had requested that the planned cessation of Customer First Surgeries that were held at Crediton and Cullompton, for four hours every other week, be discussed by the Committee.

Cllr Letch informed Members that he was a Town Councillor as well as a District Councillor and that wearing both hats could be difficult, however Crediton was at the centre of his heart and he considered that it was often forgotten. He reminded Members that on 31 March 2016 the Crediton office had been closed. The Town

Council had employed one of the ex-officers within their own office using funding from the authority. Cllr Letch said that he considered it essential that the District Council provided a service there. He did not agree that residents should be expected to use the internet or telephone to make contact and queried the need for face to face contact at Phoenix House if that were the case. Cllr Letch had received two letters of objection from local residents and when he had been in attendance, on what he was told was a 'quiet day', eleven people had been seen in the surgery. Many local residents were elderly and could not use the internet or telephone, which could often be confusing. Cllr Letch did not consider the Lords Meadow Leisure Centre to be an appropriate place for a public access computer as many people did not know where it was and it was not very easy to get to.

Cllr Letch read out a letter from a representative of the Crediton and District Access Group in which the author claimed that the most vulnerable would be affected, that there were logistical difficulties in getting to Tiverton for a face to face appointment and that the residents of Crediton would not be receiving an equal service. Cllr Letch proposed downsizing the level of service in Tiverton to enable an increase of service in Cullompton and Crediton.

Discussion took place regarding:

- Consultation that had taken place the previous year;
- Local people might not be confident in the use of technology or the telephone;
- Cuts in service to the Citizens Advice and Age Concern who had provided support in the past;
- People that had difficulties using IT could get support from friends or family;
- The need to move towards digital channels to save money and reduce the number of staff required to answer phones or deal with face to face enquiries;
- Many residents in rural areas had no local access to an office and already had to travel or use digital methods of contact;
- A campaign from the Crediton Courier had only resulted in one complaint;
- Rural Broadband.

The Director of Corporate Affairs & Business Transformation provided the following information which was tabled:

Crediton and Cullompton fortnightly Surgeries

Visitor numbers 2016/17	Visitor numbers	Average customers per hour	Average seen officer per hour	Cost to serve per per
Tiverton	32,622	26ph	6	£13.57ph
Crediton	359	4ph	4	£20.35ph
Cullompton	152	2ph	2	£18.09ph

Reason for the decision

- As part of a decision to rationalise council services, the Council withdrew from buildings in Cullompton and Crediton on 1st April 2016.
- When the full time service ended last year the staff resource was removed from the Customer First (CF) budget.
- Since then, officers had provided a fortnightly 'surgery' in those locations to ease the transition and to continue to make use of the available IT connections until those ceased.
- With the IT connection stopping in August, the decision was made to cease the surgeries as these could not be justified when officers were simply signposting people to the internet or providing telephone numbers to access services rather than being able to 'do any business' on-site.
- As this was the final element of implementing the 2016 decision, not a further change, additional consultation was not carried out, but advance notification of the changes occurred in order to provide notice rather than simply stopping.
- Last year the CF target for answering calls was reduced to 85%, to reflect the reduction in resource. Although the call centre staff were able to exceed this target for external calls, overall only 82% of all calls were answered. In total over 25,000 calls were not answered.
- In addition, Customer First staff were responsible for responding to emails, logging media enquiries, responding to social media and web contacts. Online form submissions (digital transactions) had increased from 16,600 in 15/16 to 31,700 in 16/17.
- Customers who are unsure of how to access services could telephone for advice and Customer First staff work with all service managers to ensure that services could be accessed by those with greater needs such as the elderly or more vulnerable residents. It was still vital that we could support those people that really need more support.

Planning for future services

- Increasingly, the Council were asked to provide more online services and to accept documents and applications online. We needed to be able to support customers as more government services (and other associated functions) go online.
- As a significant example, next year Universal Credit (UC) would be implemented in Devon. This was only accessed on line, and MDCC staff would no longer be able to support customers with enquiries relating to UC. Hence our role would be to signpost people and help people go online. This was very much the direction of travel.

It was **RECOMMENDED** that Council be asked to look at the idea of diminishing the level of face to face services at Phoenix House to allow for one session a month to be provided at Crediton and Cullompton.

(Proposed by Cllr F W Letch and seconded by Cllr T W Snow)

33 **ANAEROBIC DIGESTION**

The Chairman had requested that Members discuss Anaerobic Digestion and considered determining terms of reference to help develop a policy framework for the Council.

Discussion took place regarding:

- The advantages and disadvantages of Anaerobic Digestion:
- Crops that were grown to feed the Digesters:
- The need for farmers to dispose of slurry in a safe way.

It was **RESOLVED** to set up a Working Group to look into Anaerobic Digestion, using the following terms of reference:

“To understand the process, science and potential impact of Anaerobic Digestion (AD) on Mid Devon as a source of renewable energy and bio fertiliser.

The remit of the study would include:

- 1 A desktop review of the process.
- 2 A review of the current regulatory framework.
- 3 A review of planning legislation relating to AD; including a correlation with waste processes/plants.
- 4 Reference site visits.
- 5 A desktop review of nuisances, environmental concerns/incidents associated with plants and ancillary activities.
- 6 A peer review from health professionals on any potential human health impact associated with AD plants and ancillary activities.

In order to inform future planning and long term land use considerations.”

Members of the Working Group to be Mrs G Doe, Mrs A R Berry, Mrs B M Hull, Mrs C Daw, T W Snow, F J Rosamond and Mrs M E Squires.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs G Doe)

34 **PERFORMANCE AND RISK**

The Committee had before it and **NOTED** a report * from the Director of Growth and Chief Executive providing Members with an update on performance against the Corporate Plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The Audit Team Leader outlined the contents of the report, explaining that the report was now more closely linked to the Corporate Plan and discussion took place regarding:

- The increasing number of empty shops in Tiverton and Cullompton;
- Economic information that was provided to the Economy PDG at each meeting;
- The increase in footfall for Tiverton at the Feast of St James event;
- The number of council houses due for completion in the year;
- A request that the number of free vends be identified along with the total number of vends for car parking;
- The benefit of the free car parking periods for local traders;
- That officers be asked to investigate the potential impact on the public when dangerous equipment was in use.

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

35 **WHISTLEBLOWING 6 MONTHLY UPDATE**

The Audit Team Leader informed the Committee that there had been no cases reported since the last update.

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

Peer Review
Cabinet Member for Environment
Ageing Well
Performance and Risk
Police Inspector
Agency Workers

(The meeting ended at 4.05 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 14 August 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, T W Snow and
N A Way

Also Present

Councillor(s)

K Busch and C J Eginton

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Stuart Noyce (Waste and Transport Manager), Kathryn Tebbey (Legal Services Manager and Monitoring Officer) and Julia Stuckey (Member Services Officer)

37 **MINUTES OF THE PREVIOUS MEETING**

Following discussion it was agreed that the sentence 'issues were raised in connection with the proposed closures for Cullompton and Crediton and letters from Devon County Council Library Service and Cullompton Town Council were reported to the meeting' be added to Minute 32, the minutes of the last meeting were approved as a correct record and **SIGNED** by the Chairman.

38 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

39 **PUBLIC QUESTION TIME**

There were no questions from the member of the public present.

40 **MEMBER FORUM**

There were no issues raised under this item.

41 **DECISIONS OF THE CABINET**

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

42 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that he had received a response from Mel Stride MP in response to a letter sent on behalf of the Committee regarding the five

year land supply. The response did not address the issues raised so the Chairman would write again.

The Chairman also outlined the contents of a letter that had been prepared to be sent to Neil Parish MP regarding anaerobic digestion.

43 **CHIEF INSPECTOR, DEVON AND CORNWALL POLICE**

The Chairman welcomed Chief Inspector Sarah Johns and Sector Inspector Jane Alford-Mole to the meeting.

The following questions were put to the Inspectors;

What impact did the potential demands on regional police resources to help nationally in response to terrorism threat or attack, have on local policing?

Inspector Mole explained that there was a National Counter Terrorism Network. All regions had specialist officers so when there was an incident they would be drawn on first. This could result in an impact on local policing depending on the skills required and local reassurance work needed. However local impact would be small as the specialist officers would be used.

Given that resources were already stretched in Devon and Cornwall due to the increase in activity of organised crime gangs, child sexual exploitation, and scammers all of which posed a serious threat in the rural counties, were we in an era of risk of increased petty/ conventional crime which would not be investigated?

The Inspector reminded Members that a lot of funding had been taken out of Policing in recent years which had caused forces across the country to look at what they did and how it was delivered. Devon and Cornwall was clear in its mission to safeguard vulnerable people, to deal with crimes that caused the most harm to people and they were, as a force, now recognising crime that would have been unnoticed in the past, such as child sex abuse and exploitation. These crimes had all been happening previously but were not being reported or dealt with. Dealing with these crimes, which caused the most harm, did mean that some other crime might not be investigated. However, the Inspectors stressed the importance of crime reporting in order that trends could be identified. New shift patterns were being introduced, having looked at demand data over the previous 4 years, to ensure that officers were working at the times that crime was most likely to be reported. Overnight shifts would look at intelligence over the previous 2 weeks to help identify crime trends. A lot of recruitment had taken place within Devon and Cornwall and there was an uplift of 120 officers. There was also good use of Special Officers in the force and in the previous year they had contributed 19500 hours. Continued training for Special officers was encouraged.

Is there not value in having local policing on the streets? Surely it would have potential to pick up local intelligence which may assist in resolving more serious crimes?

The Section Inspector responded that intelligence was about smarter working and that the Police Community Support Officers and Neighbourhood Teams still worked in their local areas, building relationships with the public.

I am, almost on a daily basis receiving complaints about the speed of traffic and dangerous driving on the Silverton to Killerton Road. Would it be possible to address this problem?

We also have a problem at the end of Park Road where there is a bollard; people are driving on the wrong side of the bollard. Highways have looked at the problem but are unable to suggest anything that might help. In such situations would it be possible to install a camera for a short period?

The Section Inspector informed the Committee that incidents such as those mentioned in the question needed to be logged. They had checked records and had been unable to find any reports regarding this matter. Recent major accidents in Devon which had resulted in death on the roads would take priority on officer time so it was imperative that the public made note of incidents, with registration numbers, and reported this.

Last week I attended Mid Devon Children's Centre Advisory Board meeting at Tiverton, which focussed on Domestic Abuse. It was really well attended by most agencies - except for the local Police, Social Services and the Courts Service.

I welcome the opportunity for the Police to restate their policy on attending, reporting and referring incidents of Domestic Abuse in families in Mid Devon where there are young children living with and witnessing such abuse.

Unless all these agencies adopt a well meshed, inter-disciplinary reporting approach to this issue, young children will fall through the net in an adult world. It was upsetting that the three non-attending agencies had accepted the invitation to attend, yet none of them sent apologies or substitutes.

Sector Inspector Alford Mole agreed that it was disappointing that an officer had failed to attend and that apologies had not been sent. She asked for further information in order that she could look into this matter. She informed the Committee that the police took these offences very seriously with robust policing and there was a specialist unit in Exeter in place to deal with these matters on a daily basis.

What is the policy on domestic abuse and how information is shared with other local agencies, when there are young children in the family?

The Inspector explained that when officers attended a domestic incident there were certain forms that had to be filled in which collected information regarding the family such as children, schools and GP. Officers would use this form to make recommendations and ensure that all organisations that need to be informed were. Significant matters would be dealt with at the time and as a last resort officers would get a Police Protection Order to take children from the address there and then. Regular multi agency meetings were held and a new initiative was in the pipe line which would result in police making contact with the school of any child involved, or at home, during a domestic incident.

A local controversy had developed as a result of an ex police officer claiming that a potential proposal to remove fencing in need of significant maintenance around children's play areas as an economy measure would be an invitation to paedophiles

and represent a danger to children. There was also new Government guidance on play to encourage more outdoor and adventurous activity by children. Any such proposals would only be taken following local consultation, but have the Police any concerns in this respect?

Chief Inspector Sarah Johns was in receipt of an email from the Designing Out Crime Officer regarding this matter. She explained that his response had stated that where there was an obvious need for fencing such as a road or river nearby, each play area should be considered on its own merits. The view of officers was that it was a good idea to fence areas for protection from dogs when possible but that no evidence had been found to suggest that fencing would make any difference regarding sex offenders. Offenders were managed in a specialist way and there were powers in place to control them. The Chief Inspector offered to circulate the email following the meeting.

How do forces operate across the border?

The Chief Inspector informed Members that they worked closely with neighbouring forces and there was constant interaction. If necessary officers could go over the border to apprehend. ANPR (automatic number plate recognition) cameras allowed the force to know when a flagged car had entered the area and specialist teams could be tasked to deal with specific crime types.

Why don't the police promote trackers from the NFU on farm equipment?

The Inspector was not aware of this scheme but informed Members that organisations such as Farm Watch were promoted by the force and a national register was kept for stolen farm equipment. Officers concentrated on crimes that caused most harm and this might result in less support for rural areas. The Inspector stressed the importance of reporting crime.

Was domestic abuse investigated at the detriment of other crime, such as burglary and why was the Police Station not open to the public?

The Chief Inspector responded that domestic abuse was at the top of what they dealt with. It blighted lives and had been suffered behind closed doors for years. It had a devastating effect on children and there was evidence that brain development was affected. As an organisation Devon and Cornwall Police were giving total support to this crime and more officers were dealing with it than previously with expertise from a dedicated team. There had been a huge increase in historical reports.

With regard to officers on the street, as previously explained, officers were deployed to meet demand. Some areas had seen a reduction in officers but Mid Devon remained fully resourced.

The Chief Inspector explained that it was not cost effective to man a front office at the Police Station, when it had often only dealt with a couple of callers per day. Other means of contact such as telephone and online had been improved and these were the preferred means of contact for a lot of people.

The Inspector added that though the service was not perfect, and they would not through choice have made any reductions, they were reviewing methods of working

all the time and changes such as the alliance with Dorset were saving money as well as providing positive results, allowing them to do more with less.

With regard to Tiverton specifically the Sector Inspector confirmed that the number of officers had not reduced and that the area could also call on support from the dog team, armed response and traffic officers. They could not however provide a presence on every street corner at all times.

Did the reduction in mental health provision have an impact?

The Inspector confirmed that it did.

The Chief Inspector thanked Members for the invitation to attend Scrutiny and offered to come back at any time.

The Chairman thanked the Chief Inspector and Sector Inspector for their attendance.

44 **PEER REVIEW**

The Committee had before it and **NOTED** a report * from the Chief Executive regarding the Peer Review. During the 6-9th March 2017, the authority had received a delegation of external officers and members to conduct a 'peer challenge review'. The process generated a review report which contained a number of specific recommendations for the council to consider. The report which Members had before them provided an update on that process and outlined how this process would be contributing to the council's improvement programme moving forward.

The Chief Executive outlined the contents of the report, explaining steps that had already been taken, for example an organisational design framework, organisational values, managerial competencies, Medium Term Financial Planning and Efficiency Statement, a refreshed council constitution, a revised staff survey and new approaches to member engagement and development. There were a number of areas in progress such as a performance framework refresh, a business transformation programme, a staff charter, comprehensive benefit-tracking and realisation, strategic options appraisal and business case development for discrete service change. The Chief Executive informed Members that a report detailing his plans to fully align performance indicators to the Corporate Plan would be submitted to the Cabinet shortly.

A restructure to appoint three Directors had been put in place and the next stage, the Group Manager structure, would be confirmed in the near future. When appointed these Group Managers would be tasked to look at options for service delivery.

The Chief Executive outlined some recommendations from the review:

Produce an economic development plan that conformed with Exeter and the Heart of Devon strategy for economic growth and prosperity but provided greater detail on what this would look like for Mid Devon, the benefits that would be delivered, and how this would be achieved

This had been discussed at the Economy PDG to set out what was best for Mid Devon and officers were now pushing forward with this piece of work.

Ensure that major projects were supported by a robust business case agreed by the council

The Chief Executive explained that the authority was moving in this direction, particularly in relation to capital investment.

Agree a strategy for influencing partners to win more external funding to support investment in major schemes in Mid Devon.

The Chief Executive explained that there had been some success in the last year or so and gave examples such as funding for the link road scheme and resurfacing as part of National Productivity Funding. In addition the council has secured capacity funding to continue unlocking growth, as well as smaller sums from the LGA as part of their Productivity Expert funding.

Review internal and external communications, along with community engagement, and take advantage of IT and social media efficiencies that could support these

This was a resourcing issue and the Chief Executive explained that he was looking to introduce a new officer role regarding community engagement but there would be a cost implication attached to this.

Continue with the commitment and resources to work closely with developers to build out consented housing allocations and ensure that approved development can progress in a timely fashion.

The Chief Executive informed Members that he had regular meetings with Planning officers, developers and the Cabinet Member at which he stressed the importance of actually building houses rather than just obtaining consent.

The Chief Executive went on to outline progress regarding Business Transformation for which an initial programme plan outlining what it might look like had been drafted and would be finalised and launched to staff in October.

Discussion took place regarding:

- Member engagement and the appropriate route for service delivery change which would be through the PDG's;
- A Policy Officer that had been appointed on an interim basis to work full time with the Scrutiny Committee (1 September until the end of December), with a view to exploring options for delivery after that. The Chief Executive was also looking into options to share a resource with neighbouring authorities;
- Concerns that the Scrutiny Committee was not working effectively and a lack of involvement for back benchers, including a lack of 'away days';
- Links to the Corporate Plan which would be reported to the Cabinet at the end of August;

- The need for a balanced budget and whether funding would be drawn from financial reserves or the New Homes Bonus for this;
- The need for Member steer and engagement in developing policy.

Note: Report * circulated and attached to Minutes.

45 **AGENCY WORKERS**

The Committee had before it and **NOTED** a report * from the Waste and Transport Manager regarding the use of agency staff in operational services. This information had been requested by the Committee at its last meeting.

The officer explained that all agency workers received full health and safety training prior to starting work and that this requirement was set out in the contract with the agency. The bill for agency staff totalled 7% of the annual staffing bill for the financial year and the use of agency staff was cheaper than appointing permanent staff. The agency staff were used to cover short term issues such as sickness and annual leave and also to allow for fluctuation in service requirements on different days of the week. This ensured that all permanent staff were fully occupied at all times. Vacancies were not left open for very long and recruitment tended to take place 3 or 4 times a year.

Discussion took place regarding:

- An information request for an hourly rate for permanent staff and an hourly rate for agency staff;
- A new contract for agency staff which would be submitted to Cabinet shortly;
- The number of staff in the Waste service and the amount of leave per employee;

Members thanked the Waste and Transport Manager for the savings that he had made.

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

46 **AGEING WELL**

The Committee had before it and **NOTED** a report * that had been produced by the Aging Well Working Group in December 2013. The Chairman had asked that it be revisited in order that the Committee could decide whether or not it should be taken forward.

The Director for Corporate Affairs and Business Transformation explained that a lot of work had been undertaken previously but there were resource issues involved in progressing the recommendations. She suggested that this might be an area that the new Policy Officer could look into.

Discussion took place regarding:

- Statistics and the increasing number of elderly people in the District;
- Duplicate work with Devon County Council and other District Councils and whether joint working might be appropriate;
- A lack of Gypsy and Traveller provision in the District;
- A lack of suitable housing for the elderly within new build developments and difficulties in ensuring that this happened;
- Plans by the Chief Executive to liaise with Members of the Planning Committee to explore effective ways to engage and to help them support appropriate development, which might include Lifetime Homes Standards.
- A changing social environment in the way that families care for each other;
- Positive action that had taken place in Hemyock;

It was **AGREED** that any future work regarding ageing well be delayed until after the Corporate Plan review and that in the meantime officers explore opportunities to work closely with Devon County Council and liaise with Exeter University and Dr Dixon of Cullompton to establish what is already taking place.

Note: - i) Report * previously circulated and attached to Minutes.
ii) Cllr N A Way declared a personal interest as he was a Devon County Councillor.

47 **CABINET MEMBER FOR THE ENVIRONMENT**

The Committee had before it a report * from the Cabinet Member for the Environment providing an update on areas covered by his remit.

Discussion took place regarding:

- The Litter Busting team and the good work being undertaken by them;
- Grass cutting and a number of complaints and problems created by a lack of understanding regarding which areas of land should be cut by the Authority and which areas were parish or county land. There was an acknowledgement that the service was not perfect but open spaces was a topic being looked at by the Environment PDG and it was hoped that over-winter a service level could be set, for which resources could be put in place in time for the next growing season. However, Members needed to be aware that funding had been cut so the service would never be what it had been in the past.
- The Cabinet Member **AGREED** to visit Lapford with a Parish Councillor to review the situation there;
- Liaison with Town and Parish Councils and how they may request grass cutting services from the authority in the future;

- The restructure at Director level meant that services were now all under one Director, allowing for more 'joined up' working;
- Roundabouts directly off the A361 were outside of the 40mph speed limit which meant the workforce were unable to work on them without a road or lane closure being put in place. This had been highlighted by the Health and Safety Officer and solutions were currently being investigated;
- The importance of 'one stop shop' when the public called to report incidents as they could not be expected to know which council was responsible for areas of land;
- Compliments were given regarding the wild flower displays in the District.

The Chairman thanked the Cabinet Member for his report.

(Note: - Report previously circulated and attached to Minutes)

48 **RIPA SIX MONTHLY UPDATE**

The Legal Service Manager and Monitoring Officer had not received any requests for RIPA authorisations since joining the Council in April 2017. No authorisations were given in the preceding 6 months. However, advice had recently been given in relation to CCTV in communal parts of residential council premises and the need to ensure that any new installations were not covert, otherwise RIPA would apply.

The officer reiterated that RIPA powers should only be used sparingly, in appropriate circumstances.

49 **FORWARD PLAN**

The Committee **NOTED** the Forward Plan.

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

Cabinet Member for Housing
Performance and Risk
Car Parking 6 Monthly Update
Cross Parks update
Devon County Council closed homes and what was going to happen to them

(The meeting ended at 5.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 17 July 2017 at 10.00 am

**Present
Councillors**

R Evans (Chairman)
Mrs J B Binks, Mrs C Collis, T G Hughes and R F Radford

**Apologies
Councillors**

R M Deed and L D Taylor

**Present
Officers**

Andrew Jarrett (Director of Finance, Assets and Resources), David Curnow (Deputy Head of Devon Audit Partnership), Catherine Yandle (Internal Audit Team Leader) and Sarah Lees (Member Services Officer)

**Also in
Attendance**

G Daly and S Johnson (Grant Thornton)

18. Apologies

Apologies were received from Councillors R M Deed and L D Taylor.

19. Public Question Time

There were no members of the public present.

20. Minutes of the previous meeting

The minutes of the meeting held on 30 May 2017 were approved as a true and accurate record and **SIGNED** by the Chairman.

21. Chairman's Announcements

The Chairman informed the Committee that before the meeting he had met with David Curnow who is the Deputy Head of the Devon Audit Partnership regarding the new arrangements going forwards. He hoped to have regular meetings of this nature.

22. Internal Audit Service - future officer support to the Audit Committee

David Curnow was formally introduced to the Committee. He stated that he would be bringing Internal Audit Progress reports to the Committee in the future although Catherine Yandle would continue to bring Performance and Risk reports as well as the Annual Governance Statement Action Plan updates. It was further stated that reports may be presented in a more visual format with charts and graphics in the future. It was suggested that an example of the new format be circulated to the Committee members.

23. **Annual Governance Statement**

The Committee had before it a report * from the Internal Audit Team Leader presenting it with the finalised Annual Governance Statement (AGS) for 2016/17 and accompanying Corporate Governance Framework. Relevant legislation with regards to the AGS was listed in the report and the point was emphasised that 'Delivering Good Governance in Local Government: Framework (2016)' was an update to the 2007 publication and 2016/17 was the first year for which this framework applied. This update had necessitated a number of changes, one being that there were now seven principles of Good Governance instead of six.

Following a review of the sources of assurance and evidence to support the AGS, it was the opinion of the Internal Audit Team Leader that the Council's control environment was adequate in the 2016/17 financial year.

RESOLVED that the Annual Governance Statement for 2016/17 be approved and that the Chief Executive and Leader of the Council sign the Statement as per the statutory guidance.

(Proposed by the Chairman)

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

24. **Annual Report and Accounts for 2016/17**

The Committee had before it, a report * from the Director of Finance, Assets & Resources presenting the final version of the annual report and accounts for 2016/17.

It was explained that this report needed to be considered in tandem with the external auditors' audit findings report and any comments made by them be considered as part of the overall Committee decision.

It was stated that there had been no material changes to the accounts since a draft set had been presented to the Committee in May 2017.

RESOLVED that the annual report and accounts be approved (subject to the recommendations made by the external auditor, Grant Thornton) and that the letter of representation be formally approved and signed.

(Proposed by the Chairman)

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

25. **Grant Thornton Audit Findings 2016/17**

The Committee had before it, and **NOTED**, a report * from Grant Thornton, external auditors to the Council. This report highlighted significant findings arising from their audit as required by the International Standard of Auditing (UK & Ireland) 260, the Local Audit and Accountability Act 2014 and the National Audit Office Code of Audit Practice.

The report was presented by the Associate Director.

The contents of their findings report were summarised commencing with an update in relation to some issues that had been outstanding at the time of writing the report. This included reference to third party confirmation on investments with broker Prebon and receipt of a Pension Fund assurance letter from the auditor of the Devon County Council Pension Fund. Both had now been received.

In terms of the key audit issues the following points were made:

- They had not identified any adjustments that affected the Council's reported financial position and there had been no challenges.
- With regard to the Pension Liability disclosed in the accounts this had increased by £16,502k, primarily as a result of the reduction in the discount rate applied by the actuary. The external auditors had reviewed all the assumptions applied and were assured that this was in line with the general application across Local Government pension schemes.
- Two weaknesses had been identified in the Council's IT arrangements in relation to password complexity and this would be addressed by the Leadership Team. It was explained that as part of the annual Public Sector Network compliance review a company was employed to try to hack into the Council's system. They had not been successful thus far, however, lessons had been learned as a result of this process.

Discussion took place regarding:

- All opportunities being in place to allow for the reporting of possible fraud should there be any suspicions.
- Audits were not designed to hone in on everything, risks were looked at and assurances sought that these were mitigated wherever possible.
- A risk had been identified around financial resilience and the need to have robust plans underpinning any savings plan. It was explained that reserves had been increased by £2m to provide a buffer against the on-going financial storm. A Medium Term Financial Plan would be presented to the Cabinet in October which would address these issues.

In conclusion, the Cabinet Member for Finance stated that Finance needed to be congratulated on a clean set of accounts as well as all service managers for bringing their areas in on budget.

The Chairman stated that he would be writing to individual officers to thank them personally for their efforts in allowing the Council to be one of the first authorities to sign off their accounts for the second year running. This was worth celebrating and a press release ought to be written as soon as possible.

26. **Identification of items for the next meeting**

The Committee **NOTED** the items on the agenda for the next meeting. No further items were identified.

(The meeting ended at 10.55 am)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 11 July 2017 at 2.00 pm

Present

Councillors

R F Radford (Chairman)
D R Coren, Mrs G Doe, F W Letch,
Mrs E J Slade, J D Squire and R Wright

Apologies

Councillor(s)

R Evans and J L Smith

Also Present

Councillor(s)

K Busch, Mrs J Roach, R L Stanley and Mrs N Woollatt

Also Present

Officer(s):

Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Stuart Noyce (Waste and Transport Manager), Joe Scully (Operations Manager), Catherine Yandle (Internal Audit Team Leader) and Julia Stuckey (Member Services Officer)

10 APOLOGIES AND SUBSTITUTE MEMBERS

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

11 PUBLIC QUESTION TIME

Mr Mark Hiscock, representing local residents and referring to item 7 on the agenda asked why is the 10 year plan being presented to you today as a discussion document and not as a report seeking the Committee to recommend adoption as was originally planned? Does this mean that the 10 year plan can be deferred for a decision until the overwhelming objections and protests have been forgotten?

Why is the 10 year plan allowing all dogs in the future to mix with young children when for decades the children have been able to play in a safe and secure dog free environment?

Why is the 10 year plan allowing dogs to toilet in areas designated for young children when for decades dogs have been physically prohibited?

Why is the 10 year plan ignoring the medical risks associated with young children coming into close contact with dog and fox faeces? Nothing has changed in the dangers of contracting Toxocariasis, E.coli and Hepatitis.

Why is the 10 year plan ignoring the statistics that dog bites and attacks have increased by 76% over the last decade?

Why is the 10 year plan ignoring the fact that paedophiles are attracted to open young children play areas and parks? It is quite rare for such a person to enter a fully fenced enclosed area as they are restricted in law (if on the sex offenders register) to be found in such places. However, open spaces are intended for use by all persons and not just young children in particular.

Why is the 10 year plan ignoring the fact that since the introduction of fully fenced young children play parks, paedophilia activity in them has become rare? I suggest that if the fences come down the prevention of that crime will be lost.

The 10 year plan claims that it will encourage freedom for children but why is it ignoring the fears of parents and carers that partially fenced young children's play parks will have the complete opposite effect? In fully fenced young children's play parks the children are contained in a safe and secure environment to run, play, roam and experiment in without very close supervision by their carer's. Partially fenced young children's play parks require very close supervision so as to prevent the children from running off or being approached by strange dogs or people.

Is the committee aware that Mr Scully and I had a conversation in February 2017 where he claimed that the 10 year plan was solely being introduced to make savings in the Council budget? How much expenditure is projected to be saved over the next 10 years with the plan (including the funding for the removal of unsuitable old fences) compared to the expenditure of repairing and renewing all the existing fences?

Why has Mr Scully been allowed to implement the 10 year plan at the River Drive, Cullompton young children's play park as the plan is here before you today for discussion and it was not policy in February 2017?

Is the committee aware that Mr Scully sanctioned the removal of two sides of the fully fenced four sided River Drive young children's play park because it was deemed to be beyond economical repair? He refused to repair or replace the two sides of the fence under the 10 year plan although it was not Council policy in February 2017.

Is the committee aware that since the very popular River Drive young children's play park has become partially fenced the users and carer's have drifted away from using it? This may also occur at all the other MDDC parks if the 10 year plan is implemented.

From enquiries made by myself the main reasons for the lack of use at the play park since being partially fenced are:

- a) People do not like strange dogs mixing with their children in case something untoward happens.
- b) People are not happy with dog's toileting in amongst the play equipment (whether picked up or not).
- c) The carers have to be in close supervision of the younger children because it is now easy for them to run off out of the park into danger. The two imaginary fences in the park do not work!!! I have tried to explain to my 3 year old grandson not to go past them but he looks at me and runs.
- d) The carers know that they must supervise their children, but by being so close to them all the time the children are being denied their freedom. This is the exact opposite to what the open space plan is claiming.

e) Carers with two children (one walking and one not) state that the open space puts them in the position of which child do they leave and which one do they run after. At least with a full fence the children cannot 'escape'.

Is the committee aware of the following facts relating to young children's play park's

a) Official figures from NHS England in 2016 showed that 7,227 hospital admissions were made for dog attacks, compared with 4,110 in 2006, with under-10s the most likely to be admitted.

b) Children aged under 10 were most likely to be admitted to hospital after being attacked by a dog, with 1,159 requiring inpatient treatment.

c) Many organisations including ROSPA are now recommending that play parks for the 10 year olds and under ought to be fenced. The fencing creates a safe environment for the children to play in and that the adults are confident there are no hidden dangers.

d) By removing the fences it is increasing the danger and putting the children in contact with loose dogs that appear to be biting more frequently.

e) The 10 year open spaces plan is not new as it has been tried in many parts of the western world and has been rejected by councils, parents and carers alike.

Is the committee aware of a well published recent case of a U turn in open spaces in Christchurch, Dorset where the council refurbished it's very popular community young children's play park. The local council spent a total of £50,000 on refurbishment, but decided to demolish and not replace the parks full fencing. The council came under so much pressure and protest from the public that the council had to make extra plans to erect a full fence costing £10,000's.

Can MDDC afford to make such expensive mistakes on their play parks if it goes with the new 10 year plan?

The Director of Operations explained that in the first instance the paper had been put forward for discussion, in order that policy could be developed.

With regard to questions 6 and 7 concerning paedophiles the Director informed Mr Hiscock that he could reassure the local community that he had made contact with serving Police Officers both locally and nationally and had found that the comments made were not supported from either a policing or community safety aspect. They may be Mr Hiscock's views but they were not supported by current serving officers.

Cllr Barry Warren of Willand Parish Council asked how many people were on the Sex Offenders Register in the area. The Director of Operations responded that he did not consider this question to be appropriate and that precautions were in place, he informed Mr Warren that he considered it unnecessary to scaremonger in this way.

Cllr Warren then said referring to item 7 on the agenda that un-fencing play areas were referred to at paragraph 7.2.2 and repair would appear to be a last resort as per paragraph 7.2.3.

Paragraph 8.2 refers to a 156 page document "Play England – Making Space for Play" and paragraph 8.3 uses the words 'Fenced play areas are no longer considered best practice in play design; clearly there may be circumstances when retaining fencing is appropriate, yet the clear direction of travel is to provide unfenced play areas where there is less reliance on traditional play furniture'.

Have members had the opportunity of studying Making Space for Play in detail? Some of the research quoted is 10 years old. I have been unable to find words to mirror the aforementioned officer assertion.

On page 28 it says 'that the play environment should not be dictated or reduced by concerns about maintenance'.

On page 32 it says 'It is important to think carefully about the use of fencing, which is often installed partly to keep out dogs. Parents with young children may value fencing around play areas, but older children may be discouraged from usage, and assume that the fenced area is not for them'

Page 68 contains a section on Boundaries and Fencing and the first paragraph deals with factors which may not make fencing a good option. The second paragraph states 'on the other hand although there is no legal requirement or recommendation for fencing in industry standards, a barrier may sometimes be desirable. Parents and carers – especially of younger children – may appreciate the sense of security which a fenced boundary creates to keep their children safe from straying outside the play space or from dogs.'

Reference is made to 'industry standards' – Do Members put any great value on industry standards when it comes to the safety of our children and their protection from potential harm?

I suspect that there may be some residents of high rise flats who may have some views on 'industry standards' in relation to cladding!

We have been told that there is no policy to remove fencing from around play areas in Mid Devon in spite of it having happened.

Will Members please give real thought to refusing to adopt this section of the report and to have fencing repaired or reinstated rather than removed on what is only a cost cutting exercise?

Any decisions should only be taken after meaningful and honest consultation with the local residents who know their area. It only takes one child to wander off, be attacked by a dog or abducted to negate all the cost cutting on a few yards of fencing.

Alderman M A Lucas, referring to item 6 on the agenda highlighted that there may be a clash with agenda item 7 regarding the enclosure of primary age play-grounds as within the report there was a reference to reducing enclosures within play areas and this needed clarification.

Alderman M A Lucas, referring to item 7 on the agenda then asked if the Group would consider widening the scope of the plan to include Parish Councils, whom in my view should be included, based on the fact that certain parties within those Parishes may have land suitable for future ecological improvement, such as church yards and village halls. I ask that MDDC accept the principles contained within this report as a lead in ensuring that any future ecological requirements deemed necessary will be in place and able to manage requests. My own feeling is that

MDDC should take a lead in progressing ecological improvements throughout the district, we as a people, are at a cross roads when it comes to the planet's future and every step to improve our current situation should be made and taken. We are the guardians of the future generations to come and need to take a lead to ensure that they have a heritage.

I would like to pass congratulations to all of the teams involved regarding the introduction of wild flowers to our roundabouts and parks.

The Chairman indicated that those questions that could be answered today would be at the agenda item and those that could not be answered today would be answered in writing.

12 MINUTES OF THE PREVIOUS MEETING

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

13 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Group that as agenda item 7 may involve discussion that could inform members and aid decision making regarding the Motion at agenda item 6 he intended to take item 7 before agenda item 6.

14 COMMUNITY ENGAGEMENT PROJECT

The Group received a presentation * from officers from Devon County Council and Resource Futures.

The Officer from Devon County Council updated Members on the Waste and Recycling Advisor Contract. This contract had been agreed by the Devon Authorities Strategic Waste Committee, of which Mid Devon was a member. The contract funded 3 advisors who worked in all districts within Devon and Torbay. Approximately 10 weeks per year would be spent in Mid Devon, checking contamination, visiting low recycling households, running a social media campaign.

The Officer also outlined the Community Engagement Project which was based on an Oxfordshire initiative and was funded by Devon County Council. Its aim was to identify new and innovative ways to reduce waste and increase levels of reuse, recycling and composting by targeted communities. Tiverton had been selected as a target community for this initiative and work had been undertaken to hold a number of community vents to promote sustainable waste management such as repair cafes, community swap events and group networking events.

The officer from Resource Futures outlined the work being undertaken with Community Action Groups in Tiverton and explained their aims. A number of groups had been set up such as Grubs Up, the Tiverton Repair Cafe and Food Champions.

Discussion took place regarding:

- Communal waste collection points and the difficulty in identifying offenders;

- Areas to be targeted had been identified by crews and enforcement officers;
- Houses of multiple occupation and how site visits by officers could help with storage issues;
- The Waste Transfer Station at Carlu Close was due to open in September and from that date the amount of waste sent to Exeter for incineration would increase with waste to landfill ultimately ceasing;
- An analysis of bin contents that had taken place in 2012 and would be undertaken again to indicate what materials should be focused on;
- Tiverton was the main focus for the Community Engagement Project but good practice was being shared with neighbouring areas.
- Educational work with schools was ongoing.

The Chairman thanked the visitors for their presentations.

Note: - * Presentations attached to Minutes.

15 **PARKS AND OPEN SPACES 10-YEAR MANAGEMENT PLANS AND DESIGN PRINCIPLES**

The Group had before it a report * from the Director of Operations inviting Members to discuss potential landscape design principles for parks and open spaces.

The officer introduced the report, explaining that his intention was to bring forward a different way of approaching the management of open spaces over the coming years. The paper was intended as a means to start discussion and set out the framework for this to happen. The officer highlighted that all open spaces were subtly different and it was necessary to put some guidelines in place so that consistency was used, whilst allowing for these differences.

The officer worked through the report and discussion took place regarding:

- The importance of consultation prior to works taking place;
- The importance of the Ward Member being informed prior to work starting;
- The natural environment and the length of time it took to establish;
- Compliments on the wild flower beds that had been sown in the District on roundabouts and in parks;
- The need to have a rolling plan to enable and budget over a period of time;
- Shrub bed maintenance and the fact that they needed attention with an aim to move towards long term sustainable planting;

- Tree stock and the fact that there was a tree specialist and a dedicated tree gang within the Grounds Maintenance team;
- The built environment and a proposal to consider remove, reduce and repair as a hierarchy of questions to be used when responding to maintenance requirements;
- The need to consider facilities that needed to be provided as well as cost savings;
- A potential £400k unbudgeted cost to fence all play areas within the District.
- Cemetery work was required to ensure safety with regards to health and safety.

The officer informed Members that he considered play areas had an impact on the health and wellbeing of children and that this should be the primary decider when looking at future development. The Community PDG had specific responsibilities for health and wellbeing and it was therefore **RESOLVED** that the Community PDG be asked to discuss the paper with regard to the health and wellbeing of families using open spaces, in particular section 8 concerning play areas. The Group would debate the matter again at its meeting on 5 September and would take the views of the Community PDG into consideration when doing so.

Note: Report * previously circulated and attached to Minutes.

16 **MOTIONS FROM COUNCIL**

The following Motion had been forwarded to PDG for consideration:

Motion 537 (Cllr Mrs N Woollatt – 25 May 2017)

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.

Cllr Mrs Woollatt said ‘this Motion came about following the removal, in my ward, of two sides of a play area, leaving the area with equipment for primary age and under children no longer enclosed. Officers stated that they removed the fence because it was no longer safe and was beyond repair (it was a wooden post and chain link type fence). Officers told residents who complained that it would not be replaced as it was policy to open up play areas.

There is in fact currently no policy in place to such effect but as I discovered from talking to officers there is a proposal at item 7 on this agenda. However, you are not being asked to make a decision, just discuss, so even after your discussion of the 10 year plan there will still be no policy.

As officers seem to already be working in line with the principles suggested in the 10 year plan I think it is important that we give direction as to what we as a Council wish to see in relation to this particular issue.

I have received numerous complaints about the removal of the fencing at Culm Lea. There have been reports of dog fouling and people exercising their dogs in the play area which is not fair to the children using the area. Ball games are now a problem as children can be a nuisance in their own play area when their ball runs into the front gardens of adjacent housing, probably a matter of time before it's a window.

This play area is a short dash to the busy A373 and in the other direction access to the gate through to an open space containing the river Culm, known locally as Highbanks. It is aptly named. Which child do you look after if you have two and they go in different directions? What happens whilst your back is turned when one child falls off the swing and has your attention? We all know what mischief little ones can get up to when our back is turned, at least in an enclosed play area they are safe. Some people have stopped using this play area because it is no longer enclosed.

The Play England report suggests increasing play value by opening up play areas in suitable locations. Whilst that may be true for older children who need less supervision, for younger children such play areas result in less freedom for them as carers will need to more carefully supervise them. Carers, parents and grandparents cannot relax as they need to remain hypervigilant.

Sadly it is clear from the report at item 7 that the motives behind the proposal not to replace fencing which has come to the end of its life is more about money than improving play value. Is it acceptable to compromise the safety of our young children to manage budgets? For that reason and the other problems which have occurred following this approach at Culm Lea I consider any play area containing equipment for pre-school and primary age children should be enclosed, I therefore ask the Committee to support my motion and recommend to the Council that the policy I propose is adopted. I have received emails of support from Sampford Peverell Parish Council and residents from Willand."

Discussion took place regarding:

- Other play areas in the District that were not fenced;
- The differing requirements depending on the age of the children using the play area;
- Whether or not it was appropriate to consider fencing areas not currently fenced or whether it would be better to propose that existing areas with fencing were kept and new play areas were fenced;
- Section 106 monies that were in place to bring forward design for the Culm Lea play area, meaning that the Culm Lea issue had been addressed;
- The fact that the Group had already asked the Community PDG for their views on this matter.

Following discussion Cllr Woollatt agreed to amend her Motion to say 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 **and are currently enclosed remain enclosed and that new facilities be enclosed**, to facilitate the health and safety of its young users.'

It was **RECOMMENDED** to Council that Motion 537 not be supported.

(Proposed by the Chairman)

Note: - (i) A proposal to support the Motion was not supported.

(ii) Cllrs Letch and Wright asked that their vote in support of the Motion be recorded.

(ii) A request from the Chairman that Cllr Woollatt defer her Motion until such time that the Community PDG had discussed the Parks and Open Spaces Plan was declined.

Motion 538 (Cllr Mrs J Roach – 1 June 2017)

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

That 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.

Cllr Roach explained that she had put this Motion forward because every time she went out and about in her local area she was approached by members of the public who wanted to complain about the grass and the lack of cutting. It was now July and only two cuts had taken place in Silverton. On communal land which was used by dog walkers there was a problem with ticks and picking up dogs mess in the long grass was difficult. Cllr Roach circulated some photographs of the grass.

Cllr Roach raised the issue of different areas of land being the responsibility of different councils and the possibility of asset transfer. Cllr Roach informed the Group that she always attended 'Estate Walkabouts' with Tenancy Officers and had known of letters being sent to tenants who let their grass grow too long.

Cllr Mrs Roach indicated that she would be happy to defer her Motion to the next meeting to allow officers time to respond to her observations.

It was **AGREED** that a report regarding the current grass cutting situation and what could be done differently in the future to improve the service be prepared for the next meeting, along with a review of the transfer of costs from the Housing Revenue Account for work undertaken by the Grounds Maintenance Service for grass cutting and clarification of the Service Level Agreement. The Head of Finance, Assets and Resources reminded Members that any additional funding for grass cutting might result in difficult choices elsewhere within the budget.

It was **RESOLVED** that Motion 538 be deferred to the next meeting of the Group for further information.

17 REVENUE AND CAPITAL OUTTURN 2016/17

The Group had before it and **NOTED** a report * from the Director of Finance, Assets and Resources, regarding the Revenue and Capital Outturn 2016/17.

The officer 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.

The officer highlighted Waste Services which showed an overspend of £92k but during that period had moved operations to the new site at Carlu Close. A shared landfill arrangement and the financial benefit of collecting more recyclable material had helped to reduce the overspend. Recycling performance was currently at around 53%.

Discussion took place regarding:

- Trade waste collections and the increase in landfill tax;
- Trade recycling was now offered to 85% of trade waste customers;
- The multi-story car park had not reached its budget target but had increased income by 30% on the previous year.

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

18 PERFORMANCE AND RISK

The Group had before it and **NOTED** a report * from the Audit Team Leader providing Members with an update on performance against the corporate plan and local service targets for 2017-18 as well as providing an update on the key business risks.

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

- The number of households using the garden waste collection service and the work being undertaken to market the service;
- The financial benefits of collecting less waste for landfill and more recycling;

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

19 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS

Motion 538

Parks and Open Spaces 10-Year Management Plans and Design Principles
Performance and Risk
Financial Monitoring
Grass Cutting Review
Review of HRA payment for Grass Cutting

(The meeting ended at 4.42 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 18 July 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

Officers

Claire Fry (Housing Services Manager), Simon Newcombe (Public Health and Professional Services Manager), Catherine Yandle (Internal Audit Team Leader), Roderick Hewson (Principal Accountant), Stephen Bennett (Building Surveyor) and Sarah Lees (Member Services Officer)

14 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies for absence.

15 **PUBLIC QUESTION TIME**

No members of the public were present.

16 **MINUTES**

The minutes of the meeting held on 23 May 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

17 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- The Scrutiny Committee had formed a Working Group looking into Homelessness. They had recently had their first meeting where it was requested that a Member from the Homes PDG be invited to join the group since this was a shared area of interest. It was **AGREED** that Cllr Mrs G Doe would join the Working Group.
- He reminded the Group that following the next meeting on 12 September 2017 there would be an informal meeting of the Group with the Director of Operations and lead officers to discuss the approach to developing policy going forwards.

18 **REVIEW OF THE HOUSING SERVICE FIRE RISK IN COMMUNAL AREA POLICY (00:05:35)**

The Group had before it a report * from the Housing Services Manager reviewing the Fire Risk in Communal Areas policy. The contents of the report were outlined with

the officer stating the policy had been due for review and it had been coincidental that this had coincided with the recent Grenfell Tower disaster.

The following was highlighted within the report:

- In recent months there had been several incidents in one of the Council's schemes which had involved the Devon Fire and Rescue Service. As a result of these they had assisted with a review of the Council's fire prevention policy and procedures. They had been content with the policy but had suggested some further improvements mainly around the area of fire risk assessments. In addition to this there had been suggestions from other colleagues in the Public Health and Environmental Health areas.
- A system of fire risk assessments were now in place taking into consideration such issues as sight problems and English not being a first language. These were regularly reassessed to reflect the needs of the tenants living in a property at any one time.
- Since the Grenfell Tower disaster the Council had received a number of Freedom of Information requests relating to fire safety.

Consideration was given to the following:

- Ward Members were being kept informed when incidents of fire happened.
- There was now a zero tolerance policy with regard to anything being left in communal areas. This included mobility scooters which housed combustible batteries and needed to be stored in alternative locations.
- Social media was a very useful tool for informing tenants about fire safety and a regular newsletter in hard copy was sent to all tenants.
- There was increased signage in relation to fire throughout all Council owned blocks.
- Alleyways also needed to be kept clear but this was a difficult area since sometimes an alleyway formed part of someone's tenancy.
- The Housing Service worked with the Fire Service to offer home fire safety checks.

RECOMMENDED to the Cabinet that the revised Fire Risk in Communal Areas Policy be amended to include a reference to the fact that the Private Sector Housing lead officer had been consulted and that the revised policy as amended be approved.

(Proposed by Councillor Mrs H Bainbridge and seconded by Mrs G Doe)

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

19 **PRIVATE SECTOR HOUSING FEES AND CHARGES - CIVIL PENALTIES (00:22:30)**

The Group had before it a report * from the Public Health and Professional Services Manager updating Members with the proposed civil penalty fines for Housing Act 2004 offences as an alternative to prosecution, as discussed in the fees and charges paper of 14th March 2017.

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

- Section 126 and schedule 9 of the Housing and planning Act 2016 came into force on 6 April 2017. These provisions gave the Council as the local housing authority the power to issue a financial penalty for certain housing offences as an alternative to prosecution.
- The policy set out the proposed rationale for determining when to pursue prosecution and when to apply a civil penalty.
- The Group were referred to the table showing three categories of landlord and the different categories of offences and fines within that. The lowest fine would be £750 and the maximum under the legislation would be £30,000.
- There was a provision under the legislation for the Council to use the newly created register of rogue landlords and it was proposed this would be the case where a landlord had received two or more civil penalties in a specified period.

Discussion took place regarding:

- What powers did the Council have if a landlord denied responsibility for a poor standard of housing? It was explained that an improvement notice could be served but it would need to be established that the tenant had first tried to resolve the matter with the landlord and had put their complaint in writing. Often the threat of enforcement action, including a civil penalty in the future would be enough to secure an improvement.
- All enforcement and legal work in relation to these matters was undertaken in-house.
- It was confirmed that any income received by way of civil penalties did not go back into a general pot within the General Fund but instead was ring-fenced for use in the future enforcement of private sector housing standards.
- Debt would be recovered by bailiffs if over a certain amount.
- The decision on whether to use civil penalty powers (and to what extent) or to seek a prosecution would be made by the Service Manager or Director in conjunction with legal services.

RECOMMENDED to the Cabinet that the proposed civil penalties approach and the fines as set out in the report be approved.

(Proposed by Cllr R J Dolley and seconded by Cllr Mrs G Doe)

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

20 **FUEL POVERTY UPDATE (00:41:38)**

The group had before it, and **NOTED**, a briefing paper * from the Public Health and Professional Services Manager providing an update on the Fuel Poverty Strategy and initiatives for residents in Mid Devon.

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

- Mid Devon had a higher than average number of people living in fuel poverty who were unable to keep their homes warm at a reasonable cost. It was felt that this was systematic of the fact that Mid Devon was a rural area and had a

mild temperate climate. There was a preference for open fires, fresh air and there was a low turnover of properties meaning less home upgrades.

- The Home Energy Conservation Act 1995 (HECA) required local authorities to produce a plan to achieve improved home energy efficiency.
- Common health conditions caused by fuel poverty included a wide range of both physical and mental health impacts. Fuel poverty was also socially excluding as often people were less mobile because they were trying to keep themselves warm and less likely to invite people into their home.
- The Council together with the County Council and all other non-unitary councils worked in partnership with the Cosy Devon (E-On) who were part of the Government backed ECO scheme. If a resident was on income related benefits they could also be eligible for free loft insulation, free cavity wall insulation or a replacement boiler.
- There was also a local energy advice programme which could help with such issues as draft proofing or radiator foils. There was also the option of a low cost Wessex loan.
- Implementation of the energy switching scheme was now well advanced and under final contract review.

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

21 **UPDATE ON THE WESSEX SCHEME (00:58:40)**

The Public Health and Professional Services Manager provided the Group with a verbal update in relation to the Wessex scheme, this included the following:

- The recent pilot had been very successful with a large increase in the uptake of loans.
- Approval time had been reduced to 8 weeks on average. This had been a significant factor in the increased take up of loans since previously some people had dropped out of the system because it had taken too long.
- An approach had been made to Devon County Council for some funding under the Home Assistance Scheme and the Council had been successful in receiving £100k to put into the Wessex Scheme.
- Increased advertising and drop in sessions, as well as working with partner agencies such as Age UK, had also helped to promote the scheme.
- A new contract would be drawn up between the Council and Wessex once negotiations regarding the terms had been completed.

A further update would be brought to the next meeting.

22 **PERFORMANCE AND RISK REPORT FOR 2017-18 (01:05:12)**

The Group had before it, and **NOTED**, a report * from the Director of Operations providing Members with an update on performance against the Corporate Plan and local service targets for 2017/18 as well as providing an update on the key business risks. It was explained that there were now clearer links to the Corporate Plan aims within the report.

Discussion took place regarding:

- Percentage of Properties with a Valid Gas Safety Certificate (LGSR): MDDC had been extending the mains gas network via the modernisation contract. The Gas Administrator had carried out reconciliation of known and expected properties with gas supplies and had discovered 3 expired LGSRs because the addresses had not been added to the contract after a new supply was installed. The servicing of these properties was prioritised and LGSRs subsequently issued (7/06/2017).
- The physical and mental well-being of officers had been identified as a medium risk. It was confirmed by the Housing Services Manager that in her profession housing officers were quite often subjected to verbal abuse. This was to some extent inevitable given housing officers made home visits to people sometimes living in crisis, or having alcohol or drug related problems. It was important to be alert to the fact that officers working on the front line had the potential to be working under a lot of stress. As a way of mitigating this it was explained that there were a lot of opportunities for officers to 'let off steam' as well as a counselling scheme and work based coaches.

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

23 **REVENUE AND CAPITAL OUTTURN 2016/17 (01:13:55)**

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

The key messages within the report were as follows:

- The General Fund had finished the financial year with a small surplus of £30k
- The balance on the Housing Revenue Account had not moved and remained at £2m.
- The money in the housing maintenance fund helped to fund the 30 year plan for major works such as the replacement of roofs, boilers and heating systems.
- There had been a reduction in staff costs within the housing and tenancy teams.

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

24 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:20:00)**

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

- Update on the Wessex Scheme

(The meeting ended at 3.35 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 13 July 2017 at 5.30 pm

Present

Councillors Mrs A R Berry, Mrs C Collis, R Evans,
S G Flaws and F J Rosamond

Apology

Councillor Mrs B M Hull

Also Present

Councillor R J Chesterton

Also Present

Officers Stephen Walford (Chief Executive), Adrian Welsh (Group Manager Growth, Economy and Delivery), John Bodley-Scott (Economic Development Team Leader), Catherine Yandle (Internal Audit Team Leader), Roderick Hewson (Principal Accountant) and Sarah Lees (Member Services Officer)

17 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Mrs B M Hull.

The Vice Chairman, Councillor R Evans, chaired the meeting.

18 PUBLIC QUESTION TIME

There were no members of the public present.

19 MINUTES

The minutes of the meeting held on 18 May 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

20 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) There would be an informal meeting of the Group on Thursday 20 July at 5.30pm with the Director and lead officers to discuss the future approach to policy development.
- b) He introduced Adrian Welsh who had recently been appointed as Group Manager for Growth, Economy and Delivery. Mr Welsh explained that, following a reorganisation of the service and taking into account recent reviews to ensure service improvement, there would be a greater emphasis on delivery going forwards. It was further explained that John Bodley-Scott, who

was now the Economic Development Team Leader and Chris Shears, the Economic Development Officer, would continue to attend future Group meetings.

- c) Since this Group met in the evenings and following a suggestion from the Chief Executive, it was **AGREED** that future finance and performance and risk reports should be first on the agenda in future to avoid the officers presenting them having to stay late into the evening.

21 MID DEVON ATTRACTIONS ASSOCIATION

Mr Phil Brind from the Mid Devon Attractions Association attended the meeting to provide a presentation on the background to the organisation and its future aspirations.

The following was reported:

- He was the proprietor of one of the last horse drawn barges in the country and he was proud of it being a successful tourist attraction. However, he had felt deep frustration at Mid Devon not being marketed as a valuable tourist destination whilst other districts within Devon had strong brands.
- He had initially joined the Heart of Devon group but had felt that this was very Exeter centric. He was now Chairman of the Mid Devon Attractions Association (MDAA) which had a large membership of stake-holders including local attractions providers such as Knightshayes. The establishment of this group had been helped by funding from the TAP (Town and Parish) fund for which he was extremely grateful.
- A Visit Devon website was now up and running with links to a large number of tourist attractions within Mid Devon. This was still in the developmental stage and would be improved upon as time progressed.
- Social media and web content was very important and the MDAA were going to work hard to organise and promote themed events such as a possible Mid Devon raft race.
- Partnership working was of paramount importance especially with partners such as Petroc who had experience in trying to attract students and businesses to the locality.
- It was hoped that a branding for Mid Devon would form a large part of phase 2 since this was currently missing.
- The services of Amy Dugard, the Growth and Regeneration Officer, had been vital in getting the Association up and running. They were extremely grateful for her creative and strategic thinking. She had proved a crucial link.
- Support was still very much needed in terms of funding and partnership working across all the stakeholder groups to get the Mid Devon Brand up and running.

Discussion took place regarding:

- The Visit Devon website and having to click on the 'Explore' button rather than seeing something immediately pop up about Mid Devon on the front page. It was explained that these were skeleton pages at the moment displaying minimum information but with input from all the interested organisations this would be improved.

- Existing residents within Mid Devon also needed to appreciate the benefits of living in in such a beautiful locality with all that it had to offer, not just tourists visiting the area.

The Chairman thanked Mr Brind for his passionate and informative presentation which had provoked a lot of thought.

22 TOURISM INITIATIVES

The Economic Development Team Leader provided the following update on various tourism initiatives:

- As explained in the previous item the Visit Devon website had now gone live and suggestions for improvements had already been submitted. A free listing for 400 businesses had managed to be secured. The attractions were only one element, accommodation, food and drink and the natural beauty of the Mid Devon countryside also needed to be strongly promoted.
- A bid to the LEADER funding programme had been submitted and by November the Council would know whether or not it had been successful.
- The deadline for the Destination Management Plan consultation had been extended to the end of July. Feedback would also be sought from the Tiverton Hotel and Petroc and this would inform the action plan which would come back to the Group for consideration at the next meeting.
- A Branding for Mid Devon would need to be put forward as a partnership strategy and the Council would need to be key players in any approval process.

23 PERFORMANCE AND RISK

The Group had before it, and **NOTED**, a report from the Director of Growth and Chief Executive providing Members with an update on performance against the Corporate Plan and local service targets for 2017/18 as well as providing an update on the key business risks.

It was explained that the 'return on commercial portfolio' had been identified as a new measure under the Economy area and would provide useful information going forwards.

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

24 REVENUE AND CAPITAL OUTTURN 2016/17

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

The closing cash position on both the General Fund and the Housing Revenue Account was explained. Reference was also made to the Market Walk and Fore Street Shops, Tiverton. The return on investment had dropped slightly compared to 2015/16 (4.5%) due to an increase in vacant units during 2016/17. The net income for the year was showing as £172k.

A brief discussion took place regarding the capital programme and the need to strike a balance between putting projects forward and having a realistic time frame.

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

25 **MILLS PROJECT**

The Economic Development Team Leader provided the Group with an update on the recent Mills Projects which included the following:

- An outline application was about to be submitted to the European Structural and Investment Fund. If approved it would need a full application. If successful this would significantly aid future development of the Tiverton Weir, Thorverton Weir and Flock Mill. Tiverton Weir could potentially produce enough energy to cover the energy costs of Phoenix House and provide electric car points in the town. Thorverton Mill was one of the biggest mills in Devon and could potentially house 30 business units. Without significant funding the cost was currently prohibitive.
- Projects were very dependent on working well with partners such as South West Water and Exeter University. Other partners working in river management were also of vital importance.

Consideration was given to:

- Maximising the opportunity to link in with tourism, for example, allowing visitors to view the internal workings of a water mill.
- Potentially all of the money applied for could be awarded or just a small part of it.

26 **ECONOMIC DEVELOPMENT SERVICE UPDATE**

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

This included the following:

- The commercialisation project was gaining significant interest from across the UK.
- The Economic Development Team had been working closely with the Planning team over issues arising at Lowman Works which was the industrial site adjacent to TESCO in Tiverton.
- Recently the team had been asked to provide an article for the Western Morning News Annual Business Guide which listed the top 150 companies in Mid Devon. It was suggested that it might be worth while doing an exercise to compare such data across other districts within Devon such as Teignbridge.

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

27 **GROWTH, ECONOMY & DELIVERY BUSINESS PLAN 2017-18**

The Group had before it, and **NOTED**, a report * from the Director for Growth and Chief Executive informing Members of the updated service plan for 2017-18

Consideration was given to the following:

- The development of an Economic Strategy would be an important priority for this Group and would require full Member involvement. This would be discussed at the forthcoming informal meeting.
- Master planning exercises in each of the three major towns would be an important objective going forwards.
- It was confirmed that there was enough land allocated within Mid Devon for business growth but some of it may not be suitable for requirements.
- A Heritage bid for Cullompton would need to be submitted again later this year which might help to address the concerns regarding the number of empty shops. Vacant shop grants were also available. The situation could also be helped by a relief road which would improve air quality and the current planning aspirations for future development of the garden village.
- Plans for a railway station in Cullompton were progressing well with local MP's, councils and the rail industry having had a recent successful meeting.
- The recent Electric Nights events had done a lot to raise the profile of the market. The events did not raise any money for the Council but were perceived to have important additional value and benefits. The events brought a different demographic to the town and this needed to be maintained.

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

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

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

- Performance and Risk

(The meeting ended at 7.20 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COMMUNITY POLICY DEVELOPMENT GROUP**
held on 1 August 2017 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

Mrs E M Andrews

Also Present

Councillor(s)

R F Radford and C R Slade

Also Present

Officer(s):

Jill May (Director of Corporate Affairs and Business Transformation), Andrew Pritchard (Director of Operations), Rob Fish (Principal Accountant), Catherine Yandle (Internal Audit Team Leader), Kevin Swift (Public Health Officer) and Julia Stuckey (Member Services Officer)

13 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E M Andrews. Members of the Group asked that their best wishes be sent to Cllr Mrs Andrews who was celebrating her 90th Birthday.

14 PUBLIC QUESTION TIME

There were no members of the public present.

15 MINUTES OF THE PREVIOUS MEETING

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

16 CHAIRMANS ANNOUNCEMENTS

The Chairman reminded Members that the next meeting of the Group would be held at Crediton.

The Chairman explained that an informal meeting (workshop) had been put in place for Monday 21st August at which Members were invited to bring ideas for future agenda items. The implementation of this workshop followed the Peer Review and a paper from the Chief Executive in which it was proposed that Members be more involved in making policy.

17 PARKS AND OPEN SPACES 10-YEAR MANAGEMENT PLANS AND DESIGN PRINCIPLES

At its meeting on the 11 July 2017 the Environment PDG had before it a discussion paper regarding parks and open spaces. The Group resolved to ask the Community PDG to discuss the paper with regard to the health and wellbeing of families using open spaces, in particular to section 8 concerning play areas. The Environment PDG would debate the matter again at its meeting on 5 September and would take the views of the Community PDG into consideration when so doing.

The Director of Operations explained that the report * the Group had before it had been produced as a discussion paper to enable the formulation of policy for open spaces over the next 10 years. The Environment PDG had asked the Group to give particular consideration to the built environment which included areas such as pathways, benches and play areas. The officer stressed that the health, safety and wellbeing of children was of paramount importance and for example in the case of fencing around play areas, would always be replaced if required for those reasons. The officer also asked Members to consider whether or not the Play England document referred to within the report should be used as a reference point.

Discussion took place regarding:

- Assurance that when necessary for health, safety and wellbeing reasons play areas would continue to be fenced;
- Concerns regarding a specific play area which would be addressed outside of the meeting;
- The importance of consultation prior to works being undertaken in open spaces and parks;
- When items such as fencing or benches were removed the area must be left in a safe state;
- The use of wild flowers and indigenous trees;
- The fact that it was sometimes necessary to remove trees if they were in the wrong location and a request for replacement trees to be planted elsewhere when this happened;
- Headstone runners at the cemeteries and the fact that these would prevent health and safety issues regarding headstones.

It was **RESOLVED** that the Environment PDG be asked to ensure that the Parks and Open Spaces 10 Year Management Plan be clear that:

- a) Play areas must be fenced when necessary for health and safety reasons, as the health, safety and wellbeing of children was of paramount importance:
- b) Play England criteria be used;

- c) When work was undertaken to remove fences or other items such as benches, the work must be undertaken safely and no hazards left:
- d) That communication and clear consultation must take place with all parties being updated.

(Proposed by Chairman)

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

18 **PERFORMANCE AND RISK**

The Group had before it and **NOTED** a report * from the Director of Corporate Affairs & Business Transformation, providing Members with an update on performance against the Corporate Plan and local service targets for 2017-18 as well as providing an update on the key business risks.

The Audit Team Leader informed Members that the number of performance indicators for the area within the remit of the Group had reduced and asked that they let her know if there were any areas that they would like further information for in future.

Performance indicators for Leisure Services had been removed from the report. The Director of Operations explained that this was due to the commercial sensitivity of the information provided. It was **AGREED** that in future the performance indicators for Leisure would be provided in Part II to allow Members to review performance without risk to the Leisure business.

Discussion took place regarding:

- The plant rooms at the Leisure Centres and the level of risk;
- Potential car parking overcrowding at leisure centres and measures that had been put in place to prevent inappropriate parking in disabled bays, mother and baby bays and on yellow lines;
- Whether the hoped for success of the extension at Exe Valley could result in further parking issues.

Consideration was given to the need to look at other means of promoting health and wellbeing, which was a Corporate Aim, as well as by use of the Leisure Centres. It was **AGREED** that the Audit Team Leader be tasked to provide a performance indicator regarding other methods of improving health and wellbeing within the District.

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

19 **REVENUE AND CAPITAL OUTTURN 2016/17**

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

The Principal Accountant informed Members that the annual accounts had been presented to the Audit Committee on 17 July, and that the authority was amongst the first in the country to do so. The accounts team were dependant on the entire organisation providing timely information in order for this to happen.

The officer informed the Group that both the General Fund and the Housing Revenue Account were under budget at year end. He highlighted collection rates which were good and informed Members that reserves had been increased in order to provide a buffer for future uncertainty.

Areas within the remit of the group with significant variances included Planning and Regeneration which held a favourable position of £390k. This was mainly due to successful grant applications and those funds had been placed in earmarked reserves for future spend. Revenues and Benefits showed a favourable variance, mainly due to effective recovery of overpayments and Government subsidy. Leisure Services showed an adverse variance, as had been indicated throughout the year by means of financial monitoring, mainly due to the management restructure and a challenging income budget.

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

20 TRIM TRAILS

The Public Health Officer provided a verbal update regarding progress with trim trails.

The officer informed Members that he had been in discussion with the Planning Service and had an agreement in principle that funding would be allocated for a Trim Trail in Tiverton. The intention was to start with one Trim Trail to allow for assessment of usage and suitability of equipment.

Initial plans were to site a couple of pieces of equipment in each of the Tiverton parks, Westexe, Amory, Peoples and the Canal, creating a loop to the Leisure Centre. The Trail needed to be accessible and appropriate for all age and ability groups to use.

Discussion took place regarding:

- Placing of the trail and ensuring it was accessible as well as not being so public that people would feel uncomfortable using it;
- The possibility that the public would use the equipment rather than join the gym and the implications for the Leisure Service;
- Trim Trails were within the Conservative Manifesto from the last election. It was intended that they would be throughout the district but Tiverton was being used as an initial trial;
- Basic equipment would not involve expensive maintenance in the way that equipment with moving parts would;
- Other areas that already had trim trails.

The officer would report the progress of this project to future meetings of the Group.

21 **DEVON DISTRICT COUNCIL'S JOINT SAFEGUARDING POLICY AND MDDC GUIDANCE AND PROCEDURES**

The Group had before it a report* from the Director of Corporate Affairs & Business Transformation and Corporate Safeguarding Lead Officer updating Members on the Joint Devon District Wide Safeguarding Policy along with MDDC guidance and procedures.

The Director explained that the Lead Safeguarding Officer had been working with the Devon Districts to review the adopted joint Devon Safeguarding Policy.

The Lead Safeguarding Officer informed Members that the MDDC guidance and procedures for Safeguarding Children and Adults at Risk had been updated. The policy had been amended to include new information in terms of Child Exploitation and Online Protection, Radicalisation and Prevent.

The officer explained the actions that had been taken to increase awareness of the Safeguarding Policy.

It was **RECOMMENDED** that Cabinet approve the Devon District Councils joint Safeguarding Policy (Appendix A) and the MDDC guidance and procedures (Appendix B).

(Proposed by the Chairman)

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

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

Customer Services and the impact of closing surgeries at Cullompton and Crediton
Financial Monitoring
Performance and Risk
Air Quality
Community Engagement Strategy
Gypsy and Traveller Policy
Town and Parish Charter

(The meeting ended at 3.36 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 12 July 2017 at 2.15 pm

Present

Councillors

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

Apology

Councillor

R L Stanley

Also Present

Councillor

Mrs N Woollatt

Present

Officers

Lucy Hodgson (Area Planning Officer), Tina
Maryan (Area Planning Officer), Alison Fish
(Area Planning Officer), Daniel Rance
(Principal Planning Officer) and Sarah Lees
(Member Services Officer)

27 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R L Stanley who was substituted by Cllr Mrs G Doe.

28 PUBLIC QUESTION TIME

There were no questions from the public present.

29 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 14 June 2017 were approved as a correct record and **SIGNED** by the Chairman.

30 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

31 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

32 THE PLANS LIST (00:03:30)

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 (***17/00034/FULL - Retention of slurry lagoon at Land at NGR 276429 99746 (Adjacent to Mardles Gate), Brocks Cross, Colebrooke***).

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan, the proximity of the lagoon to the buildings on the site, photographs taken at various angles, perimeter planting and the adjacent lane.

Consideration was given to the fact that the lagoon, whilst it met with regulations, had not been lined and that the domestic property was only 40 metres away which was not deemed to be acceptable.

RESOLVED that planning permission be refused by reason of its scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants by way of odour.

(Proposed by Cllr P J Heal and seconded by Cllr Mrs H Bainbridge)

Notes:

- (i) Councillor J D Squire spoke as the Ward Member;
- (ii) The following late information was reported:

17/00034/FULL – Retention of slurry lagoon at Land (adjacent to Mardles Gate) Brocks Cross, Colebrook, Devon

Page 3: Since the report was issued a letter (dated 5th July) has been received by an agent acting for the applicant: The letter confirms the following information in relation to the application:

- 1. The Slurry lagoon is to serve the a dairy farm which is 130 hectares (currently accommodating 250 milking cows).

The site was chosen as it is considered by the applicant that it has the following locational advantages:

- 1. It will allow for direct pumping from the reception pit in the nearby farmyard to the lagoon thus reducing transport movements. Note this is not how the slurry has been transported to date.
- 2. The slurry can be pumped from the lagoon using a umbilical cord arrangement and therefore further reduce movements.
- 3. The location has been chosen away from any water courses and therefore will minimise any incidents of pollution.
- 4. New planting will assist with screening of the unauthorised development.
- 5. The facility has Environment Agency (EA) approval.

10th July 2017

Officer Comment: this further information does not affect the officer recommendation as set out in the report.

Page 5 and 8:

Since the report was drafted the EA has confirmed in a letter to the applicant that the development as it has been constructed meets the requirements of the SAFFO regulations 2010.

Page 4: For the avoidance of doubt and to clarify the drafting in the report under comments from the Environmental Protection Officer.

The boundary of the unauthorised development is approximately 40 metres from the garden boundary of Mardles Gate, and given the separation distance the EPO is unconvinced that a cover would address the odour concerns arising from the development distance.

Page 8: For clarification at point 6 the report sets out a specific strategy for enforcement action should the application be refused by the planning committee. Any subsequent enforcement action that is necessary following consideration of the application by the committee will in fact be subject to a further report to committee.

Page 9 the drafting the reason for refusal has been mis typed , and should read as follows:

The slurry lagoon and surround earth bank surrounding, by reason of its scale and siting in close proximity to the neighbouring properties at Mardles Gate and Manor Croft is considered to adversely affect the residential amenity and the living conditions of these neighbouring occupants by way of odour nuisance, air quality impact and the creation of an un-neighbourly impact, contrary to Policies DM2, DM7 and DM22 of Mid Devon Local Plan part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

- (b) No. 2 on the Plans List ***(17/00129/OUT - Outline for the erection of a dwelling with access at Land and Buildings at NGR 300985 112877, Between 36 and 42 High Street, Halberton).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the location of the site, the new proposed access, the visibility splay, the proposal to reconstruct the wall behind the visibility splay and lower the ground to provide a shelf between the relocated wall and road within which ground levels were lowered to 600mm to provide the visibility splay. The officer also referred to the fact that a unilateral undertaking and financial contribution towards the provision of public open space had been received and that an updated consultation response had been received from Halberton Parish Council.

Consideration was given to:

- The current traffic congestion within Halberton.
- The proposed access being in a difficult position.

- The location being in a distinctive part of the village.
- The loss of the wall.
- Previous planning permission had been given against conservation advice.
- The value of open green space within the village.

RESOLVED that planning permission refused based upon the following reasons:

1. The site is identified as a visually important open space within the Halberton Conservation Area Appraisal and Management Plan adopted by the Local Authority on 29th March 2006. It is considered by the Local Planning Authority that this open area, one of a number of such spaces elevated above the road, retained by a stone wall and lying between groups of cottages along the northern side of High Street, is integral to the character of this part of the village. Consequently, the proposed development which would result in the loss of the significant section of the rubble stone wall and the loss of open space within the street would in the opinion of the Local Planning Authority cause a high level of less than substantial harm to the character and appearance of the Conservation Area that is not outweighed by the public benefit, contrary to policies COR2 of the Mid Devon Core Strategy (Local Plan Part 1), DM2 and DM27 of the Local Plan 3 Development Management Policies and the National Planning Policy Framework.
2. No assessment has been made of the potential land contamination risks on the site and the status of the site in terms of land contamination and risks to future users of the site is unknown. This is not considered to be consistent with the introduction of a new sensitive/vulnerable land use where the history of the use of the site is not known, contrary to policy DM7 of the Local Plan 3 Development Management Policies.

(Proposed by Cllr Mrs H Bainbridge and seconded by Cllr B A Moore)

Notes:

- (i) Councillor R F Radford declared a disclosable pecuniary interest as he owned the land almost adjacent to the site and knew the applicant. He left the meeting for the duration of the item;
- (ii) Councillor R J Dolley declared a personal interest as he knew the applicant and used to graze cattle in the field behind the site;
- (iii) Mr Alex Sebbinger spoke as the agent for the application.
- (iv) Councillor R J Dolley requested that his abstention from voting be recorded.
- (v) The following late information was reported:

10th July 2017

Unilateral undertaking and financial contribution towards the provision of public open space now received.

12th July 2017

Halberton Parish Council

I am just writing to confirm Halberton Parish Council's formal response to this application is:

The Council's objection to this application is unchanged on the grounds of access on to High Street, over burdening on the roadside wall, height, visual intrusion and over-looking other properties. It is unclear what revisions have been made to the plan and the plans appear to be inaccurate with regard to the elevation of the site. The Council requests this application be called-in.

- (c) No. 3 on the Plans List **(17/00617/MFUL - Erection of a commercial unit (1180sqm) following demolition of 2 existing units at Hartnoll Business Centre, Hartnoll Farm, Tiverton.**

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation:

- The site location plan.
- The proposed access points.
- The height of the proposed building being slightly higher than the existing buildings.
- Side elevations and roof plans.
- Proposed improvements to the parking area providing a better traffic flow.
- Photographs of the buildings to be removed.
- Views taken of the site from the canal.

Consideration was given to:

- The new building would allow for the relocation of a successful, world leading, Tiverton firm, employing skilled local people.
- There would be some soundproofing and all work would be carried out within the building.
- The planting around the site was maturing and would further screen the building in question as time progressed.
- The possible future increase in trade and the resulting increase in traffic movements.

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 Mrs C Collis)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire made declarations in accordance with Protocol of Good Practice for Councillors Dealing in Planning Matters as they had all received correspondence from an objector.

- (ii) Councillors D J Knowles and R F Radford declared personal interests as they knew Mr Clapp.
- (iii) Councillor Mrs F J Colthorpe declared a personal interest as she had once attended a party where Mr Clapp had been present.
- (iv) The following late information was reported:

10th July 2017

Further objections have been received since the report was written, however the contents of such objections have already been considered in the report.

- (d) No. 4 on the Plans List (***17/00792/FULL - Erection of 2 dwellings at Land at NGR 302323 107962, Adjacent to 75 Head Weir Road, Cullompton***).

The Principal Planning Officer outlined the contents of the report highlighting by way of presentation the site location, drawings of the proposed dwellings, current photographs of the open space, the proposed pathway, the current street scene. He stated that the Highways Authority had not raised any concerns in relation to the access. There was currently a mixture of properties in the locality in terms of size and finish. The proposed dwellings would be more modern in appearance with wooden cladding to the upper sections. It was anticipated that the dwellings would be placed on the open market and not allocated for social housing.

Discussion took place regarding:

- There had not been any public consultation on the open space although neighbours had been notified along with the advert and site notice.
- Whether the assessment of the site as being 'surplus to requirements' had been thorough enough.
- The value of public open space.
- Possible anti-social behaviour which might be encouraged by narrow alleyways.
- A precedent being set by building on small parcels of land and losing public open space.

RESOLVED that a decision in relation to the granting of planning permission be deferred to allow for a site visit to take place by the Planning Working Group in order to consider the setting of the open space and to allow for evidence to be brought forward to support the assertion that the open space is surplus to requirements.

(Proposed by Cllr D J Knowles and seconded by Cllr R J Dolley)

Notes:

- (i) Councillor D J Knowles declared a personal interest as he knew Mr N Quinn who had registered to speak as an objector.
- (ii) Mr N Quinn spoke in objection.
- (iii) Councillor Mrs N Woollatt spoke as Ward Member.

(iv) Councillors Mrs F J Colthorpe, P J Heal and J D Squire requested that their vote against the decision be recorded.

(v) The following late information was reported:

10th July 2017

The proposed allocation of open space funding for this site has been assigned to the Tufty park Fund, although there are two open space sites closer to the subject properties, Therefore following discussions with Cullompton Town Council and the Local ward Member it is considered that the funding should be allocated to Head weir Road and or Linear Park rather than Tufty park.

As Payment is still to be received this can be amended by the resubmitting the Unilateral undertaking with the appropriate open space allocation.

- (e) No. 5 on the Plans list ***(17/00854/OUT - Outline for the erection of a dwelling at Land at NGR 306965 114496 (2 Appledore Court), Burlescombe, Devon).***

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location, photographs showing the layout of the site in relation to neighbouring buildings, access arrangements, parking facilities and the road layout in the immediate vicinity.

Consideration was given to:

- Reference within the Local Plan to the fact that certain areas within the countryside would allow for sustainable development, however, it was the officers view that there were limited facilities within the locality and a limited bus service meaning that the occupants of the new dwelling would be likely to need a vehicle.
- Differing views as to what constituted as a limited bus service.
- Uffculme being within walking distance for able bodied people.
- Previous permission to allow the pre-existing building on the site to be converted from a pub to a domestic dwelling.

RESOLVED that planning permission be refused for the following reason:

The site is located in the countryside where national and local planning policy and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances such as the essential need for a rural workers dwelling. No information has been submitted to demonstrate there are any such special circumstances. The Local Planning Authority have considered the shortfall in housing land supply does not override all other considerations. In this instance, the harm that has been identified in providing residential development in an unsustainable location significantly and demonstrably outweighs the benefits that would be derived from the scheme. The proposal would not satisfy the environment dimension to sustainable development, as defined within the Framework, and in failing to meet overall sustainability objectives it would also

conflict with Mid Devon Core Strategy (Local Plan Part 1) policy COR1 and Mid Devon Local plan Part 3 (Development Management) policy DM1.

(Proposed by Cllr Councillor B A Moore and seconded by Cllr R J Dolley)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire declared personal interests in that they knew the applicant.
- (ii) Councillor Mrs G Doe declared a further personal interest in that the applicant was a friend and she had visited the site.
- (iii) Mr Alex Sebbinger spoke as the agent for the application.
- (iv) Councillors Mrs C Collis, Mrs G Doe, R F Radford and J D Squire requested that their vote against the decision be recorded.

33 **MAJOR APPLICATIONS WITH NO DECISION (01:56:20)**

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 17/00982/FUL – Cromwells Meadow, Crediton, be brought before Committee for determination and that a site visit take place.

Application 17/00886/MOUT – Uffculme Road, Uffculme, be brought before committee for determination.

Application 17/00942/MOUT – Exeter Hill, Tiverton, before brought before Committee for determination.

Application 17/00878/MOUT – Land south of Broadlands, Thorverton, be brought before Committee for determination and that a site visit take place.

Application 17/00924/ - Newland farm, Cullompton, be brought before Committee for determination.

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

34 **APPEAL DECISIONS (02:07:45)**

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 Dulings Farm, Copplestone in terms of the Inspector not agreeing with the Planning Committee's reasons 3,4 and 5 for refusal.

A further brief discussion took place regarding how costs in relation to these matters were determined.

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

35 APPLICATION 17/00593/HOUSE - ERECTION OF FIRST FLOOR EXTENSION TO SINGLE STOREY DWELLINGS - WOODLAWN, CALVERLEIGH (02:11:35)

The Committee had before it a *report of the Head of Planning and Regeneration. The application had been considered by the Committee on 14 June 2017 and Members had resolved to approve the application as per the officer recommendation. Within the officer report it was set out that no representations had been received in connection with the application. However, 3 letters had been received and a summary of their content should have been reported to Members.

The purpose of the additional report for this meeting was to ensure clarity and completeness with regard to the objections that had been received.

RESOLVED that planning permission be granted subject to conditions as the proposed extension by virtue of its overall scale, massing, design and location not being considered to harm the privacy or amenity of the occupiers of another dwelling, the future amenities and services of the dwelling/building to be extended or its surroundings. As such the proposal is considered to comply with Policies DM2 and DM13 of the Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

Notes:

- (i) Councillors Mrs H Bainbridge, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, Mrs C Collis, P J Heal, D J Knowles, F W Letch, B A Moore, R F Radford and J D Squire declared personal interests as they knew the applicant.
- (ii) Councillor Heal requested that his abstention from voting be recorded since he had not been present at the previous meeting where the application was discussed.
- (iii) * Report previously circulated; copy attached to the signed minutes.

36 PLANNING PERFORMANCE 2016/17 (02:16:50)

The Committee had before it, and **NOTED**, a report * from the Head of Planning, Economy and Regeneration providing it with information on the performance aspects of the planning function of the Council for the 2016/17 financial year.

It was explained that the Planning Enforcement department had suffered significant staffing difficulties over the past two years but they were now up to the full complement of staff having 2 full time employees and one part time.

It was also stated that whilst the outcome of the restructure within the Planning Service was now known recruitment was still being undertaken in relation to vacant posts.

The Committee wished to pass on their thanks to the Planning Service for continuing to successfully run the service under difficult circumstances.

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

(The meeting ended at 5.00 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 9 August 2017 at 2.15 pm

Present

Councillors

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

Apologies

Councillor(s)

R L Stanley

Also Present

Councillor(s)

Mrs M E Squires

Present

Officers:

Simon Trafford (Area Team Leader), Lucy
Hodgson (Area Team Leader), Alison Fish
(Area Team Leader), Kathryn Tebbey (Legal
Services Manager and Monitoring Officer)
and Sally Gabriel (Member Services
Manager)

37 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr R L Stanley who was substituted by Cllr C J Eginton.

38 PUBLIC QUESTION TIME

The Chairman read the following questions on behalf of residents of Burlescombe with regard to Item 10 on the agenda:

Mrs Rhiannon Holman (resident of Burlescombe and member of Burlescombe Enviromental Liaison):

Questions

Since the previous Planning Committee meeting on 14 June 2017, there have been three further developments which need to be drawn to the attention of Members:

- Devon County Council has received a planning application to extract an additional 600,000 tonnes from Westleigh/Burlescombe Quarry (this would hugely increase lorry movements which are already over 200 movements per day).

- The Chair of Governors for Burlescombe Primary School has confirmed that a Governor has been appointed to lead on investigating the situation relating to the impact on school children from Diesel Emissions. The Governor will be liaising with interested parties including the Parish Council on the matter.
- The Government has defined new policies and strategies for addressing the impact of Diesel Emissions – especially within our towns and villages.

Bearing the above in mind, will any of these new developments be taken into account in making planning decisions?

In view of the national movement on reducing/eliminating diesel pollutants and the Councils responsibility for its residents, why would you choose to put 6 new houses in a place where they are already 200 diesel lorry movements per day? (and whilst the lorries may be “low emission” that is not the issue – it is the type of emission that diesels give out, as is widely reported in terms of peoples health and wellbeing).

There was a significant incident this morning with a quarry lorry that shed part of its load as he climbed out through the village. The lorry deposited a large quantity of stone on the road just adjacent to the proposed Affordable Homes site (further stone had already been deposited in other areas of the village).

However given it is at this point (proposed Affordable Homes site) that the lorries need to change gear and climb, a very large amount of stone was deposited.

I attach some photographs and further photos were taken by a Parish Councillor too.

Given the quarry lorry stone spillage (as shown in the attached photographs) is this a safe location to site Affordable Homes?

Mr Morcom

Given that there are no amenities (Public Transport, Shops, etc) in Burlescombe and the affordable houses are within “open countryside”, how can this be classified as a sustainable location if every person would need to travel in their own vehicle beyond Burlescombe to access services and facilities to sustain living within those properties?

Mr Duzy

As you will be aware since the planning application for affordable dwellings has been made, Westleigh Quarry has submitted an application to extract an additional 600,000 tonnes of material from the quarry. This will necessitate additional lorry movements through the village with the associated implications for Highway safety and air quality. May I ask the committee if they can give consideration to the safety and sustainability of the site given the likely impact of this and any potential future applications to extract additional material from the quarry with regard to highway safety and air quality?

Mrs Downing again referring to item 10 on the agenda, (Burlescombe) stated that: when I moved to Burlescombe 14 years ago lorry traffic from the quarry was not so heavy, whether output has increased and by how much is not as important as the fact that it has increased. Where this site is during the week anyone living in affordable housing will hear and feel the noise and vibrations and smell the asphalt and not find it extremely easy to enter and leave the parking areas and if visitors arrive with extra transport where will they park? A display has been offered showing an alternative lorry route but funding is still not available. At the minerals plan last year the inspector paid particular attention to the fact that Burlescombe is very unique. It has two quarries in its parish and the possibility of Penslade, which is partly in our parish. The Government say affordable housing is needed where appropriate sites are provided. The Parish Council and local residents objected to this site, only one person supported it. Is this really an appropriate site as far as traffic, highways, sustainability and air quality are concerned? I would also note that in the Mid Devon Local Plan, which is to be discussed with the Inspector soon, this application is outside of permitted building area in the future.

39 MINUTES OF THE PREVIOUS MEETING

Subject to the addition of Kathryn Tebbey (Legal Services Manager and Monitoring Officer) to the attendance list for the meeting, the minutes of the meeting held on 12 July 2017 were approved as a correct record and signed by the Chairman.

40 CHAIRMAN'S ANNOUNCEMENTS (00-08-45)

The Chairman had the following announcements to make:

- She welcomed Ruthie Pollington (the new Administrative & Performance Team Leader) to the meeting.
- She also welcomed David Williamson (Independent Person) to the meeting, his role would be to observe the meeting and make any recommendations for improvement to the Monitoring Officer.
- She informed the meeting that the recruitment process in the Planning Department was now complete; some of the new staff would be in place by the end of the month.

41 ENFORCEMENT LIST (00-11-54)

Consideration was given to the cases in the Enforcement List *.

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

Arising thereon:

- a) No. 1 in the Enforcement List (***Enforcement Case ENF/16/00243/UDRU – Erection of two storey building in rear garden, 6 Forestry Houses, Chenson, Chulmleigh***).

The Area Team Leader outlined the contents of the report by way of presentation highlighting the property and the unauthorised development within the rear garden.

He explained that the unauthorised development was hidden from the A377 but could be viewed from other locations nearby.

The Ward Member stated that he had been in discussions with the land owners who had stated that they had paid an external organisation to submit a planning application and were unaware that this had not taken place.

It was therefore

RESOLVED that in the event that no fully validated planning application had been submitted regarding this issue within 3 months of this meeting that the Legal Services Manager be given delegated authority to take all such steps and action necessary to secure the demolition and removal of the unauthorised development including the issue of an enforcement notice and prosecution and/or Direct Action in the event of non-compliance with the notice.

(Proposed Cllr C J Eginton and seconded by Cllr P J Heal)

Note: Cllr C J Eginton declared a personal interest in the matter as the landowners were known to him; he made a further declaration in accordance with the protocol of Good Practice for Councillors dealing in Planning Matters as he had received correspondence regarding the issue.

42 **DEFERRALS FROM THE PLANS LIST (00-20-20)**

The Chairman informed the meeting that Item 1 on the plans List (10 Mayfair, Tiverton) had been deferred to allow for additional information to be sought.

43 **THE PLANS LIST (00-20-44)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 2 on the Plans List **(17/00948/FULL – Erection of an agricultural livestock building – land and buildings at NGR 276310 106188 (Middle Weeke Farm) Morchard Bishop)** be approved subject to conditions as recommended by the Head of Planning and Regeneration.

(Proposed by the Chairman)

(ii) No 3 on the Plans List **(17/01020/FULL – temporary change of use for 1 year from A1 use (Retail) and D2 (Assembly and Leisure) use – 7 Market Walk, Bampton Street, Tiverton)** be approved subject to conditions as recommended by

the Head of Planning and Regeneration amended as follows: Condition 1: The temporary use hereby approved shall cease on the 9th August 2018. Reason: In the interest of protecting the viability and vitality of the town centre in accordance with policy DM16 Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(iii) No 4 on the Plans List **17/01024/FULL – temporary change of use for 1 year from A1 use (Retail) and D2 (Assembly and Leisure) use – 21-22 Market Walk, Bampton Street, Tiverton** be approved subject to conditions as recommended by the Head of Planning and Regeneration amended as follows: Condition 1: The temporary use hereby approved shall cease on the 9th August 2018. Reason: In the interest of protecting the viability and vitality of the town centre in accordance with policy DM16 Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(b) No 1 on the Plans List **(17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and erection of garage – 10 Mayfair, Tiverton)**

This item had been deferred as explained in Minute 42.

44 **MAJOR APPLICATIONS WITH NO DECISION (00-26-55)**

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

It was **AGREED** that:

Application 17/01170/MOUT – Phase 1 North West Cullompton Urban Extension be brought before the committee for determination and that a site visit take place.

Application 17/01090/MOUT – Brookdale, Threshers, Hollacombe be brought before the committee for determination and that a site visit take place.

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

45 **APPLICATION 17/00501/FULL - ERECTION OF AN AGRICULTURAL STORAGE BUILDING - LAND AND BUILDING AT CROSS PARKS FARM, NOMANSLAND (00-31-58)**

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

The Area Team Leader outlined the contents of the report by way of presentation highlighting the location of the application site, a plan of the proposed agricultural building, the proposed block plan, floor plans and elevations. Members viewed an aerial photograph which showed the existing buildings, the location of the proposed building and the closest residential property to the site. Photographs were also shown from various aspects of the site. She stated that there had been some

objection to the application and that the amended conditions sought to mitigate the concerns of local residents.

Consideration was given to the views of local residents, the Parish Council and the Ward Member:

- The impact of further development on the site in conjunction with activities at neighbouring farms on the health of local residents
- Over development of the site by way of land to fertiliser/manure disposal ration
- The monitoring of conditions
- The other activities of the operator
- Noise and odour issues
- Pending investigations with regard to Cleave Farm
- Residents quality of life
- The use and need for the proposed building and the wider farming context taking into consideration activities at Cleave Farm
- A possible increase in traffic movement from Cross Parks to Cleave
- The size and massing adjacent to local properties

The Area Planning Officer reminded Members at this point that there was a need to consider the application before them today.

Discussion took place regarding:

- The main aim of the proposed building
- Whether there was any cumulative impact on local residents
- The updated conditions that sought to mitigate the concerns of local residents
- Whether the proposed building would serve Cleave Farm as well
- Ongoing Environmental Health issues
- Whether any additional conditions would be reasonable
- Whether an additional building on top of those already in place was proportionate to the size of the holding
- Policies COR18 and DM22

RESOLVED that planning permission be granted subject to conditions and an informative note as recommended by the Head of Planning and Regeneration, with amendments to Conditions 3 and 4:

3. Prior to the first use of the building hereby approved, the visibility splays shown on Drawing 5.3 Revised Visibility Splay to Entrance, shall be provided with no obstruction greater than 600mm above the road surface, the visibility splays shall be retained and maintained as such thereafter.

Condition 4 amended to read as follows: The building hereby approved shall only be used for agricultural storage purposes and the housing of livestock (subject to condition 5) and no part of the building shall be used for the storage of any of the following materials at any time:

Any recycled manure solids
Any anaerobically digested material
Any composted bedding materials

Reason:

In order to safeguard the residential amenity of the occupants of the neighbouring properties in accordance with policy DM22.

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

Notes:-

- (i) Cllr Mrs F J Colthorpe declared a personal interest as she knew the applicant and other people in the surrounding area;
- (ii) Cllrs R J Dolley and B A Moore made declarations in accordance with Protocol of Good Practice for Councillors in deal with Planning matters as they had been in contact with some of the objectors
- (iii) Mrs Faulkener spoke in objection to the application;
- (iv) Cllr Miss Coffin spoke on behalf of Templeton Parish Council;
- (v) Cllr B A Moore spoke as Ward Member;
- (vi) Cllrs R J Dolley and B A Moore requested that their vote against the decision be recorded;
- (vii) Cllr R F Radford requested that his abstention from voting be recorded;
- (viii) The following late information was reported: 9.8.2017 - Revised plans have been received to include the required visibility splay. Condition 3 is to be amended accordingly, to the following:

3. Prior to the first use of the building hereby approved, the visibility splays shown on Drawing 5.3 Revised Visibility Splay to Entrance, shall be provided with no obstruction greater than 600mm above the road surface, the visibility splays shall be retained and maintained as such thereafter.

Condition 4 amended to read as follows: The building hereby approved shall only be used for agricultural storage purposes and the housing of livestock (subject to condition 5) and no part of the building shall be used for the storage of any of the following materials at any time:

Any recycled manure solids
Any anaerobically digested material
Any composted bedding materials

Reason:

In order to safeguard the residential amenity of the occupants of the neighbouring properties in accordance with policy DM22.

- (ix) Cllr P J Heal left the meeting following discussion on this item;
- (x) *Report previously circulated copy attached to minutes.

46 **17/00353/FULL - ERECTION OF 6 AFFORDABLE DWELLINGS - LAND AT NGR 307578 116857 (SE OF OAKFIELD) BURLESCOMBE (1-09-37)**

The Committee had before it an * implications report of the Head of Planning and Regeneration regarding the above application which had been deferred from a previous meeting as Members had been minded to refuse the application.

The Area Team Leader outlined the contents of the report highlighting by way of presentation the location of the site and the proposal for 6 affordable dwellings, the central access, proposed parking, design and elevation plans as discussed at a previous meeting. She also explained the proposed reasons for refusal as outlined in the report.

Referring to the questions posed in public question time, the officer supplied the following answers:

- Referring to the recent planning application to extract an additional 600,000 tonnes from the quarry, she had looked at the application; the number of movements would remain the same as the removal would just be for another 9 months at the current level with the same level of output, there would be no additional movements from the quarry.
- The fact that a Governor of the school had been appointed to lead on investigating the situation relating to the impact on school children from diesel emissions was noted.
- Members had been given clear advice within the report from Environmental Health on the air quality issues.
- New Government policy on diesel emissions on town and villages, the Environmental Health Department had been unable to confirm any specific policy.
- With regard to the stone spillage, this was a safe site for affordable housing; the site was set up above the level of the road.
- With regard to a sustainable location, this had been explained within the report.

Consideration was given to:

- The views of the local Ward Members with regard to number of lorries continually climbing the hill out of Burlescombe and the lack of facilities in the village.
- The housing needs survey for the village and the need for affordable housing
- The fact that the Highways Authority had no objection to the proposal subject to conditions
- School places available at the village school
- The suitability of the location for development

RESOLVED that having considered the implications report and having further considered issues of sustainability regarding exception sites in the open countryside, planning permission be granted subject to the receipt of amended plans/information and prior to the signing of a S106 agreement to ensure that the site was only developed as an affordable housing exception site and with conditions as recommended by the Head of Planning and Regeneration

(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

Notes:

- (i) Cllr R J Dolley declared a personal interest as he knew some of the objectors and had played skittles in the village;
- (ii) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, C J Eginton, D J Knowles, F W Letch, B A Moore and J D Squire made declarations in accordance with the Protocol of Good Practice for Councillors Dealing in Planning Matters as they had all received correspondence regarding this application;
- (iii) The initial proposal to support the officer's recommendation of approval was not supported with Cllrs R J Dolley and F W Letch requesting that their abstention from voting be recorded. A further proposal to refuse the application on the grounds of sustainability was also not supported. Further consideration was then given to the implications report and the issues of sustainability regarding exception sites in the open countryside and the final resolution (above) was achieved, with Cllrs Mrs H Bainbridge and Mrs C A Collis requesting that their vote against the decision be recorded;
- (iv) *Report previously circulated copy attached to signed minutes.

(The meeting ended at 4.10 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 26 July 2017 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
Mrs F J Colthorpe, C J Eginton,
Mrs J Roach, F J Rosamond, C R Slade and
Mrs M E Squires

Apologies

Councillor(s)

L D Taylor, Mrs N Woollatt and Mrs E J Slade

Also Present

Officer(s):

Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Sally Gabriel (Member Services Manager), Maria De Leburne (Solicitor) and Julia Stuckey (Member Services Officer)

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

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

Cllr Mrs Binks then took the Chair.

(Cllr Mrs J Roach requested that her vote against the decision be recorded)

40 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2017/18.

41 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs E J Slade, Cllr L D Taylor and Cllr Mrs N Woollatt who was substituted by Cllr Mrs J Roach.

42 PUBLIC QUESTION TIME

Referring to item 12 on the agenda (the Constitution) Mr N Quinn said that having a limit of only one person being able to speak in objection of an application appears biased towards the applicant since there is normally only one applicant but tend to be many objectors. Mr Quinn went on to raise the following points and questions:

"If it is merely a matter of time, I believe that most objectors would prefer that Councillors spend as much time as is needed to discuss all aspects of an application. Saving a Council 10 minutes is a poor price to pay against the impact that some decisions can have on a person's life. Would this Committee please raise the number of objectors that can speak during an application?"

The public are often not consulted about applications prior to submission and have little time to put their case in writing. Access to information is difficult for some without computers or bus services. The planning files which are supposed to be accessible on line are often out of date or incomplete. Officers are supposed to record meetings, phone conversations and advice but don't always do this.

Objectors tend to be normal people who see things in a way that normal people do. They are not versed in Planning Law and have not had the specialist training those officers and Members have. When they make objections, they write what they feel. Once they do, the officer summarises the lovingly crafted points into a number of short bullet points in no particular order or leaves their objections out altogether 'because they are not valid planning points'. There is currently no feedback on letters of objection. Could the system be changed to offer more support for this who are obviously concerned but whose objection is invalid?

It is difficult to choose who should speak and what they say since everybody believes that their objection is the most important. Even a small application can create a large number of objectors. I have recently spoken to Committee as an objector spokesperson representing more than 50 households because the proposed development is on a public amenity area located in the middle of a housing estate and everybody is concerned about it. It was easy for us to talk and discuss but more scattered objectors, or where there is animosity, could have great difficulty in agreeing on one person to talk. Could the system be changed where there was a disagreement on who should speak?

Objectors tend to be normal people, unused to the ways of Council Committees and procedures. We are generally not used to public speaking. There is currently a restriction of only 3 minutes in which to make the case for everybody. This places a lot of pressure on the individual concerned. It is too short a time to cover what may be large number of objector points so the speaker may have to talk so fast as to sound like the terms and conditions people on adverts. This is not good for either the speaker or the Committee. Would this Committee consider a requirement to offer support to objectors to help them with their presentation and/or do it for them?

There is no written record in the Minutes of the verbal presentations made during the consideration of an application. The rigid order of speaking and the inability to respond to statements is a problem as well. Please consider that there may be statements made in speeches which may be untrue and which nobody can correct because they have already spoken and are not allowed to. Members may well make decisions based on incorrect information. Can this Committee make some provision to allow for the challenge of a verbal statement made during the consideration of an application?"

The Chairman informed Mr Quinn that his questions would be considered with the agenda item.

43 MINUTES

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

44 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed Members that she was pleased to say that two thirds of Members had attended Code of Conduct training set up by the Monitoring Officer.

The Chairman advised Members that from now on Standards Committee meetings would be calendared for three a year, rather than on the ad hoc basis that had happened in the past.

Following the Peer Review and discussions at the Programming Panel the Chairman proposed that an informal workshop between meetings be put in place to encourage Members to become more involved with moving items forward and to flag important issues. This was **AGREED**.

45 **START TIME FOR MEETINGS**

It was **AGREED** that the start time of meetings remain at 6.00pm.

46 **MONITORING OFFICER'S UPDATE**

The Monitoring Officer confirmed that the purpose behind scheduling meetings for the municipal year was to ensure that Standards issues were addressed in a proactive rather than a reactive way, as had been the case in the past. The informal workshops proposed by the Chairman would also assist in Members taking charge of the Standards agenda in the Council. The officer had appointed the two Deputy Monitoring Officers and started to meet with them regularly. Meetings had taken place with the newly appointed Independent Members and Code of Conduct training had been provided to Members.

47 **THE ROLE OF THE INDEPENDENT PERSONS**

The Monitoring Officer explained that the Independent Persons were a statutory appointment and that although the requirement was for one it was a good idea to have two. The role was set out within the Constitution and mainly involved providing support, advice and assistance in relation to complaints; however, these duties could be extended with their agreement and the approval of Members. The Monitoring Officer proposed that the Independent Persons could be charged with attending a number of meetings throughout the year, reporting back to the Standards Committee (via the Monitoring Officer) on how it had felt to be at the meeting as a member of the public. The feedback provided could be used to shape future discussions.

Discussion took place regarding:

- The role of the Independent Persons regarding Town and Parish Councils;
- The use of Independent Persons at Devon County Council and how they provided feedback on areas such as audibility, presentation and behaviour;
- The Whistleblowing Policy and bullying and whether the Independent Persons could be used as a point of contact for this;

- The fact that any information that could improve the public image of Members would be helpful.
- Independent Persons may be able to highlight procedures that the public did not understand or did not work for the public, regarding areas such as public question time
- It was **AGREED** that an information sheet regarding procedures for the Planning Committee be produced to improve understanding.

The Independent Persons informed the Committee that they would not want to stifle independence in Members but that there may be some work that could be done to help improve how the Council appeared to the public in order to improve image and performance. They did not consider that the role needed to be confrontational and would like to assist in reducing the number of complaints received. Attending meetings would also raise their profile and Members would become aware of who they were, this would be an evolving process and the methods of reporting would need to be established.

The Monitoring Officer suggested that this would be a process that evolved over time. In the first instance she would meet with the Independent Persons in advance of the next meeting and would provide a report to highlight key issues that they had observed. This would help her to identify what training was required.

It was **RESOLVED** that the Independent Members be asked to attend, as observers, meetings of the Council during the remainder of the Municipal year and that an update be provided to the October meeting of the Committee.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs J Roach)

48 **MEMBER TRAINING**

The Monitoring Officer informed Members that she had held a Code of Conduct Training session to ensure that all Members were up to speed with the Code. She intended to hold further sessions for those that had been unable to attend. Following this she planned to hold some training for Town and Parish Councils in the autumn and was currently arranging dates for this.

The Monitoring Officer asked for suggestions for further training required and it was **AGREED** that this would be a discussion topic at the first workshop session.

49 **MEMBERS CORRESPONDENCE WITH THE PUBLIC**

The Monitoring Officer explained that within the Officer Code of Conduct there was reference to timescales for responding to correspondence. The officer asked Members if they considered it necessary to have some sort of guidance on reasonable response times for Member correspondence.

Discussion took place regarding:

- It was considered good practice to acknowledge correspondence;

- The difficulty in responding to 'round robin' correspondence and the need to take into account that variety of correspondence received;
- The public needed to know how to interact with Members;
- The variety of methods of communication such as telephone, in person, email and by post.

It was **RESOLVED** that the Monitoring Officer be asked to provide guidance on responding to correspondence to the Committee for consideration and that this issue generally be included in Member induction training.

(Proposed by the Chairman)

50 THE CONSTITUTION

The Monitoring Officer informed Members that she had some concerns regarding a number of areas within the Constitution.

State of the District Debate – Rule 17 of the Council Procedure Rules

The Officer informed Members that the wording within this section required clarification as there was currently reference to 'calling' and 'holding'.

It was **RESOLVED** that the Monitoring Officer be asked to produce wording to clarify this section.

(Proposed by Cllr Mrs J Roach and seconded by Cllr C L Slade)

Procedure for speaking at Committee – Paragraph 9 of the Protocol of Good Practice for Councillors Dealing with Planning Matters – Appendix J to the Constitution

The Monitoring Officer explained that she had some concerns with regard to this section of the Constitution due to the position of single Member wards, should the Member have a conflict of interest or was unable to attend a meeting. The constitution did not provide any flexibility or discretion to allow for this. The officer considered that it was necessary to clarify this area in order to protect the council from criticism and to make the order of speaking clear. Mr Quinn's comments from Public Question Time needed to be given some consideration.

Discussion took place regarding:

- The issue of not being able to correct false statements and time restrictions on speakers;
- The difficulty in knowing whether it was better for the applicant or objector to speak first;
- The use of Public Question Time;
- A leaflet explaining planning procedure would clarify the situation for the public;

- Member Services Officers currently provided guidance to the public;
- A letter from the Planning Service sent to objectors outlined procedure but did not give mention to Public Question Time.

It was **RESOLVED** that the Monitoring Officer be asked to provide a report regarding the procedure for speaking at Committee and that the Member Services Manager continue work on a guide for speakers attending the meeting.

(Proposed by the Chairman)

The rights of non-Cabinet members to ask questions and make statements during the business of Cabinet

The Monitoring Officer explained that current wording within the Constitution was not clear as to whether or not non-Cabinet Members could speak to an item at Cabinet Meetings.

The Leader informed the Committee that Non Cabinet Members were currently permitted to speak and that he encouraged this.

It was **RESOLVED** that the Monitoring Officer be asked to provide wording that would ensure that at a meeting of the Cabinet the Leader may allow non cabinet Members to speak on any agenda item and that this be inserted into an appropriate place within the Constitution.

(Proposed by the Chairman)

51 **ISSUES ARISING FROM RECENT CASES AND DECISIONS**

The Deputy Monitoring Officer outlined a recent case between Hussain and Sandwell Metropolitan Borough Council which concerned an attempt to prevent a local authority from continuing with an investigation into alleged wrongdoing by elected Council Members.

52 **COMPLAINTS**

The Monitoring Officer informed the Committee that since her appointment she had received one complaint, which following consultation with the Independent Persons it had been agreed did not merit further investigation.

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

Complaints

Findings of the Independent Persons

Review of the Constitutional items discussed at agenda item 12

Draft guidelines on Members correspondence

(The meeting ended at 7.54 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **REGULATORY SUB COMMITTEE A** held on 5 July 2017 at 2.30 pm

Present Councillors

R J Chesterton, J L Smith and R Wright

Also Present Officer(s):

Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Thomas Keating (Lead Licensing Officer) and Julia Stuckey (Member Services Officer)

1 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

2 CHAIRMAN - ELECTION

RESOLVED that Cllr R Wright be elected Chairman of the Sub Committee for the meeting.

Cllr Wright then took the Chair.

3 TO DETERMINE WHETHER OR NOT AN APPLICANT IS FIT AND PROPER TO HOLD A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCE

Members of the Sub-Committee and officers introduced themselves.

Members of the Sub-Committee confirmed that they had no interests to declare and discussed whether to hold the hearing in public or in private.

RESOLVED that under Section 100A (4) of the local Government Act 1972, the public be excluded from the meeting on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

The Sub Committee had before it a report * from the Lead Licensing Officer relating to an application for a Hackney Carriage/Private Hire Licence asking it to consider if the applicant was 'fit and proper' to hold a licence.

The Lead Licensing Officer explained that the authority was responsible for licensing the Hackney Carriage and Private Hire trade in Mid Devon. The Local Government (Miscellaneous Provisions) Act 1976, as amended, and the Town Police Clauses Act 1847, provided much of the regulatory framework for that licensing regime.

The officer explained that the authority had adopted a Hackney Carriage and Private Hire Policy, the most recent version of which came in to effect on 29 February 2016.

The policy provided the framework for the administration of the service and set out how the Council would consider both new applications and also matters relating to existing licence holders.

The officer went on to inform Members that according to current policy their priorities in this instance should be the protection of public health and safety and the prevention of crime and disorder. Ultimately, the main priority was public safety.

The officer informed the Committee that the applicant had submitted an application to Mid Devon District Council for a new Hackney Carriage / Private Hire Drivers licence on 31 March 2017. A DBS (Disclosure and Barring Service) certificate was required and this had an issue date of 2 June 2017. It revealed previous convictions that the applicant had not declared on the application form.

The licensing team had contacted the DBS Service to discuss how this information could be used by decision makers and it had been confirmed that it must not be circulated in advance of the hearing taking place. They had stated that it must only be made available at the hearing itself.

The Officer highlighted that the application that the applicant had submitted for a new Hackney Carriage/Private Hire Drivers licence asked the following question and contained the accompanying note:

'Have you ever been found guilty or convicted of ANY offence, or been made the subject of an order, by a court in the UK or abroad? This means ALL offences, however long ago they happened. If no, insert 'NONE'.

Under the Rehabilitation of Offenders Act 1974, holders of hackney carriage / private hire drivers licences are classified as exempted posts and all convictions (whether 'spent' or not) must be declared. Failure to declare all convictions may affect the outcome of your application'.

The applicant had stated 'none' in response to this question. In light of the information received on the DBS this declaration was incorrect.

The Sub Committee withdrew to consider additional information that had not been available to it prior to the meeting.

On their return the Sub Committee put questions to the applicant.

The applicant informed the Sub Committee that he had been very young when he committed the offences and that he had thought that having paid the fine and undertaken community work that he did not need to declare them. He explained the circumstances of the offences and informed the Sub Committee that he had since settled down and was now a family man with a baby due soon.

The Sub Committee withdrew to consider its decision.

The Sub Committee **RESOLVED** to grant a Hackney Carriage and Private Hire Licence as applied for, for a period of 1 year. However the Sub Committee took a very serious view of:

- 1) The convictions themselves which could show a propensity for dishonest behaviour - honesty being a fundamental character requirement of taxi licensing.
- 2) The applicant's failure to disclose the convictions, which at worst showed a deliberate attempt to conceal these convictions and at best a lack of consideration for the importance or understanding of the licensing process

These failings must not be repeated and the council would have regard to any such matters in the future.

That said, the Sub Committee wished to give the applicant the benefit of the doubt to continue his efforts to settle down and establish himself in this community. Although the Sub Committee had found some of the answers and explanations given confusing, never the less they did find the applicants attitude to be friendly and approachable.

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

(The meeting ended at 4.00 pm)

CHAIRMAN

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