

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, 13 December 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, 21 February 2018 at 6.00 pm]

STEPHEN WALFORD

Chief Executive

5 December 2017

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

Reverend Paul Booth, Minister for Culmstock, Culm Valley, Halberton, Sampford Peverell, and Tiverton will lead the Council in prayer.

AGENDA

1 **Apologies**

To receive any apologies for absence.

2 **Minutes** (*Pages 7 - 18*)

Members to consider whether to approve the minutes as a correct record of the meeting held on 25 October 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.

Notices of Motions

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

The following Motion had been referred to the Environment Policy Development Group for consideration and report.

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.

The motion was discussed by the Environment Policy Development Group at its meetings on 11 July, 5 September and again at its meeting on 7 November. Cllr Mrs J Roach indicated that she was satisfied with the information provided within the report and discussions that had taken place and would request that her Motion be withdrawn

(2) Motion 540 (Councillor Mrs J Roach – 12 October 2017)

The following Motion had been referred to the Economy Policy Development Group for consideration and report.

This Council agrees to give serious consideration to seeking alternative methods of managing the Tiverton Pannier Market, to include a community interest company and a co-operative. Following these considerations Council will be given detailed information about the advantages and disadvantages of the options that were discussed. Council should then be able to decide whether to change their policy and pursue a different management model.

The Economy Policy Development Group at its meeting on 9 November 2017 considered the Motion and **RESOLVED** that the motion be supported.

(3) Motion 541 (Councillor Mrs J Roach – 30 November 2017)

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

This Council reconsiders the time and times that it allows ward members to speak at the planning committee. The present system gives many opportunities to speak but allows the local member only one opportunity.

At the very least Council should give elected Councillors the opportunity to correct incorrect statements, something that exists within standing orders but not allowed at the planning committee. At the last planning committee the situation that exists at the moment prevented me as the elected Councillor for Silverton for pointing out that the Highways advice was inconsistent with previous advice given on the same site.

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

(4) Motion 542 (Councillor Mrs J Roach – 30 November 2017)

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

That this Council consider the use of recycling trolleys as a pilot project, hopefully in Silverton, as an alternative to assisted collections for those who wish to try out such a system.

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

7 Committee Reports (Pages 19 - 164)

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

(1) Cabinet

- 26 October 2017
- 23 November 2017

(2) Scrutiny Committee

- 6 November 2017
- 4 December 2017 (to follow)

(3) Audit Committee

- 21 November 2017

(4) Environment Policy Development Group

- 7 November 2017

(5) Homes Policy Development Group

- 14 November 2017

(6) Economy Policy Development Group

- 9 November 2017
- (7) Community Policy Development Group
- 28 November 2017
- (8) Planning Committee
- 1 November 2017
- 29 November 2017
- (9) Regulatory
- 8 December 2017 (to follow)

8 **Questions**

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

9 **Six Monthly Briefing from the Leader**

The Leader will address the Council.

10 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their portfolios.

11 **Members Business**

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

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

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

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

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

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

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

Tel: 01884 234229

Fax:

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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Public Document Pack Agenda Item 2

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 25 October 2017 at 6.00 pm

Present

Councillors

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

Apologies

Councillors

Mrs J B Binks, K Busch, Mrs C P Daw and
F W Letch

55 **Apologies**

Apologies were received from Councillors: K I Busch, Mrs J B Binks, Mrs C P Daw and F W Letch.

56 **Minutes**

The minutes of the meeting held on 30 August 2017 were agreed as a true record and signed by the Chairman.

57 **Chairman's Announcements (00-04-30)**

The Chairman:

- outlined the civic events he had attended as Chairman of the Council since the last meeting.
- outlined the Parish Councils he had visited
- welcomed Councillor Anthony Bush to the Council following the by-election at Westexe, Tiverton.

58 **Public Question Time (00-05-10)**

There were no questions from members of the public present.

59 **Petitions (00-05-38)**

There were no petitions from members of the public.

60 **Notices of Motions (00-05-49)**

(1) **Motion 540 (Councillor Mrs J Roach – 12 October 2017)**

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

This Council agrees to give serious consideration to seeking alternative methods of managing the Tiverton Pannier Market, to include a community interest company and a co-operative. Following these considerations Council will be given detailed information about the advantages and disadvantages of the options that were discussed. Council should then be able to decide whether to change their policy and pursue a different management model.

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

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

61 **Cabinet Report - 31 August 2017 (00-06-30)**

The Leader presented the report of the meeting of the Cabinet held on 31 August 2017.

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

THAT the recommendation of the Cabinet as set out in Minute 43 be **ADOPTED**

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

62 **Cabinet Report - 28 September 2017 (00-12-06)**

The Leader presented the report of the meeting of the Cabinet held on 28 September 2017.

Consideration of the recommendation within Minute 65 would be taken later in the meeting under agenda item 14.

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 Cabinet Member for Working Environment and Support Services.

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

63 Scrutiny Committee Report - 11 September 2017 (00-13-34)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 11 September 2017.

64 Scrutiny Committee report - 9 October 2017 (00-17-28)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 9 October 2017.

The Council had before it a question * submitted by Councillor F W Letch in accordance with Procedure Rule 13.2 together with a response from the Cabinet Member for Housing.

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

65 Audit Committee Report - 19 September 2017 (00-18-25)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 September 2017.

66 Environment Policy Development Group - Report - 5 September 2017 (00-19-06)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 5 September 2017.

67 Homes Policy Development Group - Report - 12 September 2017 (00-23-27)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 12 September 2017.

68 Economy Policy Development Group - Report - 7 September 2017 (00-24-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 7 September 2017.

69 Community Policy Development Group - Report - 26 September 2017 (00-25-40)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 26 September 2017.

70 Planning Committee - Report - 6 September 2017 (00-26-18)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 6 September 2017.

71 Planning Committee - Report - 4 October 2017 (00-27-09)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 October 2017.

72 **Standards Committee - Report - 18 October 2017 (00-28-14)**

The Vice Chairman of the Standards Committee presented the report of the meeting of the Committee held on 18 October 2017.

73 **Allocation (00-30-44)**

Following the by-election at Westexe Tiverton, the Council had before it * tables setting out the proposed allocation of seats on Committees and other Council bodies.

The Chairman **MOVED THAT:**

The tables be **APPROVED** with regard to the allocation of seats on Committees and other bodies.

Upon a vote being taken, the allocation and the following amended table were **APPROVED** including the appointment of Councillor D J Knowles to the Environment Policy Development Group, the Licensing Committee and the Regulatory Committee; Councillor Mrs N Woollatt to the Environment Policy Development Group and the Planning Policy Advisory Group and Councillor R J Dolley to the Planning Committee.

<p>Scrutiny (12)</p> <p>Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs F J Colthorpe (C) Mrs C P Daw (C) Mrs G Doe (C) Mrs B M Hull (C) T G Hughes (C) Mrs J Roach (UG) F J Rosamond (ING) T W Snow (ING) N A Way (LD) F W Letch (LD)</p>	<p>Audit Committee (7)</p> <p>Mrs J B Binks (C) Mrs C A Collis (C) R M Deed (UG) R Evans (C) T G Hughes (C) R F Radford (C) L Taylor (LD)</p>	<p>Environment PDG (9)</p> <p>C P Daw (C) D R Coren (C) R Evans (C) R F Radford (C) Mrs E J Slade (C) J D Squire (C) R Wright (LD) D J Knowles (UG) Mrs N Woollatt (UG)</p>	<p>Homes PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) D R Coren (C) W J Daw (C) Mrs G Doe (C) R J Dolley (UG) P J Heal (C) F W Letch (LD) J D Squire (C)</p>
<p>Community PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C Daw (C) Mrs G Doe (C) R J Dolley (UG) F W Letch (LD) B A Moore (C) Mrs E J Slade (C)</p>	<p>Economy PDG (9)</p> <p>Mrs A R Berry (C) Mrs C A Collis (C) S G Flaws (C) J M Downes (LD) R Evans (C) T G Hughes (C) Mrs B M Hull (C) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p>Planning Working Group (8)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) P J Heal (C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C)</p>	<p>Planning Substitutes (7)</p> <p>K I Busch (C) Mrs G Doe (C) J M Downes (LD) R Evans (C) C J Eginton (C) Mrs B M Hull (C) Mrs J Roach (UG)</p>
<p>Standards (9)</p> <p>Mrs J B Binks (C) Mrs F J Colthorpe (C) C J Eginton (C) F J Rosamond (ING) C R Slade (C) Mrs E J Slade (C) Mrs M E Squires (C) L Taylor (LD) Mrs N Woollatt (UG)</p>	<p>Planning Committee (11)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) Mrs C Collis (C) P J Heal (C) F W Letch (LD) B A Moore (C) R F Radford (C) R L Stanley (C) J D Squire (C) R J Dolley (UG) To be advised (C)</p>	<p>Licensing Committee (12)</p> <p>Mrs E M Andrews (ING) K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) S G Flaws (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) L Taylor (LD) R Wright (LD) D J Knowles (UG) To be advised (C)</p>	<p>Regulatory Committee (12)</p> <p>K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) S G Flaws (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) L Taylor (LD) R Wright (LD) D J Knowles (UG)</p>
<p>GESP Member Reference Forum (5)</p> <p>Mrs F J Colthorpe (C) P J Heal (C) Mrs B M Hull (C) D J Knowles (UG) N A Way (LD)</p> <p>Oct 2017</p>	<p>Planning Policy Advisory Group (9)</p> <p>Mrs H Bainbridge (C) R J Chesterton (C) Mrs F J Colthorpe (C) Mrs B M Hull (C) R L Stanley (C) To be advised (C) F W Letch (LD) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p>Appointments Panel (5)</p> <p>Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny</p>	<p>C – Conservatives ING – Independent Non-Aligned Group LD – Liberal Democrats UG – Ungrouped Member</p>

Notes:

- (i) Councillor Mrs J Roach requested that her vote against the allocation be recorded;
- (ii) * Tables previously circulated copy attached to minutes.

74 Outside Body Appointment (00-35-03)

The Council had been requested to appoint a Member to the Councillor Advocate System which would act as a link between the Council, the Officer of the Police and Crime Commissioner and the local Police team.

Nominations were sought for this post.

The Leader **MOVED**, seconded by Councillor Mrs M E Squires that Councillor P J Heal represent the Council on this body.

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

75 Special Urgency Decisions (00-36-03)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – July to September 2017.

The Chairman informed the meeting that no such decisions had been taken in this period

76 Questions to Cabinet Members (00-36-15)

Councillor J M Downes on behalf of Councillor F W Letch asked the Cabinet Member for Housing whether the breakdown of costs for the maintenance of the Town Square were available as he had not received the information previously requested.

The Cabinet Member stated that he had provided the information, but would look at providing it again.

Councillor J M Downes addressing the Cabinet Member for Planning and Economic Regeneration stated that Crediton was being subjected to aggressive speculative planning applications because of the delay in the Local Plan which we may have to agree. When J27 was added to the plan the Council had been assured that it would not hold the Local Plan up, this was now not the case. It now looked like we hadn't done enough ground work to make sure that the Plan was sound, now we were being targeted for not doing what we should have done. The Council should have already done the work to make sure that the Plan was sound and we would now have the Plan in place and have sufficient land supply. We were now dealing with applications on allocated sites using the current Local Plan, some of the allocations were at a higher density than the new Plan. Why had we failed to do the necessary work which had now delayed the plan?

The Chief Executive responded stating that this had been debated at the Scrutiny Committee, Members were aware that normally the Local Plan would not be barrister

led and that the plan had been to take it through ourselves but there were some points that required clarification and therefore legal advice had been sought, the advice from the barrister was that additional work was required so that the authority could be certain that the plan was sound. There was little point in seeking legal advice and then ignoring it.

The Cabinet Member explained that it was a decision of the Council to go ahead with the J27 allocation, the Inspector had asked for additional information and whilst this was frustrating, especially with regard to the delay in the 5 year land supply. The timing of the inspection was still unknown and in the hands of the inspector. The consultants had been instructed to review the evidence; there may be a need for further evidence which may require a consultation period.

Further discussion took place regarding:

- the use and cost of consultants;
- what the proposed allocation at J27 was;
- the cost of keeping J27 in the Local Plan and whether to cut our losses and proceed without it;
- A previous change of heart with regard to the J27 allocation
- Economic benefits of keeping the allocation in the Local Plan

Councillor Way addressing the Cabinet Member for Finance asked that Member Briefings on the budget be arranged in advance and the dates notified and that one of the events take place in Crediton?

The Cabinet Member stated that he would look into the matter.

Councillor Dolley addressing the Cabinet Member for Housing asked for assurances that the development at Palmerston Park was progressing?

The Cabinet Member stated that the road was in and that the development was progressing.

77 Members Business (00-57-26)

Councillor Mrs N Woollatt reminded the meeting of the previous visit of the WASPI ladies and the Motion which had been approved with regard to ladies born in the 1950's who had had their pension age moved a fair transitional stage. A new petition had now been formed and leaflets regarding this were available to all who were interested or effected.

78 Access to Information - Exclusion of Press and Public (00-58-42)

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 Council decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Chairman **MOVED** 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)

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

Note: Councillors: Mrs E M Andrews, R M Deed, J M Downes, D J Knowles, Mrs J Roach, T W Snow, L Taylor, N A Way and R Wright requested that their vote against the decision be recorded.

79 **Cabinet - 28 September 2017 - Minute 65 - Proposed Property Transaction**

Following consideration of the report of the meeting of the Cabinet held on 28 September 2017 earlier in the meeting, further consideration was given to Minute 65.

The Council had before it a * report of the Director of Finance, Assets and Resources providing information regarding the possible purchase of a property in Tiverton.

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 Cabinet Member for Housing.

The Chairman **MOVED** that Procedure Rule 16 (Rules of Debate) be suspended for this item to allow for a full debate to take place.

Councillor R L Stanley **MOVED** seconded by Councillor R Evans **THAT** the recommendation of the Cabinet as set out in Minute 65 be **ADOPTED**.

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

Notes:

- (i) Councillor Mrs S Griggs declared a personal interest as she worked for Seddons Estate Agents, but informed the meeting that she did not work in the commercial department.
- (ii) Councillor Mrs J Roach requested that her vote against the decision be recorded;
- (iii) Councillors Mrs S Griggs and Mrs N Woollatt requested that their abstention from voting be recorded;
- (iv) **Question previously circulated , copy attached to minutes;
- (v) *Report previous circulated.

(The meeting ended at 8.20 pm)

CHAIRMAN

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Minute Annex

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 25 OCTOBER 2017

AMENDMENTS

There are no amendments.

WRITTEN QUESTIONS

1. SCRUTINY MINUTES 9 OCTOBER 2017

MIN NO 66

Questions submitted by Councillor F W Letch and the response of the Cabinet Member for Housing

Following the discussions at a recent Scrutiny meeting would Cllr Stanley, Cllr Eginton or Andrew Jarret indicate what policy or protocol was used by the members of Cabinet to agree, at the meeting of 5th January 2017, to sell Tiverton Town Hall to Tiverton Town Council at 50% of the valuer's restricted value?

RESPONSE:

There are no specific policies with regard to disposal of council assets, however Cabinet was mindful of the terms of the Asset Management and Capital Plan 2016-2020 specifically Section 4. Further the overall objective of the Council in disposal of assets is to achieve best value as included in Section 123 of the LGA 1972.

Additional consideration was given to:

- a) Total usable/ unusable square footage of the building*
- b) Capital expenditure and future maintenance*
- c) Suitability to attract commercial interest.*

2. CABINET – 28 SEPTEMBER

MIN NO 57

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for the Working Environment and Support Services

What is the cost to MDDC of each agency worker under this contract?

RESPONSE:

At the Cabinet meeting on the 28/9/17 where a new agency supplier was recommended – paragraph 2.3 showed that Mid Devon DC's expenditure on agency staff was much lower (£279k) than all of our neighbouring Councils – in fact our spend was some £188k lower than the next lowest (£467K). An appendix to the report (included in the part 2 papers as page 54) showed the hourly rates for a range of agency staff that the Council could make

use of – this indicated that comparing the new contract with the existing one – that some rates were lower (in the main these were the services that have the highest level of agency need – i.e. street scene) and some that were higher – but in services that have a lower need for agency support.

As far as the cost impact of this new agency contract – based on the same level of activity – we would see a reduction of £8k to our level of agency spend.

3. AGENDA ITEM 14 – COMMERCIAL PROPERTY ACQUISITION

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Housing

May I have confirmation that an offer of (sum outlined within the report) was made prior to a structural survey being undertaken?

If the survey shows serious problems will the offer of (sum outlined within the report) be rescinded?

RESPONSE:

A full structural survey was undertaken for the properties on 19 November 2015 when MDCC first considered a purchase at that time. This structural survey was undertaken by Will Gannon and Smith Limited, Consulting Engineers, subsequently as this has arisen as a possible purchase, a short review of the report by the original author is being undertaken this week. No serious concerns were evident in the original report and it is unlikely that the building would have been subject to any major failures since 2015. However, should the report be unfavourable, we will reconsider our position.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 26 October 2017 at 2.15 pm

Present

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

Also Present

Councillor(s) Mrs B M Hull, Mrs J Roach and F J Rosamond

Also Present

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

66. **APOLOGIES**

There were no apologies.

67. **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

68. **MINUTES OF THE PREVIOUS MEETING (00-00-35)**

The minutes of the previous meeting held on 28 September 2017 were approved as a true record and signed by the Chairman.

69. **TIVERTON EASTERN URBAN EXTENSION - AREA B, STAGE 1 PUBLIC CONSULTATION MASTERPLANNING**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration informing Members of the outcome of the Area B Stage 1 Public Consultation event, seeking guidance on the key issues detailed in the report and also seeking approval to engage consultants to progress the production of the Draft Area B Masterplan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the phases of masterplanning for the 2 phases for the urban extension. He explained via an illustrative plan Area A to the north and west of the site which had been masterplanned in detail for the first phase of development, this had left the land to the south and east (Area B) to be further masterplanned when the land became available.

He explained the stage 1 public consultation that had taken place in the summer and the key masterplan issues which had formed the basis for consultation:

- Means of access
- Phasing of development
- Extent of developable area / amount of development
- The uses within the green infrastructure area, where these different green infrastructure uses were to be located and their management.
- Content / scope of the masterplan

The means of access to the site had been the most contentious and he outlined the opportunities and constraints for each option:

- Continue to gain access from Area A as currently proposed (adopted SPD)
- Two way access from Mayfair
- Two way access from Manley Lane
- Access via Mayfair and egress via Manley Lane; and
- Access via Manley Lane and egress via Mayfair

He outlined the phasing of development proposed, the extent of development area, the area for green infrastructure, the Area B masterplan content in relation to the adopted masterplan supplementary planning document and the provisional timetable for the masterplanning exercise.

He informed the meeting of the views put forward by the Planning Policy Advisory Group when it had considered the outcomes of the consultation process. The Group's main concern was the public response to the access to the site through Mayfair or via Manley Lane/Post Hill Junction and had recommended that if an alternative access via Area A was required, that different options be considered but that these not include access via Mayfair or Manley Lane.

Consideration was then given to the key questions within the report:

- Access - concern was raised regarding any access either permanent or temporary to the site via Mayfair or Manley Lane/Post Hill junction and any possible delays in the programme which could be caused by having access only from Area A
- Development south of West Manley Lane (within Area A), concerns were raised with regard to development of the area of land to the south of West Manley Lane (which had been adopted as part of the original masterplanning exercise) and the fact that the Planning Committee had requested a revision to the outline planning application with regard to development in this area to exclude it from that application.
- The location of the green infrastructure between the residential development and the Grand Western Canal, Members were keen that the green infrastructure buffer to the south of the site remain, however development with regard to sports and recreation, allotments and communal orchards were acceptable.

It was therefore:

RESOLVED that:

- a) The masterplanning of Area B of the Tiverton Eastern Urban Extension be progressed with the engagement of consultants to assist in the production of the Draft Masterplan.

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

- b) The proposed scope of the masterplan set out in section 3 be agreed.

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

- c) Subject to acceptable planning impacts, alternative access arrangements be considered that do not include Mayfair and/or the Manley Lane/Post Hill Junction

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

- d) The phasing of the Area B masterplan should relate just to Area B in the acknowledgement of the need to complete the A361 junction and the access constraints into Area B and that the phasing of the land parcels should be considered in relation to the delivery of community and green infrastructure within Area B.

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

- e) (i) The proposed Area B masterplan should consider the amount of development.

(ii) There should be no development south of West Manley Lane unless in association with green infrastructure uses

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

- (f) The green infrastructure proposals be considered once the masterplanning had commenced.

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

It was **FURTHER RESOLVED** that a report be considered at a subsequent meeting outlining the options available to Members with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension.

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

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

70. FINANCIAL MONITORING (00-51-34)

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

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund deficit for the current year was £181K (an increase of £108k since the last variance of £73k was reported). He highlighted the most significant movements during that period:

Vacant posts in Environmental Services	(£36k)
Net overspend forecast in Grounds maintenance	£43k
3 Rivers Development set-up costs	£20k
Salary underspend in Property services net of agency costs	(£21k)
Reduced income / increased costs in Market Walk	£50k
Recycling income	(£20k)
Utilities and maintenance in Leisure Facilities greater than budget	£58k
Planning fees above budget, partially offset by increased costs in Forward Planning	(£70k)
Development Control staff savings reported in July now expected to be spent in latter part of the year	£33k

The Housing Revenue Account was showing a rent shortfall but it was reported that this had improved in the last week.

The Capital Programme showed some slippage, however it was explained that as part of the wider enhancement works being carried out at Exe Valley Leisure centre, some essential maintenance work to refurbish the dry side changing rooms, disabled toilets and shower rooms programmed for the following year be delivered in conjunction with the works that were taking place at the current time.

RESOLVED

- a) The report be **NOTED**;
- b) A sum of £45k be brought forward in order to refurbish the dry side changing rooms, disabled toilets and shower rooms at Exe Valley Leisure Centre.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr Mrs M E Squires)

Note: *Report previously circulated copy attached to minutes

71. MEDIUM TERM FINANCIAL PLAN (00-54-42)

The Cabinet had before it a * report of the Director of Finance, Assets and Resources which set out an updated Medium Term Financial Plan (MTFP) taking account of the Council's key strategies (i.e. The Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy).

The Cabinet Member for Finance outlined the contents of the report who stated that the Medium Term Financial Plan had been developed to provide a financial framework within which the Council could deliver the pledges and objectives within the Corporate Plan, the strategy focused on the forward financial issues/pressures facing the General Fund and the Capital Programme. There were still some key issues within the vision that had not been resolved which may improve or worsen the vision, that of:

- Application by the Devon Pool to become 100% Business Rates Pilot
- Impact of new Homelessness legislation from 01/04/18
- Impact of full rollout of Universal Credit from 01/04/18
- Autumn Statement announcement in November 2017
- Finalisation of Formula Grant settlement
- Ongoing service reviews (including changes to fees/charges)

Any major variations in the assumptions would require a fundamental review of the Council's MTFP and would be reported back to Cabinet and the wider Membership as soon as was practical, coupled with proposed courses of action that could be implemented.

Consideration was given to:

- The fact that to do nothing with regard to generating income was not an option
- The options available to meet the funding gap to include those highlighted within the report
- The need for Members to be involved in the direction of travel
- Statutory and non-statutory functions of the local authority
- The budget papers that would be put forward to the Policy Development Groups over the next month outlining the choices that would need to be made.

RESOLVED that the Medium Term Financial Plan be approved and that the actions highlighted within paragraph 6.2 of the report be fully endorsed.

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

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

72. **DRAFT 18/19 GENERAL FUND AND CAPITAL PROGRAMME (1-07-11)**

The Cabinet had before it a * report of the Director of Finance, Assets and Resources considering options available in order for the Council to set a balanced budget for 2018/19 and providing a strategy for further budget reductions in 2019/20 onwards.

The Cabinet Member for Finance outlined the contents of the report stating that the initial aggregation of all service budgets (which included assumptions surrounding predictions for interest receipts, contribution to the capital programme, transfers to/from reserves and council tax levels) currently indicated a General Fund budget gap of £617k. Members discussed the following table which showed the main budget variances affecting the 2018/19 draft budget:

Variances	Amount £k
External items outside of our control	
Reduced formula grant settlement	318
Decrease in Housing Benefit Grant and increase in associated costs	57
Pay Award and pension increases	239
Rural Services Delivery grant	86
Transition Grant	32

Subtotal	732
<i>Other changes</i>	
Increase in service cost pressures	317
Not utilising New Homes Bonus to balance the budget	89
Increase in property sinking funds	100
Interest payments on loans for new leisure equipment	45
Service cost reductions	(108)
New or increased income identified by service managers	(272)
Increase in Council Tax income (£5 rise + 370 new properties)	(212)
Net recharge to HRA	(108)
Minor changes	34
Draft budget gap for 2018/19	617

Consideration was given to

- Newly purchased properties
- The shortfall in Government funding and the need to increase income
- Options already being considered to address the shortfall.

RESOLVED that the contents of the report be **NOTED** and that ongoing work to address the budget gap be acknowledged.

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

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

73. **NOTIFICATION OF KEY DECISIONS (1-13-43)**

The Cabinet had before it and **NOTED**, its rolling plan* for November 2017, along with the addition of a report outlining the options available to Members with regard to land south of West Manley Lane within Area A of the Tiverton Eastern Urban Extension as discussed earlier in the meeting.

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

(The meeting ended at 3.35 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 23 November 2017 at 2.15 pm

Present

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

Also Present

Councillor(s) R F Radford

Also Present

Officer(s): Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jane Cottrell (Group Manager for Human Resources), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

74. **APOLOGIES**

There were no apologies from Members of the Cabinet, although it was noted that Cllrs: F J Rosamond and Mrs J Roach had apologised for not being able to attend the meeting.

75. **PUBLIC QUESTION TIME**

Mr Vanderwolfe, Clerk to Tiverton Town Council, referring to Item 5 (Grounds Maintenance – Grass Cutting) on the agenda, stated that he understood from the report that invoices to Town and Parish Councils would confirm the number of cuts etc, he had not received any complaints about grass cutting and he understood that with rain and sunshine, the grass would grow, the Town Council paid for 6 cuts per year and referred to the calculation in paragraph 3.2 of the report which gave an hourly charge out rate of £35.09 per person per task. He asked how much the Town Council was going to be charged and the number of cuts it would receive. He requested a quarterly update so that he could inform his Council.

Honorary Alderman Lucas referring to Item 4 (10 Year Management Plan for Open Spaces) on the agenda stated that he certainly agreed with the recommendations from the Policy Development Group, however, he voiced concern with regard to the removal of trees in paragraph 6.1 of the report and stated that he would not like to see a repeat of what had happened in Sheffield and would like to see safeguards in place to conserve the trees in parks. Referring to the built environment in parks and open spaces he requested that Town and Parishes Councils be kept informed of any changes that would impact on them. He also referred to the Tree Charter and wondered if such a policy could be progressed within the District Council?

Cllr Burke (Mayor of Tiverton) referring to Item 5 (Grounds Maintenance – Grass Cutting) on the agenda stated that he had heard that the Grounds Maintenance Team would be moving to Willand, would the additional travelling time add to the cost of cutting grass for the Town Council?

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

76. MINUTES OF THE PREVIOUS MEETING (00-07-49)

The minutes of the previous meeting held on 26 October 2017 were approved as a true record and signed by the Chairman.

77. 10 YEAR MANAGEMENT PLAN FOR OPEN SPACES (00-08-46)

Arising from a * report of the Director of Operations, the Environment Policy Development Group had recommended that the following be recommended to Council: subject to the changes identified below the Parks and Open Spaces, 10 year Management Plans and Design Principles be approved:

- a) The Council should look to increase the volume of wild flower, natural grassland meadows and slow growing grasses in its open spaces.
- b) Where shrub beds have become overgrown, a new style of specimen planting will be used to replace traditional shrub bed areas.
- c) The management of tree stock will be set in the context of the 10 year management plan for that open space. There should be a presumption on the use of native trees as the prominent choice within any landscape design.
- d) *Subject to the addition of the word 'replace' at 7.2.3: When considering maintenance of the built environment the Remove – Reduce – Repair approach outlined in paragraphs 7.2.1 to 7.2.4 above should be applied.*
- e) Play England – Making Space for Play should be adopted by Mid Devon District Council as its formal reference for best practice in the design and management of play areas.
- f) *Subject to the addition of the wording 'or a suitable barrier provided' after the word 'fence' Play areas must be fenced where fencing is the most appropriate means to protect the health, safety and wellbeing of children. E.g. to physically separate play areas from roads and/or cycle paths.*
- g) When work is undertaken to remove fences or other items, such as benches, the work must be undertaken in a safe manner ensuring no residual hazards.
- h) Headstone runners should be used to define and structure new burial plots.
- i) *Subject to the removal of the sentence: 'Environmental areas should be generated in the old sections of the Council's cemeteries and biodiversity actively promoted in naturalised habitats.'* At all times War Graves shall be tended and maintained with clear access routes made available.

The Leader and Cabinet Member for Environment outlined the contents of the report stating that the Policy Development Group had fully discussed the contents of the report and that 9 recommendations as amended (*in italics*) had been put forward as recommendations to the Cabinet.

Consideration was given to:

- The Play England – Making Space for Play document and that it contained very useful guidance which should be adopted
- Wild flowers and slow growing grasses
- The maintenance of shrubberies on roundabouts
- The need to protect trees in open spaces

The Director of Operations provided answers to questions posed in public question time and issues raised during discussions: he stated that with regard to the Tree Charter, he would discuss this further with the Planning Department; healthy trees would only be removed in the context of the tree management plan by replacing one for one. The grassland issue was a subjective opinion, the introduction of wild flower areas had been very positive and slow growing grass areas would be maintained. The roundabouts at the entrance to Tiverton were Devon County Council owned land and were seen as high speed areas, therefore health and safety issues had to be considered when it came to maintenance of those areas, he therefore wished to bring forward a proposal that was pleasing to the eye but that would not require road closures for maintenance purposes.

RECOMMENDED to Council that subject to the changes identified, the Parks and Open Spaces, 10 Year Management Plans and Design Principles be approved.

(Proposed by the Chairman)

Note: Report previously copy attached to minutes.

78. **GROUNDS MAINTENANCE - GRASS CUTTING (00-22-21)**

Following consideration of Motion 538 (Cllr Mrs J Roach - 1 June 2017) and a *report of the Director of Operations regarding grass cutting issues in Mid Devon, the Environment Policy Development Group had recommended that invoices to Town and Parish Councils regarding grass cutting should confirm the number of cuts undertaken with dates.

The Leader and Cabinet Member for the Environment outlined the discussion that had taken place at the Policy Development Group meeting and added that in addition to the above, he would like the clients to receive notification when their grass had been cut.

The Director of Operations provided answers to questions posed in public question time: he stated that the report had been specifically focussed on Silverton and supplied answers to questions posed originally by Cllr Mrs Roach; however the current charge was per square metre and not on individual man hours. A working group of the Policy Development Group had been formed to look at budget issues and the Town and Parish Councils would be notified in good time to allow for

precepts to be set. With regard to the possibility of the Grounds Maintenance Team moving to Willand, there had been security issues at Park Road and he wished to encourage closer working between the Grounds Maintenance and Street Scene Teams; so yes he was looking at combining the team at Carlu Close, the recharge cost for grass-cutting would be calculated accordingly.

Consideration was given to:

- The consultation process that was taking place with staff
- The need to make savings.

RESOLVED that notification to Town and Parish Councils regarding grass cutting should confirm the number of cuts undertaken with dates; this notification should take place on a monthly basis or as applicable if no cuts occurred during a month.

(Proposed by the Chairman)

Note: Report previously copy attached to minutes.

79. **HEART OF THE SOUTH WEST - JOINT COMMITTEE (00-32-28)**

The Cabinet had before it a *report of the Chief Executive requesting consideration and approval of the establishment of a Joint Committee for the Heart of the South West and the arrangements to support its future working.

The Leader outlined the contents of the report highlighting the proposed recommendations, the key functions of the joint committee and the supplementary amendment that had been added with regard to the publication of press releases and/or public documentation. All constituent authorities would consider the same report prior to January 2018.

Consideration was given to:

- Concerns regarding the possibility of the formation of a unitary authority – it was confirmed that no discussions along these lines had taken place.
- The fact that the Chancellor's budget had highlighted the role of an Elected Mayor – it was confirmed that the HoSW Leaders would not be seeking an Elected Mayor

RECOMMENDED to Council that:

1. the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
2. the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018 be approved;

3. the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration be appointed as the Council's named representative and substitute named representative on the Joint Committee;
4. Somerset County Council be appointed as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
5. the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year be approved subject to approval of any expenditure by the Administering Authority;
6. an initial contribution of £1,400 for 2018/19 to fund the administration be approved and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. it agrees that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
8. the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised; and
9. It agrees the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the attached Background Report.

(Proposed by the Chairman)

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

80. **GENDER PAY GAP (00-36-55)**

The Cabinet had before it a * report of the Group Manager for HR advising the Cabinet (and Council) of the Pay Gap between male and female employees as at 31 March 2017.

- The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that from 6 April 2017 employers in Great Britain with more than 250 staff would be required by law to publish the following four types of figures annually on their own website and on a government website by 30 March 2018.
- Gender pay gap (mean and median averages)
- Gender bonus gap (mean and median averages) - not applicable
- Proportion of men and women receiving bonuses - as above
- Proportion of men and women in each quartile of the organisation's pay structure

Consideration was given to the four quartiles outlined in the report and that the Council's median gender pay gap was significantly lower than the national average.

RECOMMENDED to Council that the report be **NOTED**

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

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

81. **TREASURY MANAGEMENT STRATEGY MID YEAR REVIEW REPORT (00-40-59)**

The Cabinet had before it a * report of Director of Finance, Assets and Resources informing the Cabinet (and Council) of the treasury performance during the first six months of 2017/18, requesting agreement of the ongoing deposit strategy for the remainder of 2017/18 and a review of compliance with Treasury and Prudential Limits for 2017/18 (Appendix 1).

The Cabinet Member for Finance outlined the contents of the report stating that the UK bank interest rates still remained low; however the investment in the CCLA (Churches, Charities and Local Authorities) had proved beneficial with a 4.65% return for the first two quarters of the financial year.

Consideration was given to the slight increase in interest rates, both on short term and long term investments.

RECOMMENDED to **COUNCIL** that a continuation of the current policy outlined in paragraph 6.1 be agreed.

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

Notes:

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

82. **FINANCIAL MONITORING (00-43-00)**

The Cabinet Member for Finance provided a verbal update on the income and expenditure for the financial year to date. He reported that there had been little change since the previous month although there had been an increase in the income from the garden waste scheme and that car parking income had slipped, it was felt that the closure of Canal Hill had had some impact on this.

Consideration was given to the impact of the Chancellor's budget the previous day, the Director of Finance, Assets and Resources stated that the devil would be in the detail and that he would update Members when he had more information. The doubling of the infrastructure funding was acknowledged which may be favourable to the authority.

83. **PERFORMANCE AND RISK (00-46-14)**

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 Group Manager for Performance, Governance and Data Security outlined the contents of the report highlighting the threads within the Corporate Plan that of: “Environment” - that the transfer station was now up and running; “Homes”- that the number of empty homes had exceeded its annual target; “Economy - that there were a couple of new businesses in the area; “Corporate, the working days lost to sickness was a little below target. She also drew attention to the recent Landlord Networking event that had taken place earlier in the month.

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

84. **SCHEDULE OF MEETINGS (00-48-58)**

The Cabinet had before it a * draft schedule of meetings for 2018/19

| **RECOMMENDED** that the schedule of meetings for 2018/19 be approved.

(Proposed by the Chairman)

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

85. **ASBESTOS SURVEYING - LICENSED AND UNLICENSED REMOVAL 2017-2021 (00-50-47)**

The Cabinet had before it a * report of the Director of Operations advising the Cabinet of the outcome of the recent tender of Asbestos Surveying and removal of Licensed and Unlicensed asbestos for the period 2018 – 2021.

The Cabinet Member for Housing outlined the contents of the report stating that this was the first contract established on a corporate basis scoping both the Council owned homes and corporate properties and explained the tender process that had taken place.

RESOLVED that the following tenders be awarded:

- a) Lot 1, Licensed Work, to **Supplier L** with a forecast annual budget of £100,000
- b) Lot 2, Unlicensed Work to **Supplier N** with a forecast annual budget of £100,000.

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

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

86. **CABINET MEMBER DECISION (00-54-03)**

The Cabinet **NOTED** that the Cabinet Member for Finance has made the following * decision:

To give free car parking for three Saturdays in December leading up to Christmas (9th, 16th and 23rd) plus a fourth day coinciding with each town's Christmas light switch-on event (Saturday 25th November for Crediton and Cullompton and Saturday 2nd December for Tiverton) in the long stay car parks of:

Multi-Storey Car Park, Tiverton

Station Road Car Park, Cullompton

St Saviour's Way Car Park, Crediton

Free parking will apply all day; from 00:00 to 23:59 on the dates listed above (subject to car park opening hours).

Reason: To boost footfall and enhance trade in the market towns in the run up to Christmas and support local Christmas programmes.

This decision directly supports the achievement of the Corporate Plan and Economy and improving and regenerating our town centres. Free parking for the Saturdays in the run up to Christmas with the aim of increasing footfall, dwell time and spend in our town centres. This will benefit local traders by supporting businesses in the town centres.

Notes:

- (i) Cllr C J Eginton declared a personal interest as he had a business in the town;
- (ii) *Decision previously circulated, copy attached to minutes.

87. NOTIFICATION OF KEY DECISIONS (00-54-45)

The Cabinet had before it, and **NOTED**, its rolling plan * for December/January containing future key decisions.

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

(The meeting ended at 3.12 pm)

CHAIRMAN

Parks and Open Space 10 Year Management Plans and Design Principles

Cabinet Member: Cllr Clive Eginton, and Cllr Colin Slade

Responsible Officer: Andrew Pritchard, Director of Operational Services

Reason for Report: To consider potential design principles for parks and open spaces under the control of Mid Devon District Council.

Relationship to Corporate Plan: Environment – Priority 4 – Protecting the environment.

Financial Implications: The 17.18 budget to maintain open spaces and parks is set out below:

- Grounds Maintenance £620k
- Parks and Open Spaces £386k
- Play areas £159k
- Bereavement Services £77k
- Cemeteries £120k

Legal Implications: Health and Safety legislation requires the Council to ensure all parks and open spaces are compliant with current guidelines. Crime and Disorder Act Section 17 requires that open space design and maintenance ensures adequate provision is made to design-out opportunities for anti-social behaviour and criminal activities.

Risk Assessment: The Council would require a relevant review of risk assessments for all proposals that significantly impact on current landscaping provision; the intent being to assess risk on a case by case, site by site basis.

Equality Impact Assessment: There are no equality issues identified in this report.

1.0 Introduction

1.1 At the Environment PDG held on the 11th July 2017 a discussion paper (Item 15) was tabled which outlined a potential framework which could be used to take a long term view of our open spaces and parks. It was a paper written to stimulate discussion and debate. That debate included a resolution to ask the Community PDG to discuss the paper with regard to the health and wellbeing of families using open spaces, in particular section 8 concerning play areas.

1.2 At the Community PDG which met on 1st August 2017 it was resolved that the Environment PDG be asked to ensure that the Parks and Open Spaces 10 Year Management Plan be clear that:

1.2.1 Play areas must be fenced when necessary for health and safety reasons, as the health, safety and wellbeing of children was of paramount importance:

1.2.2 Play England criteria be used:

- 1.2.3 When work was undertaken to remove fences or other items such as benches, the work must be undertaken safely and no hazards left:
- 1.2.4 That communication and clear consultation must take place with all parties being updated.
- 1.3 The Environment PDG meeting on the 5th September 2017 received the response from the Community PDG and agreed a full report with recommendations be brought to the next meeting of the PDG; this report being that document.

2.0 Overarching Ambition

- 2.1 The overarching ambition is to develop a 10 year management plan for each open space under the control of Mid Devon District Council. The intention is to prioritise the design of formal parks and gardens in the first instance.

3.0 10-year Management Plans

- 3.1 The idea behind introducing 10 year management plans is to establish a long term view of our open spaces. It is a chance to look at planting and infrastructure investment over many seasons rather than simply year to year.
- 3.2 From the outset it is clear that consultation is a vital step when considering the future look of our open spaces. There is an important role for our Town and Parish Councils and we welcome their opinion and involvement.

4.0 Wild flower displays, natural grassland meadows, slow growing grasses.

- 4.1 The options and benefit of these environments were set out in the briefing paper to Environment PDG dated 6th September 2016¹. The introduction of wild flower in particular has been well received to date.

4.2 RECOMMENDATION 1: The Council should look to increase the volume of wild flower, natural grassland meadows and slow growing grasses in its open spaces.

5.0 Shrub bed maintenance

- 5.1 A traditional feature of public open space has been the use of displays with typical shrubs set within shrub bed areas. Over recent decades the maintenance of these areas has been largely reduced to trimming shrubs with hedge trimmers in the autumn. As a result of this practice the parts of the plants that develop the traditional flower displays have been removed. An unintended consequence has been that certain areas have become isolated and, in part, have encouraged anti-social behaviour. The original intended objective of producing attractive seasonal displays has been lost by these practices.

¹ A briefing paper on 6 September 2016 called 'Wildflower displays, grassland meadows and slow growing grass seed mixtures'. It was noted by the PDG but no decisions were made.

5.2 **RECOMMENDATION 2: Where shrub beds have become overgrown, a new style of specimen planting will be used to replace traditional shrub bed areas.**

This will remove the need for high intensity shrub pruning and allow specimen plants to mature in the right location. Seasonal displays will be enhanced by the removal of incorrect hedge trimming practices and areas of anti-social behaviour will be reduced within the parks.

6.0 **Tree stock maintenance and development**

6.1 All parks have a variety of trees and shrubs. In certain areas the wrong species may, perhaps, have been introduced into that open space. This means there may be incidences when we choose to removal a healthy tree or group of trees in order to benefit the long term development of an area. In these situations a full replacement plan and explanation of the proposals would be set out in advance.

6.2 **RECOMMENDATION 3: The management of tree stock will be set in the context of the 10 year management plan for that open space. There should be a presumption on the use of native trees as the prominent choice within any landscape design.**

7.0 **Built Environment**

7.1 Within our parks and open spaces the built environment can be as important to the public as the natural or soft landscaping provision. This includes paths, furniture, fences and walls.

7.2 When developing a 10 year management plan for an open space it is proposed that a hierarchy of questions is used when determining the response to maintenance. These should be:

7.2.1 **Remove** - is the facility needed? Often a feature may be unnecessary but retained over decades without a clear reason for doing so. There are numerous paths within our open spaces that are in need of resurfacing and walls and fences that are becoming dilapidated. By removing a feature the Council can reduce future liabilities.

7.2.2 **Reduce** - in many instances there may not be an option to remove a facility completely. Therefore our second option could be to reduce the quantities provided. For example, careful consideration of how benches are sited could result in an overall reduction in the number of benches without that loss being seen as a detrimental reduction. If a bench is located in an area that enjoys far reaching views, rather than in a dark and hidden area of a park, it is more likely to be used and less likely to be vandalised or encourage anti-social behaviour.

Footpaths could be removed and returned to grass land areas. Fences to internal areas of open spaces can be reduced in height with boundary treatments changed to reduce the need for a fence. Un-fencing play areas in certain circumstances will create a broader area for natural play.

- 7.2.3 **Repair** - only after consideration of Remove or Reduce would we look to repair the facility in question in a like for like manner.
- 7.2.4 When working through the ‘**remove, reduce, repair**’ hierarchy of questions, the view of Town or Parish Council would be sought as an important part of the decision making process.

8.0 Play areas

- 8.1 Play areas are part of the built environment and would be approached within the context of paragraph 7 above. The interest around play areas warrants them being identified as an element of the built environment for specific discussion.
- 8.2 In considering play areas the “**Play England - Making space for play** (ISBN: 978-1-84775-225) publication is a potential independent reference. It sets out extensive recommendations for play design within the landscape. The guidance is comprehensive and focuses on the design principles of play in the landscape.

The following link www.playengland.org.uk contains useful source material; including the reference document “Play England – Making Space for Play”.

- 8.3 Mid Devon District Council currently maintains 97 play areas skate parks and a BMX track of varying size and condition. There are currently 11 play areas leased to Parish or Town Councils. The active leases have terms of between 2 and 20 years remaining.
- 8.4 In 2008 the Council adopted a Supplementary Planning Document relating to ‘The provision and funding of open space through development’. Should recommendation 5 at paragraph 8.5.1 be adopted the advice from planning officers is that the “Play England – Making space for play” could be cited as a material consideration when assessing developer proposals.
- 8.5 RECOMMENDATION 4: When considering maintenance of the built environment the Remove – Reduce – Repair approach outlined in paragraphs 7.2.1 to 7.2.4 above should be applied.**

With particular regard to play areas it is further recommended that:

- 8.5.1 RECOMMENDATION 5: Play England – Making Space for Play should be adopted by Mid Devon District Council as its formal reference for best practice in the design and management of play areas.**
- 8.5.2 RECOMMENDATION 6: Play areas must be fenced where fencing is the most appropriate means to protect the health, safety and wellbeing of children.** E.g. to physically separate play areas from roads and/or cycle paths.

8.5.3 RECOMMENDATION 7: When work is undertaken to remove fences or other items, such as benches, the work must be undertaken in a safe manner ensuring no residual hazards.

9.0 Cemetery Maintenance

9.1 The new sections of our cemeteries are now laid out in formal rows that allow for the installation of a headstone and a small vase to each side of the headstone. In defining the area for floral displays and by setting out each headstone border in a formal manner it allows for a high standard of mowing and ensures that none of the new areas become over grown or unsafe to access.

9.2 RECOMMENDATION 8: Headstone runners should be used to define and structure new burial plots.

9.3 RECOMMENDATION 9: Environmental areas should be generated in the old sections of the Council's cemeteries and biodiversity actively promoted in naturalised habitats. At all times War Graves shall be tended and maintained with clear access routes made available.

10.0 Conclusion

10.1 The recommendations contained in this report aim to reflect the debate and representations made during discussion on how to deliver sustainable open spaces. The next step, if supported, would be to apply the principles to our main parks and open spaces to generate a vision for how each space could develop over the next 10 years.

Contact for more Information: Andrew Pritchard, Director of Operations

Circulation of the Report: Cabinet Members, Leadership Team, Community and Environment Policy Development Groups.

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HEART OF THE SOUTH WEST – JOINT COMMITTEE

Cabinet Member(s): Clive Eginton (Leader) and Richard Chesterton (Planning and Economic Regeneration)

Responsible Officer: Stephen Walford, Director for Growth and Chief Executive

Reason for Report: To consider and approve the establishment of a Joint Committee and the arrangements to support its future working as set out in the Report and the documents referred to within it.

RECOMMENDATION: that the Cabinet recommends to Full Council that it:

1. Approves the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
2. Approves the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018;
3. Appoints the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration as the Council's named representative and substitute named representative on the Joint Committee;
4. Appoints Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
5. Approves the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
6. Approves an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. Agrees that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
8. Authorises the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and

9. Agrees the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14 of the attached Background Report.

Relationship to Corporate Plan: In the Corporate Plan, the Council commits to working “in partnership with the Heart of the South West Local Enterprise Partnership, Devon County Council and Exeter, East Devon and Teignbridge on projects that will support and grow the local economy”. The Joint Committee will extend such working to a wider area.

Financial Implications: These are considered in Part 9 of the Background Report. The Council, if it approves the recommendations, will commit to the level of funding in recommendation 6 above for 2018/19 and future financing of the Joint Committee will be subject to a separate report at a later date.

Legal Implications: Part 8 of the Background Report and the previous report considered by members in February 2017 looks at the legal implications. The Monitoring Officer has liaised with her counterpart in Somerset County Council and previously provided legal advice on powers and arrangements whilst herself a lawyer at Somerset County Council.

Risk Assessment: Part 7 of the Background Report addresses risk.

Equality Impact Assessment: Part 5 of the Background Report addresses Equalities issues. The Productivity Strategy itself identifies ‘inclusive growth’ as a key principle behind productivity growth in which everyone has the opportunity to benefit from, and contribute to, our productivity growth, regardless of status or location

1.0 Introduction

1.1 On 22 February 2017, the Council approved “in principle” the establishment of a Joint Committee with other authorities lying within the area of the Heart of the South West Local Enterprise Partnership (“the LEP”). Work has since continued on preparing the formal arrangements under which the Joint Committee would operate.

1.2 This report is an overview and summary of the key points explained in more detail in the attached Background Report, together with Appendix A (Arrangements) and Appendix B (Inter-Authority Agreement) to the Background Report. The latter is a standard report which has been prepared by the Monitoring Officer for Somerset County Council in consultation with the monitoring officers of the constituent authorities. Subject to a few changes and some further discussions with Exeter City Council, the draft report was agreed at a meeting of the Shadow

Joint Committee in September 2017 as the basis for circulation to the constituent authorities for a decision.

2.0 Key purpose, aims and objectives

2.1 The key purpose of the Joint Committee is to increase productivity across the area. It aims to do this by providing a single strategic partnership between local authorities and public sector partners which will produce and deliver the Productivity Strategy (see 2.2). The overarching objectives are that such a strategy, when implemented, will:

- (a) improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) increase our understanding of the economy and what needs to be done to make it stronger;
- (c) improve the efficiency and productivity of the public sector; and
- (d) identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy

2.2 The Productivity Strategy is “a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective ‘ask’ of Government”.

2.3 The draft Productivity Strategy is currently out to consultation, due to end on 30 November 2017. It was considered by the Economy Policy Development Group on 9 November 2017 (Minute 49/17). The outcome of the discussion was:

*“In conclusion, it was **AGREED** that officers would respond to the consultation with comments from the Group summarised as follows:*

- *It was important not to miss out on opportunities for spins offs from economic growth taking place in other areas of the region.*
- *Improving skills was crucial to achieving greater productivity.*
- *Digitalisation was a key factor.*
- *Fostering and encouraging aspiration and ambition was vitally important and seen as fundamental to the success of the region”*

3.0 Very limited delegation

3.1 It is important to note that the only matter which is formally delegated to the Joint Committee is responsibility for approving the Productivity Plan. Everything else (see 3.2) is 'referred' – this means that whilst the Joint Committee is tasked with taking the referred matters forward, a final decision on such matters rests with the constituent authorities.

3.2 The referred matters are the following:

- Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
- Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
- Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, e.g., strategic road and rail transport improvements
- Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the above matters to be delivered.

3.3 It is important therefore to note that the Joint Committee has a much more limited role than a Combined Authority – giving the go-ahead to the Joint Committee does not commit the Council to a path which leads inevitably to a Combined Authority. Any proposal for a Combined Authority which may emerge in future will be for the Council to consider entirely on the merits of the case at that time.

4.0 Administration of the Joint Committee

- 4.1 Somerset County Council has agreed to act initially as the Administering Authority. SCC has considerable expertise in such roles – acting as such for the LEP, Somerset Rivers Authority, Somerset Waste Partnership and a number of other similar partnerships over the years. The Administering Authority provides legal, democratic services, financial and communications support to the Committee.
- 4.2 The Joint Committee’s Forward Plan of business and papers for its meetings will be published on the Administering Authority’s website with links provided to the websites of the other Constituent Authorities and partner organisations.
- 4.3 The Arrangements document (Appendix A) and the draft Inter-Authority Agreement (Appendix B) provide more detail on how the day-to-day arrangements of the Joint Committee will be run. For example, Members may wish to note Part 12 of the Arrangements which sets out who can put items on the agenda of the Joint Committee.
- 4.4 The meeting dates for 2018 are set out in paragraph 2.14(b) of the Background Report.

5.0 Funding

- 5.1 It is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. Members are referred to paragraph 2.11 of the Background Report. If £42,000 of the remaining budget for the Combined Authority is put into the Joint Committee, this leaves a shortfall of £47,000. The proposed contribution for district councils for 2018/19 is £1,400.
- 5.2 The future budget will be a matter for agreement in line with the Arrangements and the Inter-Authority Agreement following a recommendation of the Joint Committee.

6.0 Options

- 6.1 The Council should always consider the alternative options available to them. The Background Report contains an assessment of the options at paragraph 10.

7.0 Getting in (and getting out)

- 7.1 In order to participate in the Joint Committee, the Cabinet is asked to recommend to Full Council the recommendations 1-9 above. These are the same recommendations that each Constituent Authority is considering, subject to local changes in the amount of the financial contribution and the identity of the representatives. If the Council approves the recommendations, the first meeting of the Joint Committee is scheduled for Friday 26th January 2018.
- 7.2 As with any such arrangements (if approved), whilst the Cabinet and the Council will no doubt be fully committed to making the Joint Committee successful, it remains open to Members to scrutinise the arrangements from time to time to see whether they are delivering desired outcomes and remain in the best interests of the Council. If the Council concludes in future that it no longer wishes to participate, a minimum period of 6 months' notice in writing is required. However, given the positive purpose of the Joint Committee and its limited remit, there seems to be very much a lot to gain by participation.

Contact for more Information:

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Circulation of the Report: Cllr C Eginton (as Leader of the Council), Cllr R Chesterton (as Cabinet Member for Planning and Economic Regeneration) and the Chief Executive

List of Background Papers: Reports to and minutes of the following meetings:

Cabinet – 2 February 2017

Council – 22 February 2017 (in principle decision)

Economy Policy Development Group – 9 November 2017 (draft productivity plan)

Heart of the South West – Joint Committee

Report of the Director for Growth and Chief Executive

Recommendations: That Cabinet recommends that the Council:

1. Approve the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West;
2. Approve the Arrangements and Inter-Authority Agreement documents set out in appendices A and B for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018;
3. Appoint the Leader of the Council and the Cabinet Member for Planning and Economic Regeneration as the Council's named representative and substitute named representative on the Joint Committee;
4. Appoint Somerset County Council as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
5. Approve the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year subject to approval of any expenditure by the Administering Authority;
6. Approve an initial contribution of £1,400 for 2018/19 to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
7. Agree that the key function of the Joint Committee is to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
8. Authorise the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy; and
9. Agree the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in para 2.14.

1. Introduction

1.1 Since August 2015, Devon and Somerset County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership (LEP) and the three Clinical Commissioning Groups have worked in partnership to progress towards securing a devolution deal for the HotSW area focusing on delivering improved productivity. Since that time the partnership has continued to progress its objectives in spite of policy shifts at a national level.

1.2 On 22 February 2017 (Minute 130(2)) the Council gave 'in principle' approval to the establishment of a HotSW Joint Committee, subject to approving the Joint Committee's constitutional arrangements and an inter-authority agreement necessary to support the Joint Committee. This report sets out the necessary documents which, if agreed, will enable the Joint Committee to be formally established.

1.3 Since then the General Election has further shifted the national policy position. On the 13th October representatives of HotSW (from the Somerset, Devon, Plymouth and Torbay upper tier authorities) met Jake Berry MP, Minister for devolution to clarify the position of the Government and the HotSW Partnership on the devolution issue. The meeting was very positive and although no agreements were reached at the meeting, the partnership's representatives were given a clear message that the Government would welcome a bid from the partnership to progress our productivity ambitions by identifying areas where we can work together with Government. Importantly the Minister indicated that there would be no requirement to have an elected mayor for Devon and Somerset as a condition of any deal. This statement has removed one significant blockage to moving our ambitions forward and we now need to agree what we want from this initiative and then find practical ways to work with the Government on delivery.

1.4 There is now no doubt that the Government is keen to engage with wider areas that can demonstrate:

- Unity, clarity of purpose and a shared, ambitious vision built on local strengths
- Strong partnership between business and the public sector with solid governance arrangements that provide assurance in capacity to deliver
- Compelling ideas that can help to deliver Government objectives
- Clarity about the offer to Government in terms of savings and is prepared to take hard decisions based on a robust analysis of risk and benefits.

The Joint Committee will provide the ideal governance framework at this stage to take forward this dialogue with Government.

1.5 The key role of the HotSW Joint Committee is to develop, agree and ensure the implementation of the Productivity Strategy. This can only be achieved by working, where appropriate, in collaboration with the individual constituent authorities and the LEP. The Strategy will agree a common vision for increased prosperity through economic growth informed by a local evidence base and engagement with local stakeholders. It will also link to Government policy initiatives, particularly in relation to the Industrial Strategy, and will form the basis for developing our collective 'ask' of Government.

2. HotSW Joint Committee Proposal

2.1 The detail of the proposed functions of the Joint Committee and how it will operate are set out in appendix A attached – the Arrangements document. Appendix B attached sets out an Inter-Authority Agreement for consideration which details how the Joint Committee will be supported and sets out the obligations of the Council if it agrees to become a constituent member.

2.2 The documents detail the Administering Authority functions in support of the operation of the Committee including the provision of financial, legal, constitutional and administrative support to the Committee.

2.3 At this stage the Arrangements and Inter-Authority documents have been 'scaled' to fit the functions of the Joint Committee and the limited liabilities that each authority faces in signing up to be a Constituent Authority. In the event that the remit of the Joint Committee expands to take on more decision-making responsibilities and functions of the constituent authorities, the Arrangements and Inter-Authority agreement will be revisited to ensure that they remain fit for purpose and proportionate. Any expansion of the functions and responsibilities would require the approval of the Constituent Authorities.

2.4 The Joint Committee has a much more limited role than a Combined Authority. It does not have the statutory or legal status of a Combined Authority and cannot deliver the full range of benefits that a Combined Authority can, but it does have the potential to provide cohesive, coherent leadership and a formal governance structure. Its role will focus on collaboration, negotiation and influencing with full decision making responsibilities limited to developing and agreeing the Productivity Strategy. The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions to deliver the Productivity Strategy and decisions necessary as a result of

the other functions of the Joint Committee being taken at the most local and appropriate level.

2.5 The aim of the Joint Committee through the delivery of the Productivity Strategy will be to:

- Improve the economic prosperity of the wider area by bringing together the public, private and education sectors;
- Work together to realise opportunities and mitigate impacts resulting from Brexit;
- Increase understanding of the local economy and what needs to be implemented locally to improve prosperity for all;
- Ensure the necessary strategic framework, including infrastructure requirements, is in place across the HotSW area to enable sub-regional arrangements to fully deliver local aspirations; and improve the efficiency and productivity of the public sector. This work will be supported by a Joint Committee budget based on an agreed work programme.

2.6 The creation of a single strategic public sector partnership covering the HotSW area will: facilitate collaborative working; help us to remove barriers to progress; as well as provide a formal structure to engage with Government at a strategic level on major areas of policy. It also has the potential to enable the Constituent Authorities and partners to have discussions with neighbouring Councils / Combined Authorities / LEPs on South West peninsula priorities and issues as well as the ability to move swiftly towards a Combined Authority model in the future (by potentially acting as a shadow Combined Authority) if the conditions are deemed acceptable to the Constituent Authorities.

2.7 Critically, the Joint Committee will also provide a formal mechanism for the Constituent Authorities to engage effectively with the LEP across common boundaries and agendas. District Council partners, in particular, might view this as an opportunity to engage more effectively with the LEP. The LEP, which will sit alongside the Joint Committee, has recently adopted new governance requirements to ensure greater transparency and accountability and wishes to further improve its democratic accountability in discussion with HotSW partners. The Joint Committee will provide a formal structure to take these discussions forward and for the Constituent Authorities to have greater influence over the activities of the LEP on our common agendas.

2.8 Although the Joint Committee is a cost-effective formal structure, some provision needs to be made to meet the support costs of what will be a fully constituted local authority joint committee. It is proposed that Somerset County Council (who have provided the lead for the governance workstream of the devolution project over the last two years) takes on the support role (with the option of rotating the role after 2 years of operation), to provide the financial, legal, democratic support to the Joint Committee from 22nd January 2018.

2.9 There is currently the remainder of the joint devolution budget raised from an initial contribution from all Authorities and the LEP in 2015. It is recommended that the remaining funds from this budget - £42,000 - are transferred to the Administering Authority and the budget is used to support the costs of the Joint Committee for the remainder of 2017/18 financial year and for some of 2018/19.

2.10 In addition, the Joint Committee will need a budget to undertake its work programme in order to oversee the implementation of the Productivity Strategy. The overall budget required to support the Joint Committee and enable it to undertake its work programme will be dependent, to an extent, on the level of 'in-kind' officer resources provided to the Committee by the constituent authorities. The Administering Authority will review the in-kind support which has been provided for the devolution project in consultation with the constituent authorities and bring forward revised budget figures as part of a budget and cost sharing agreement as necessary in due course to the Joint Committee for consideration and recommendation to the Constituent Authorities. The budget figures set out in this report in paragraph 2.11 are therefore provisional at this stage. The initial Joint Committee work programme is set out in section 3 below for approval.

2.11 Through work undertaken by the partners it is estimated that the operating cost of a Joint Committee will be £89,000 in 2018/19 (and to cover the remainder of 2017/18) excluding any in-kind support. This estimate is made up of the following:

- £40,000 for the Administering Authority to undertake its duties. This is seen as a minimum cost and assumes that 'in-kind' officer resource remains in place at the same level; the Joint Committee meeting venues are provided by partners as 'in-kind' contribution
- £25,000 (estimate) for work the Joint Committee would wish to commission
- £24,000 for the Brexit Resilience and Opportunities Group Secretariat.

2.12 The Shadow Joint Committee recommends the budget is met by contributions from the Constituent Authorities. This would exclude the LEP and the CCGs from contributing as non-voting partners. As stated above it is estimated there will be a funding carry forward of £42,000 from the 2015 devolution budget. This would leave

a shortfall of £47,000 to meet the total estimated budget requirement of the Joint Committee in 2018/19. Using the formula of contributions agreed in 2015 to support the devolution project the contribution requested of each Constituent Authority for 2018/19 is set out below. This assumes that all authorities agree to become members of the Joint Committee and would have to be recalculated should fewer than 19 Authorities become Members.

- County Councils - £10,500
- Unitary Councils - £4,000
- District Councils and National Parks £1,400

2.13 Under this formula it is recommended this Council contributes £1,400 for 2018/19 as a Constituent Authority. Any expenditure against this budget would be subject to the formal approval of the Administering Authority.

2.14 In terms of the proposed meeting arrangements for the Joint Committee, it is recommended:

- (a) That the Joint Committee should meet formally immediately after the LEP Board meetings to assist with engagement and co-operation between the bodies and allow co-ordination of the respective work programmes.
- (b) That the following dates are reserved for meetings of the Joint Committee in 2018:
 - Friday 26th January
 - Friday 23rd March
 - Friday 25th May
 - Friday 20th July
 - Friday 28th September
 - Friday 30th November
- (c) That the Joint Committee meetings should start at 10am with the venues rotated throughout the HotSW area. The assumption will be that the host authority for that meeting will provide appropriate accommodation and facilities 'in kind'.

3. HotSW Productivity Plan and the Joint Committee Work Programme

3.1 The Partnership has, since its inception, been focused on working together to tackle low productivity as this is seen as the key to future economic growth. The

academic research undertaken in the HotSW Green Paper on Productivity - <http://www.torbay.gov.uk/council/how-the-council-works/devolution/productivity-plan-green-paper/> highlighted that whilst Devon and Somerset have one of the highest employment rates in the country too many of those jobs are part-time and low paid. This means that our area has one of the lowest productivity rates in the Country and this is a major barrier to future prosperity.

3.2 The Partnership has continued to lobby Government to work more closely with our area in order to make good on its promise to spread economic growth across the Country and we now need to build on the recent meeting of the Minister and the momentum achieved. This work is urgently needed to ensure that areas such as the Heart of the South West don't get left behind as Government look to focus investment in areas where there are strong, cross boundary strategic partnership arrangements such as the six Mayoral Combined Authorities.

3.3 The Productivity Strategy is being developed through an academic evidence base and engagement with stakeholders and the community. The draft plan is currently out to consultation (<http://www.torbay.gov.uk/devolution>). The deadline for response is 30th November 2017. Members are encouraged to respond to the draft strategy.

3.4 In summary the Strategy proposes to deliver prosperity and productivity across the entire HotSW and to do so in an inclusive way. It proposes to build on existing strengths such as aerospace, advanced manufacturing, nuclear energy and agri-tech as well as exploiting new opportunities and releasing untapped potential.

The Strategy is built around three key objectives:

- Developing **leadership and knowledge** within businesses in our area;
- Strengthening the **connectivity and infrastructure** our businesses and people rely on; and
- Developing the ability of people in our area to **work and learn** in a rapidly changing economy.

	Leadership and knowledge	Connectivity and infrastructure	Working and learning
Aspiration	To substantially improve the productivity of businesses in the area.	Improve our physical and natural assets to support wellbeing and economic opportunities.	Meet the potential of every individual within the area to work and contribute to our shared prosperity.
High-level aim	Help develop innovative, ambitious, growing businesses that can compete internationally.	Create vibrant places that are attractive to skilled people and new investment, with infrastructure to support productivity growth.	Develop, attract and retain a highly skilled and adaptable workforce.
Strategic objective	Programmes <ul style="list-style-type: none"> • Management excellence • New markets, new opportunities • Remove barriers to expansion • Attract talent and investment 	Programmes <ul style="list-style-type: none"> • Clean energy infrastructure • Connectivity and resilience • Land for business and housing needs • Natural capital to support productivity 	Programmes <ul style="list-style-type: none"> • Skills for a knowledge-led economy • Pathways to success • Access to work and opportunities • Skills for our 'golden opportunities'

3.5 It is recommended that one of the first tasks of the Joint Committee will be to approve the Productivity Strategy early in the New Year;

3.6 The Partnership has been meeting as a Shadow Joint Committee since 22nd September 2017. Its focus is to ensure the Joint Committee can immediately move into action and take advantage of major funding streams, national policy debates and lobbying around the economy. The Partnership will be working with the LEP to deliver the Productivity Strategy and will be supporting a joint work programme which initially will involve:

- Developing and recommending a delivery and investment Framework, to implement the Productivity Strategy and demonstrating our capacity to deliver. This will complement the LEP's Strategic Investment Panel which oversees the LEP's investments;
- Investigating ways to complement existing work to draw out opportunities to attract infrastructure investment in line with the Productivity Strategy aims, building our track record for ambitious and compelling propositions;
- Investigating ways to complement existing work on improving the delivery of skills in line with the Productivity Strategy aims; and
- Investigating ways to complement existing work on strengthening leadership & knowledge within the area's SMEs in line with the Productivity Strategy aims;

3.9 Any Joint Committee expenditure on the joint work programme will be subject to approval by the Administering Authority.

4. Consultation, communication and engagement

4.1 Members, partners and the public have been kept informed of developments of the HotSW Devolution Partnership and the Productivity Strategy through press releases, newsletters, presentations, workshops and publications. This information flow will be maintained by the Joint Committee. In addition, all of the Authorities within the Partnership have taken formal decisions as required during the various stages of consideration of devolution proposals and the proposed creation of the Joint Committee.

4.2 A draft Productivity Strategy has been subject to public consultation. To complement the on-line consultation there have been; Council-based briefings and targeted key stakeholder events through 6 sub-regional roadshows held in Plymouth, Northern Devon, Cullompton/Exeter, Torbay, Taunton/Bridgwater and Yeovil/Shepton Mallet. The consultation ends on 30th November 2017 and feedback will influence the final strategy which is due for approval in early 2018. This Council's Economy Policy Development Group considered and agreed the draft Productivity Strategy on 9 November 2017, subject to providing a consultation response on certain matters – minute 49 of the Economy PDC refers.

5. Equality Considerations

5.1 The Inter-Authority Agreement requires all Constituent Authorities to support, promote and discharge its duties under the Equality Act through the work of the Joint Committee. The Partnership is developing an Equality Impact Needs Assessment to inform the development of the Productivity Strategy. The Joint Committee will consider this assessment alongside the Productivity Strategy before adoption.

6. Public Health Considerations

6.1 There is a strong correlation between economic prosperity and health of the population. Public Health specialists will be key stakeholders within the consultation process and will be asked to advise on ways in which the Productivity Strategy could be connected to public health strategies to maximise the benefits to our communities.

7. Risk Management Considerations

7.1 The creation of a Joint Committee will place a formal governance structure around the preparation and implementation of the Productivity Strategy. The Strategy will be used as a tool to attract a greater share of Government funding around the Industrial Strategy to mitigate the risk of Devon and Somerset being left behind other areas of the country.

7.2 Without a Productivity Strategy and Joint Committee in place, the Council and its partners will lack credibility and be at a disadvantage in negotiating and lobbying Government on a range of policy initiatives including the growth agenda and are likely to miss out on potential funding streams.

7.3 The individual financial risk to the individual Constituent Authorities of establishing the Joint Committee is limited to their financial contributions to the running and operational costs of the Joint Committee. The risk is shared between all of the Constituent Authorities.

8. Legal considerations

8.1 Each of the partners' legal teams and Monitoring Officers have been involved in the development of the Arrangements and Inter-Authority documents set out as Appendices A and B. The documentation also aligns to the LEP's Assurance Framework.

8.2 This documentation sets out the functions, membership and operations of the Joint Committee and the requirements upon the constituent authorities in supporting it.

9. Financial considerations

9.1 The costs associated with the early work on the Productivity Strategy preparation largely relate to officer time which is being provided 'in kind' by the authorities and partners. Specifically the LEP has met some direct costs.

9.2 The establishment of the Joint Committee provides a low cost option compared to a Combined Authority model of governance. As part of the Inter-Authority Agreement the assumption is that the Constituent Authorities will continue to provide in-kind support although this will be reviewed by the Administering Authority to ensure that the levels of support are appropriate, sustainable into the future and acceptable to the authorities providing the support. The direct running costs of the Joint Committee will be limited to providing officer support for the meetings, if there is insufficient 'in-house' capacity, and the costs of the meetings themselves. At this stage direct support costs will be kept to a minimum and for 2017/18 and some of 2018/19 will be covered by the residual joint devolution budget established in 2015.

9.3 In addition to the direct costs of administering the Joint Committee there is also the issue of a budget to fund its Work Programme. Further details of the provisional budget requirements are set out in section 2 together with the proposed funding mechanism for contributions from individual Constituent Authorities.

9.4 In coming to their decision about a Joint Committee and whether the potential costs provide good value for money, Members might like to consider the potential cost/impact of not working in this way and the potential loss of influence with the Government and investment to the area. Through recent funding initiatives and policy – including through the recent meeting with the Minister, it is clear that Government is looking for areas to come together in order to articulate their (the areas') vision and priorities wider than their organisational boundary or sub-regional areas.

9.5 The proposal put before Members sets out a low risk, low cost option to work in a more formal way to capitalise on opportunities arising from future Government strategies, funding announcements and in preparation for Brexit.

10. Options/Alternatives

10.1 There are two options and alternatives that Members might consider:

Option 1 – Do nothing and continue with informal arrangements within the Partnership. As set out above the feedback from Government is they prefer to work ‘at scale’ and are looking more favourably at areas that have a unity of vision and purpose.

Option 2 – move to a Combined Authority. The Partnership now need to review the option of establishing a Combined Authority at some point following the indication from the Minister that there will be no requirement to have an elected mayor in order to pursue our ambitions. Establishing a Combined Authority requires a substantial lead in time to allow for the Parliamentary approval process and would inevitably require the creation of a shadow Combined Authority to test and confirm the concept. The potential benefits of moving to a Combined Authority model will have to be judged against the implications of doing so, including the cost implications. The Joint Committee has the benefit of allowing the Partnership to move relatively quickly to establish a Combined Authority if that is the wish of the partners.

11. Reason for Recommendation/Conclusion

11.1 Working together will deliver better results if we are to help our businesses improve their productivity levels and deliver greater prosperity across the Heart of the South West. By collaborating across local geographies we will strengthen the area’s voice to Government and strengthen the actions the area can take to improve productivity.

11.2 The Productivity Strategy will replace the Local Enterprise Partnership’s Strategic Economic Plan. It will be the key strategic document for the partners to engage with Government and each other on a range of investment opportunities and powers emerging from the Industrial Strategy, Brexit and other policy opportunities.

11.3 The HotSW Joint Committee will provide a formal strategic partnership to complement and maximise the ability of individual authorities and sub-regional arrangements to deliver their aspirations. It will provide the formal arrangements for collaboration on productivity.

11.4 Through the Joint Committee the partners can test and improve their ability to work together as a potential precursor to the possible establishment of a Combined Authority at some point in the future. It will also provide a mechanism to further strengthen democratic input and influence with the LEP and align more effectively with the LEP’s new model of governance and accountability.

11.5 Without a Joint Committee in place, the HotSW area will continue to struggle to position itself to be able to take advantage of Government policy initiatives and new funding opportunities compared to those areas that have and are establishing formal strategic partnerships.

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APPENDIX A

HEART OF THE SOUTH WEST (HOTSW) JOINT COMMITTEE – DRAFT ARRANGEMENTS

1. Introduction:

1.1 Legal status: The HotSW Joint Committee is a Joint Committee of the local authorities listed in 1.5 below that comprise the HotSW area and established under Sections 101 to 103 of the Local Government Act 1972 and all other enabling legislation to undertake the functions detailed in section 2 of this Agreement.

1.2 Key purpose: The key purpose of the Joint Committee is to be the vehicle through which the HotSW partners will ensure that the desired increase in productivity across the area is achieved.

1.3 Aims and objectives: The aim is to provide a single strategic public sector partnership that covers the entire area and provides cohesive, coherent leadership and governance to ensure delivery of the Productivity Strategy for the HotSW area. The specific objectives of the Joint Committee are to:

- (a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors;
- (b) Increase our understanding of the economy and what needs to be done to make it stronger;
- (c) Improve the efficiency and productivity of the public sector;
- (d) Identify and remove barriers to progress and maximise the opportunities /benefits available to the area from current and future government policy.

1.4 Commencement: The Joint Committee will be established in accordance with the resolutions of the Constituent Authorities listed below in paragraph 1.5 with effect from the Commencement Date (22nd January 2018) and shall continue in existence unless and until dissolved by resolution of a majority of the Constituent Authorities.

1.5 Membership: Each of the Constituent Authorities listed below shall appoint 1 member and 1 named substitute member to the Joint Committee on an annual basis. Each member shall have 1 vote including substitute members. For the Councils, the member appointed shall be that Council's Leader except in the case of Torridge District Council where the member appointed by the Council shall have authority to speak and vote on matters on behalf of the Council. Political balance rules do not apply to the Joint Committee membership. The substitute member shall also be a cabinet member where the Council is operating executive arrangements. For the National Park Authorities the member appointed shall have authority to speak and vote on matters on behalf of the Authority:

- Dartmoor National Park Authority
- Devon County Council
- East Devon District Council
- Exeter City Council

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- Exmoor National Park Authority
- Mendip District Council
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Sedgemoor District Council
- Somerset County Council
- South Hams District Council
- South Somerset District Council
- Torbay Council
- Taunton Deane Borough Council
- Teignbridge District Council
- Torrington District Council
- West Devon Borough Council
- West Somerset Council.

1.6 In addition to the Constituent Authorities the partner organisations listed below shall each be invited to appoint 1 co-opted representative and 1 named substitute co-opted representative to the Joint Committee. Co-opted members shall not have voting rights:

- Heart of the South West Local Enterprise Partnership (the LEP)
- NHS Northern, Eastern and Weston Devon Clinical Commissioning Group
- NHS South Devon and Torbay Clinical Commissioning Group
- NHS Somerset Clinical Commissioning Group

1.7 The Joint Committee may co-opt further non-voting representatives from the private, public and/or voluntary sectors at any time.

1.8 Each appointed member / representative shall remain a member of the Joint Committee until removed or replaced by the appointing authority / organisation. Appointments to fill vacancies arising should be notified to the Joint Committee Secretary as soon as possible after the vacancy occurs.

1.9 Standing Orders / Rules of Procedure: Outside of the contents of this 'Arrangements' document, the Standing Orders and Rules of Procedure for the Joint Committee shall be those contained in the Constitution of the Administering Authority to the Joint Committee, subject, in the event of any conflict, to the provisions in the Arrangements document taking precedent.

1.10 Administering Authority: A Council shall be appointed by the Constituent Authorities as the Administering Authority for the Joint Committee and shall provide legal, democratic services, financial and communications support to the Committee. The Joint Committee's Forward Plan of business and papers for its meetings shall be published on the Administering Authority's website with links provided to the websites of the other Constituent Authorities and partner organisations.

2. Joint Committee Functions:

2.1 The only delegated function of the Joint Committee relates to the approval of the HotSW Productivity Strategy. All other matters referred to in 2.3 are 'referred' matters where the Joint Committee will make recommendations to the Constituent Authority or Authorities for decision. Additional delegated or referred functions may be proposed for the Joint Committee in the future by the Joint Committee or any of the Constituent Authorities, but shall only be agreed if approved by all of the Constituent Authorities.

2.2 The principle of subsidiarity will apply to the relationship between the Joint Committee, the Constituent Authorities and local Sub-Regional Partnerships with decisions being made at the most local and appropriate level on all matters to do with the delivery of the Productivity Strategy and in relation to the other functions of the Joint Committee.

2.3 The Joint Committee shall:

- (a) Develop and agree the HotSW Productivity Strategy in collaboration with the LEP.
- (b) Ensure delivery of the HotSW Productivity Strategy in collaboration with the LEP and the Constituent Authorities.
- (c) Continue discussions /negotiations with the Government on the possibility of achieving devolved responsibilities, funding and related governance amendments to assist with the delivery of the Productivity Strategy. Joint Committee proposals arising from these discussions /negotiations would require the formal approval of the Constituent Authorities / partner agencies.
- (d) Continue discussions / negotiations with the Government / relevant agencies to secure delivery of the Government's strategic infrastructure commitments, eg, strategic road and rail transport improvements
- (e) Work with the LEP to identify and deliver adjustments to the LEP's democratic accountability and to assist the organisation to comply with the revised (November 2016) LEP Assurance Framework. This includes endorsing the LEP's assurance framework on behalf of the Constituent Authorities as and when required. However, this is subject to the Framework being formally approved by the LEP's Administering Authority.
- (f) Ensure that adequate resources (including staff and funding) are allocated by the Constituent Authorities to enable the objectives in (a) to (e) above to be delivered.

3. Funding

3.1 The Constituent Authorities shall agree each year and in advance of the start of the financial year (except in the year of the establishment of the Joint Committee) a budget for the Joint Committee in accordance with a Budget and Cost Sharing Agreement to cover the administrative costs of the Joint Committee and costs incurred in carrying out its functions. All funds will be held and administered by the Administering Authority on behalf of the Constituent Authorities and spent in accordance with that Authority's financial regulations and policies.

3.2 In the Joint Committee's first year of operation, the budget will be approved by the constituent authorities on the recommendation of the Joint Committee as soon as possible after the establishment of the Joint Committee.

3.3 Joint Committee members' costs and expenses will be funded and administered by the respective Constituent Authority.

4. Review of the Joint Committee Arrangements

5.1 The Joint Committee may at any time propose amendments to the Arrangements document which shall be subject to the approval of all of the Constituent Authorities.

5.2 Any Constituent Authority may propose to the Joint Committee amendments to the Arrangements. Such amendments shall only be implemented if agreed by all of the Constituent Authorities on the recommendation of the Joint Committee.

5. Members' Conduct

5.1 All members of the Joint Committee shall observe the "Seven Principles of Public Life" (the 'Nolan' principles) and will be bound by their own authority's code of conduct in their work on the Joint Committee.

5.2 Joint Committee members / representatives shall be subject to the code of conduct for elected members adopted by the Constituent Authority that nominated them to be a Joint Committee member or to the conduct requirements of the organisation that appointed them. This includes the requirement to declare relevant interests at formal meetings of the Joint Committee.

6. Requirements of Joint Committee members

6.1 Joint Committee members shall:

- (a) Act in the interests of the Joint Committee as a whole except where this would result in a breach of a statutory or other duty to their constituent authority or would be in breach of their Constituent Authority's Code of Conduct.

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- (b) Be committed to, and act as a champion for, the achievement of the Joint Committee's aims.
- (c) Be an ambassador for the Joint Committee and its work.
- (d) Attend Joint Committee meetings regularly, work with others to achieve consensus on items of business and make a positive contribution to the Committee's work.
- (e) Act as an advocate for the Joint Committee in any dealings with their organisation including seeking any approvals from their Constituent Authority/partner organisation to Joint Committee recommendations.
- (f) Adhere to the requirements of the 'Arrangements' document and maintain high ethical standards.

7. Appointment of Chairman and Vice-Chairman

7.1 The Joint Committee shall elect a Chairman and Vice-Chairman from amongst the voting membership as the first items of business at its inaugural meeting and at each Joint Committee Annual General Meeting thereafter. The appointments shall be confirmed by a simple majority vote of Constituent Authority members. If a deadlock occurs between two or more candidates a secret ballot shall immediately be conducted to confirm the appointment. If there is still deadlock following a secret ballot then a further meeting of the Joint Committee shall be held within 14 days and a further secret ballot shall be held to resolve the appointment.

7.2 A vacancy occurring in the positions of Chairman or Vice-Chairman between Annual General Meetings shall be filled by election at the next meeting of the Joint Committee. The person elected will serve until the next Annual General Meeting.

7.3 The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Joint Committee and subject to 7.5 below, continue in office until a successor is appointed.

7.4 In the absence of the Chairman and the Vice-Chairman at a meeting, the voting members of the Committee present shall elect a Chairman for that meeting.

7.5 The Chairman or Vice-Chairman may be removed by a vote of all of the Constituent Authority members present at a meeting of the Joint Committee.

8. Quorum

The quorum for any meeting of the Joint Committee shall be 9 Constituent Authority members. The Chairman will adjourn the meeting if there is not a quorum present. In the absence of a quorum, the meeting shall be adjourned to a date, time and venue to be agreed by the Chairman.

9. Voting

9.1 Wherever possible the elected and co-opted members of the Joint Committee shall reach decisions by consensus and shall seek to achieve unanimity.

9.2 In exceptional circumstances where a formal vote is required, the proposal will be carried by a simple majority agreement of the voting members present and voting by a show of hands. The Chairman of the Joint Committee shall not have a casting vote in the event of a tied vote.

10 Decision making Arrangements

10.1 Only the Joint Committee shall approve the Productivity Strategy.

10.2 The Joint Committee may at any time appoint working groups consisting of Joint Committee members and/or co-opted representatives / officers to consider specific matters and report back / make recommendations to the Joint Committee.

11 Formal Meeting Arrangements

11.1 The Joint Committee will hold an Inaugural Meeting within 30 days of the agreed commencement date and thereafter shall meet on a regular basis as agreed by the Joint Committee annually at its Annual General Meeting.

11.2 The Chairman or in his/her absence the Vice-Chairman, may call a special meeting of the Joint Committee following consultation with the Chief Executives' Advisory Group to consider a matter that falls within the Committee's remit but cannot be deferred to the next scheduled meeting, provided that at least ten clear working days notice in writing is given to the Joint Committee membership.

11.3 Formal meetings of the Joint Committee shall normally be held in public, in accordance with the Access to Information Rules and the Standing Orders / Rules of Procedure of the Administering Authority.

11.4 Meetings of any working groups or task groups established by the Joint Committee shall, unless otherwise agreed, be held in private.

12. Who can put items on the Joint Committee's agenda?

- (a) The Joint Committee itself;
- (b) Any of the members of the Joint Committee appointed by the Constituent Authorities
- (c) A Constituent Authority by way of a formal resolution
- (d) The Chief Executives' Advisory Group
- (e) The Monitoring Officer and / or the Chief Finance Officer of the Administering Authority.

13. Reporting Arrangements

13.1 In addition to any ad hoc reports to the Constituent Authorities, the Joint Committee shall supply an annual report of its activities to the Constituent Authorities in May of each year.

13.2 The Joint Committee shall co-operate with the public scrutiny arrangements of the Constituent Authorities.

14 Record of attendance

14.1 All members present during the whole or part of a meeting are asked sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

Julian Gale
Monitoring Officer
Somerset County Council

30.10.17

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**HOTSW JOINT COMMITTEE
DRAFT INTER – AUTHORITY AGREEMENT**

Para 11.5 – original wording:

11.5 A Constituent Authority shall not make any public statement or issue any press release or publish any other public document relating to, connected with or arising out of the work of the Joint Committee without obtaining the other Constituent Authorities' prior approval as to the contents thereof and the manner of its presentation and publication.

AGREED revised wording.

11.5 All press releases and public statements to be sent out on behalf of the Joint Committee shall be the responsibility of the press office of the Administering Authority.

Julian Gale
Monitoring Officer
Somerset County Council

14.11.17

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CABINET

23 November 2017

Gender Pay Gap Report

Cabinet Member: Cllr. Margaret Squires, Cabinet Member for the Working Environment and Support Services.

Responsible Officer(s): Jane Cottrell, Group Manager for Human Resources

Reason for Report: To advise the Cabinet of the Pay Gap between male and female employees as at 31 March 2017.

RECOMMENDATION: The Cabinet is asked to recommend to Council that this report be noted.

Relationship to Corporate Plan: This report highlights the Gender Pay Gap and as such supports our public sector equality duty.

Financial Implications: None arising from this report

Legal Implications: To comply with The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 reporting requirements for public-sector employers.

Equalities: This is considered throughout this report.

1.0 Introduction

1.1 From 6 April 2017 employers in Great Britain with more than 250 staff will be required by law to publish the following four types of figures annually on their own website and on a government website by 30 March 2018.

- Gender pay gap (mean and median averages)
- Gender bonus gap (mean and median averages)
- Proportion of men and women receiving bonuses
- Proportion of men and women in each quartile of the organisation's pay structure

2.0 Pay quartiles by gender

2.1 The Mid Devon District Council figures set out below have been calculated using the standard methodologies used in the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

2.2 Under the law, men and women must receive equal pay for:

- the same or broadly similar work;
- work rated as equivalent under a job evaluation scheme; or
- work of equal value.

Quartile	Males	Females	Description
1	55%	45%	Includes all employees whose standard hourly rate places them at or below the lower quartile
2	40%	60%	Includes all employees whose standard hourly rate places them above the lower quartile but at or below the median
3	45%	55%	Includes all employees whose standard hourly rate places them above the median but at or below the upper quartile
4	50%	50%	Includes all employees whose standard hourly rate places them above the upper quartile

2.3 Mid Devon District Council is committed to the principle of equal opportunities and equal treatment for all employees, regardless of sex, race, religion or belief, age, marriage or civil partnership, pregnancy/maternity, sexual orientation, gender reassignment or disability. It has a clear policy of paying employees equally for the same or equivalent work, regardless of their sex (or any other characteristic set out above). As such, it:

- carries out pay and benefits audits at regular intervals;
- evaluates job roles and pay grades as necessary to ensure a fair structure.

2.4 Mid Devon District Council is therefore confident that its gender pay gap does not stem from paying men and women differently for the same or equivalent work. Rather its gender pay gap is the result of the roles in which men and women work within the organisation and the salaries that these roles attract.

3.0 Mid Devon District Council's Gender Pay Gap

	Mean average Hourly Rate	Median Hourly Rate	Average
Male	£11.77	£11.27	
Female	£11.81	£11.07	
HMRC %	-0.366	1.77	

3.1 The mean gender pay gap for the whole economy (according to the October 2017 Office for National Statistics (ONS) Annual Survey of Hours and Earnings (ASHE) figures) is 17.4%; at -0.366% Mid Devon District Council's mean gender pay gap is, therefore, significantly lower than that for the whole economy.

3.2 The median gender pay gap for the whole economy (according to the October 2017 ONS ASHE figures) is 18.4%; at 1.77%, Mid Devon District Council's median gender pay gap is, therefore, significantly lower than that for the whole economy.

4.0 **Annual Reporting**

4.1 It is proposed that future Gender Pay Gap reporting will form part of the annual Pay Policy.

Contact for more information: Jane Cottrell, Group Manager for Human Resources, 01884 234919 / jcottrell@middevon.gov.uk)

Circulation of the Report: Cllr M Squires; Leadership Team

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Cabinet
23 November 2017

Treasury Management Strategy-Mid Year Review Report 2017/18

Cabinet Member: Cllr Peter Hare Scott
Responsible Officer: Director of Finance, Assets & Resources (Andrew Jarrett)

Reason for Report: To inform the Cabinet of the treasury performance during the first six months of 2017/18 and agree the ongoing deposit strategy for the remainder of 2017/18 and a review of compliance with Treasury and Prudential Limits for 2017/18 (Appendix 1).

Recommendation: That Cabinet recommends to Council that a continuation of the current policy outlined at paragraph 6.2 be agreed

Relationship to Corporate Plan: Maximising investment return whilst minimising risk of credit default enables the Council to finance the delivery of its Corporate Plan objectives.

Financial Implications: Good financial management and administration underpins the entire strategy. The Council's Treasury Management Strategy should attempt to maximise investment return commensurate with the minimum risk to the principal sums invested.

Legal Implications: The Council is under a statutory duty to "have regard" to the 2011 CIPFA Treasury Management Code of Practice. The Council's own Financial Regulations include requirements as to the reporting of treasury management information.

Risk Assessment: The Council considers deposit security as the paramount function in any treasury dealings or activities. It should be noted that any investment decisions will always be subject to a degree of risk. However, in complying with an agreed Treasury Management Strategy, these risks would be kept to a minimum acceptable level.

1.0 Introduction

1.1 CIPFA's Code of Practice for Treasury Management recommends the annual setting of a Treasury Management Strategy and best practice dictates a half yearly update of treasury performance. This report will not only update members on the treasury performance over the first six months of 2017/18, but will also seek approval for the ongoing deposit strategy.

2.0 Treasury Performance 1/4/17 to 30/09/17

2.1 The table below shows the Council's overall treasury management position for the first six months of 2017/18.

	Average Interest %	Total Interest as at 30/9/17	Forecast Year-end position
Temporary Investments and Deposits	0.51%	£72k	£131k
CCLA dividends	4.65%	£116k	£219k
Total		£ 188k	£350k

2.2 The General Fund 2017/18 budget for all investment activity is £254k and for the Housing Revenue Account is £40k.

2.3 At the Monetary Policy Committee (MPC) meeting of 2 November, members voted to increase Bank Rate by 0.25% to 0.50%. The MPC also gave forward guidance that they expected Bank Rate to increase twice more in the next two years to reach 1.0% by 2020. It is currently estimated that the Council will generate an investment return of approximately £350k. Members should note that historically we are able to invest significantly more monies in the first half of each financial year.

2.4 Interest rate forecasts

2.4.1 The Council's treasury advisor, Link Asset Services (formerly Capita Asset Services), has provided the following forecast:

	NOW	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
BANK RATE	0.50	0.50	0.50	0.50	0.50	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.25	1.25	1.25
3 month LIBID	0.40	0.40	0.40	0.40	0.40	0.60	0.60	0.60	0.70	0.90	0.90	1.00	1.20	1.20	1.20
6 month LIBID	0.45	0.50	0.50	0.50	0.60	0.80	0.80	0.80	0.90	1.00	1.00	1.10	1.30	1.30	1.40
12 month LIBID	0.65	0.70	0.80	0.80	0.90	1.00	1.00	1.10	1.10	1.30	1.30	1.40	1.50	1.50	1.60
5 yr PWLB	1.50	1.50	1.60	1.60	1.70	1.80	1.80	1.90	1.90	2.00	2.10	2.10	2.20	2.30	2.30
10 yr PWLB	2.10	2.10	2.20	2.30	2.40	2.40	2.50	2.60	2.60	2.70	2.70	2.80	2.90	2.90	3.00
25 yr PWLB	2.70	2.80	2.90	3.00	3.00	3.10	3.10	3.20	3.20	3.30	3.40	3.50	3.50	3.60	3.60
50 yr PWLB	2.40	2.50	2.60	2.70	2.80	2.90	2.90	3.00	3.00	3.10	3.20	3.30	3.30	3.40	3.40

3.0 Current Portfolio Position

3.1 The Council's treasury portfolio position as at 30 September 2017 was made up of short-term investments/deposits to the value of £29.29m. These investments comprised:

- £ 24.00m in fixed term investments
- £ 2.00m in a notice account
- £ 3.29m in Natwest bank call accounts
- £ 5.00m with CCLA commercial property fund

Detailed list of deposits/short term investments:

Institution	Principal: (£)	Rate:	Start Date:	Maturity Date:
Lloyds	500,000	1.00%	30/09/2016	29/09/2017
Lloyds	1,000,000	1.00%	14/10/2016	13/10/2017
Lloyds	500,000	1.00%	02/12/2016	01/12/2017
Thurrock BC	1,000,000	0.45%	20/01/2017	27/11/2017
Lloyds	500,000	0.90%	14/02/2017	14/02/2018
Lloyds	1,000,000	0.90%	15/03/2017	15/03/2018
Coventry	2,000,000	0.46%	03/04/2017	23/10/2017
Nationwide	3,000,000	0.32%	15/05/2017	23/10/2017
Nationwide	2,000,000	0.45%	25/05/2017	16/03/2018
Coventry	2,000,000	0.54%	15/06/2017	14/06/2018
Santander	3,000,000	0.35%	03/07/2017	08/02/2018
Santander	1,000,000	0.47%	17/07/2017	16/07/2018
Coventry	1,000,000	0.45%	28/07/2017	30/07/2018
Barclays	2,500,000	0.57%	01/08/2017	01/08/2018
Barclays	1,500,000	0.54%	31/08/2017	31/08/2018
Lloyds	1,500,000	0.65%	19/09/2017	19/09/2018
Goldman Sachs*	2,000,000	0.86%	01/02/2017	-

* notice account

3.2 **Property Fund:** The Council currently has £5m deposited with the CCLA (Churches, Charities and Local Authorities) commercial property fund. Dividends are paid quarterly; first two quarter dividends of 4.65% were earned.

3.3 The Council received an average return of 0.51% on investments during the first six months and 0.01% on current account balances. The return on investments for the first half of the year has been propped up by investments made in the previous year. The expectation for the second half of the year is uncertain given the recent BOE rate and concerns over the impact of Brexit.

3.4 During 2016/17 an average rate of investment return of 0.72% was earned at the mid-year point.

4.0 Borrowing Requirements

4.1 The Council has no short term borrowing but has existing PWLB loans of £43.1m at the end of September 2017, in addition to £440k in finance leases.

4.2 The Council has not undertaken any new borrowing during 2017/18. The most recent undertaking was on 27 March 2015 when £4.17m was borrowed for the purchase of Market Walk and 30-32 Fore Street, Tiverton.

4.3 Members should therefore note that any activity during the remainder of 2017/18 will keep us within approved treasury and policy limits previously agreed. (See Appendix 1 for main Prudential Indicators)

5.0 Annual Investment Strategy

5.1 Any fixed term investments in the market place (except Debt Management Office [DMO]) are restricted to a maximum term of one year. The Council's substantial commitments (particularly the monthly precepts to the Devon County Council, the Police and Fire Authority) constrain the term of investments. The Cabinet of 9 February 2012 resolved to a continuation of the policy to invest all surplus funds with the main UK banks and building societies, subject to strict lending criteria.

5.2 The Council will continue to have regard to the DCLG's Guidance on Local Government Investments ("the Guidance") issued in March 2004 and CIPFA's Treasury Management in Public Services Code of Practice and Cross Sectorial Guidance Notes ("the CIPFA Treasury Management Code").

6.0 Lending Criteria and Counterparty Limits

6.1 The current policy has been very slightly relaxed over time and at present the policy allows the lending of funds to be deposited with major UK banks and building societies with an investment period no longer than one year and where the counter party is required to meet the following ratings requirements: Banks (Fitch F1, F1+) and for building societies based upon a minimum Fitch rating of F1 and an asset base level of at least £1bn. The maximum lending limit to any group counterparty is £5m. The policy includes investments with CCLA property fund and money market funds with a limit of £2m on this option. Note that delegation was provided to the S151 officer and Finance Portfolio Holder in 2011/12 to make reactive decisions when market conditions changed due to volatility in rating changes when our own bankers, Natwest, were downgraded, along with other part nationalised banks. We do not invest any term deposits with the Royal Bank of Scotland Group and only have our call accounts with them.

6.2 Officers would recommend a continuation of the existing policy for investments with banks and building societies, property funds and money market funds.

6.3 In addition to these fixed term deposits, the Council also uses an instant access liquidity account with the National Westminster Bank (the Council's banker) to sweep any small surplus funds which cannot be placed by our brokers. Again, this account will be subject to the same £5m maximum deposit level.

6.4 The Council will also continue to lend to:

- Local Authorities, Police and Fire & Rescue Authorities

- DMOADF

6.5 None of the investments made to organisations stated in paragraph 6.4 will be constrained to a maximum deposit of £5m due to the level of attached risk.

7.0 Future Outlook

7.1 Economic forecasting remains difficult with so many external influences weighing on the UK. Bank Rate forecasts, (and also MPC decisions), will be liable to further amendment depending on how economic data and developments in financial markets transpire over the next year. Forecast for average earnings beyond the three year time horizon will be heavily dependent on economic and political developments. Volatility in bond yields is likely to endure as investor fears and confidence ebb and flow between favouring relatively more “risky” assets i.e. equities, or the “safe haven” of government bonds.

7.2 The overall balance of risks to economic recovery in the UK is probably to the downside, particularly with the current level of uncertainty over the final terms of Brexit.

Contact for more information: Andrew Jarrett – 01884 234242 (ajarrett@middevon.gov.uk) John Paul Mclachlan - (jpmclachlan@middevon.gov.uk)

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	2017/18 Estimate £'000	20/18/19 Estimate £'000	2019/20 Estimate £'000
Upper Limit for Fixed Interest Rate Exposure	100%	100%	100%
Upper Limit for Variable Rate Exposure	50%	50%	50%
Upper Limit for Total Principal Sums Invested for over 364 days ¹	0%	0%	0%

Note 1 Our policy states no investments over one year, however this may take us over 364 due to weekends and bank holidays.

Maturity structure of existing borrowing (£m)	Actual	Lower Limit	Upper Limit
Under 12 months	4.00%	0.00%	50.00%
12 months and within 24 months	5.00%	0.00%	50.00%
24 months and 5 years	14.00%	0.00%	50.00%
5 years and within 10 years	26.00%	0.00%	75.00%
10 years and above	51.00%	0.00%	100.00%

MID DEVON DISTRICT COUNCIL – SCHEDULE OF MEETINGS – 2018/2019.

Ratified by Council on

MEETING	Normal day and Time	1	2	3	4	5 2019	6 2019	2019
Planning Committee <i>(first meeting of cycle)</i>	Wed	16 May	11 July	5 Sept	31 October	9 January	6 March	
Planning Committee <i>(second meeting of cycle)</i>	Wed	13 June	8 August	3 October	5 Dec	6 Feb	3 April	Tuesday 23 April
CABINET <i>(first meeting of cycle)</i>	Thurs	10 May	5 July	30 August	25 Oct	3 Jan	7 March	
CABINET <i>(second meeting of the cycle)</i>	Thurs	7 June	2 August	27 Sept	22 Nov	7 Feb	4 April	
Environment PDG	Tues	15 May	10 July	4 Sept	6 Nov	8 Jan	5 March	
Homes PDG	Tues	22 May	17 July	11 Sept	13 Nov	15 Jan	12 March	
Economy PDG	Thurs	17 May	12 July	6 Sept	8 Nov	10 Jan	14 March	
Community PDG	Tues	29 May	24 July	18 Sept	20 Nov	22 Jan	19 March	
Scrutiny Committee <i>(first meeting of cycle)</i>	Mon	21 May	16 July	10 Sept	5 Nov	14 Jan	18 March	
Scrutiny Committee <i>(second meeting of cycle)</i>	Mon	18 June	13 August	8 October	3 Dec	18 Feb	15 April	
Audit Committee	Tues 5.30pm	29 May	24 July	18 Sept	20 Nov	22 Jan	19 March	
Standards Committee	Wed	6 June		10 October		13 Feb		
COUNCIL	Wed 6.00pm	27 June	29 August	24 October	19 Dec	27 Feb	24 April	Annual Meeting 22 May 2019

Notes: (i) Annual meeting of the Council at 6.00pm - **Annual Meeting in 2018 is on Wednesday 9 May**

(ii) Community PDG and Audit Committee now the same day with Audit Committee taking place in the evening.

(iii) Annual Meeting 2019 – later than normal because it is election year.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 6 November 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, F W Letch, Mrs J Roach,
T W Snow and N A Way

Also Present

Councillor(s)

P H D Hare-Scott

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), John Bodley-Scott (Economic Development Team Leader), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

73 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies given.

74 PUBLIC QUESTION TIME

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

75 MEMBER FORUM

Cllr Roach highlighted a letter that had been in the Tiverton Gazette in the previous week regarding the purchase of property in Tiverton. She informed the Committee that the financial monitoring that went to Cabinet the day after Council included rental income for the properties and an increase to the maintenance budget for them. Cllr Roach queried why this was in the financial monitoring prior to the decision being made. The Chief Executive explained that the income was not shown in the financial monitoring reports, but in the draft budget for 18/19 which was based on best estimates at that point in time – and which would be subject to change as the numerous assumptions and estimates were finalised prior to adoption by council in February. The Group Manager for Legal Services confirmed that the purchase of the property had not yet been completed.

Cllr T W Snow raised a matter of a local resident that had received a reminder regarding the garden waste collection scheme in the month prior to the payment being due, which was followed up by a reminder. He asked why this was necessary.

Cllr T W Snow raised a matter regarding amendments to Minutes and the Group Manager for Legal Services informed him that she had found a solution which allowed an addendum to be displayed.

76 **MINUTES OF THE PREVIOUS MEETING**

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

77 **DECISIONS OF THE CABINET**

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

78 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman drew attention to a planning appeal that Willand Parish Council had referred to at the last meeting of the Committee. He informed Members that the authority had won the appeal.

The AD Working Group had been on a visit to an AD plant in Exeter and one in Mid Devon, which had been extremely useful.

Members were reminded that an informal workshop had been scheduled for 20th November at 2.00pm in the Phoenix Chamber.

Following discussion with Mel Stride MP at a meeting of the Committee earlier in the year an appointment had now been made for a delegation to meet with the Housing Minister Mr Sharma on 13th November to discuss the 5 year land supply. The Chairman, Chief Executive, Head of Planning, Economy and Regeneration and the Cabinet Member for Planning and Economic Regeneration would be attending.

79 **TIVERTON TOWN CENTRE 00:16:48**

At its meeting on 11 September 2017, the Scrutiny Committee noted the number of policies and action plans which appeared to have been on-going for a number of years. In particular, in relation to Tiverton Town Centre, the Scrutiny Committee passed the following resolution:

To recommend to the Cabinet that it acts upon the action plans to improve the Tiverton Town Centre and Pannier Market that were approved in 2011.

At its meeting on 28 September the Cabinet **RESOLVED** that a briefing paper be produced for a future meeting of the Scrutiny Committee highlighting the work that was taking place with regard to Tiverton Town Centre. The Committee had before it and **NOTED** this briefing paper *.

The Economic Development Team Leader outlined the contents of the report, explaining that it contained a summary of actions that had happened since 2011 which would result in the development of a masterplan and a supplementary planning document.

Discussion took place regarding:

- The amount of money that had been spent on consultants in the development of the masterplan;
- Dates that the masterplan would be presented to the Cabinet;
- Consultation that would take place;
- Stakeholders and consultation with them;
- Signage within the town and from the A361 and restrictions that were in place regarding this.

Cllr Roach asked the Committee to note that the first series of street food markets had been organised by the PORTAS Fund and not by the Council.

It was **RESOLVED** that the Scrutiny Committee would review the Masterplan.

(Proposed by Cllr Mrs J Roach and seconded by Cllr N A Way)

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

80 **GYPSY AND TRAVELLER PITCH PROVISION 00:29:20**

The Committee had before it a report * from the Head of Planning, Economy and Regeneration in response to its request for an update on the position of the Council regarding gypsy and traveller pitch provision.

The officer explained that the authority was required to have a 5 year supply of deliverable sites, as well as developing fair and effective strategies to meet longer term needs. The Council also had a public sector equalities duty (PSED) under the Equalities Act 2010. She explained that the Government had published the Planning Policy for Traveller sites (PPTS) in August 2015. It sat alongside the National Planning Policy Framework and provided specific advice on planning for traveller sites, and replaced earlier advice dated 2012. The PPTS defined gypsies and travellers as: *'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.'*

The officer outlined statistical information within the report.

Discussion took place regarding:

- The level of private pitch provision within the district;
- Provision for travelling show persons;
- The nearest public site provision could be found at Haldon Hill and Bridgewater;

- A desire within the Local Plan to obtain a public site, which would need to be managed;
- The annual gypsy count that took place to measure the number of pitches nationally;
- Local residents often let officers know if there were breaches of conditions on sites.

It was **AGREED** that the Chairman would send a letter to the Cabinet Member for Planning, Economy and Regeneration stressing the need to provide a public site within the District.

Note: - Report previously circulated and attached to Minutes.

81 **CABINET MEMBER FOR FINANCE 00:51:31**

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

The Cabinet Member outlined the contents of the report informing the Committee that he considered the Finance service to be extremely well managed and that it had maintained its status as one of the first in the country to close its statutory accounts, as well as being in the top quartile for collection of Council Tax, Business Rates and housing rent. The Cabinet Member explained that there was a £180k variance with the General Fund which was in part due to some unexpected expenditure and a challenging leisure services budget. He also informed the Committee that he had some concerns regarding the implementation of Universal Credit and the impact that this may have on housing rent collection.

Moving forward the budget for 2018-19 was currently £617k short and this was a challenge. Group Managers had been tasked to find savings but 'the fat' had been removed in previous years and this now meant a number of other options were being taken forward to look at increasing the council's income, making property purchases and moving forward with the stand alone property company.

Discussion took place regarding:

- Inflation was built into the budget;
- Interest rates could go up;
- Universal Credits and issues regarding this;
- Investments in the Churches Charities and Local Authorities Investment Management (CCLA) which showed a good return;
- The cost of redundancy and restructuring;
- A 1% pay increase would add £100k to the wages bill;

- The Medium Term Financial Plan set out 4 years for direction of travel;
- An asset plan which was district wide;
- Staffing levels had fallen from 412 to under 400 in the last year;
- The process for Members to feed into the budget at Policy Development Groups and Member Briefings.

The Chairman thanked the Cabinet Member for his report.

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

82 **STRATEGIC THINKING UPDATE 01:24:40**

The Committee had before it and **NOTED** a report * from the Chief Executive regarding 'strategic thinking' training that had taken place. Earlier in the year, following assessment and interviews, the council secured the Charter for Member Development for a further three years (to April 2020). As part of ongoing member development activity, 11 members had recently participated in a development session focused on 'strategic thinking'. The report provided an update on that activity and highlighted emerging concepts for consideration.

The Chief Executive outlined the contents of the report, explaining that he had attended the training and that it had come forward as a result of the Peer Review.

The Chairman requested that the report be distributed to all Members.

It was **AGREED** that the Committee would discuss the report further at the informal workshop that was taking place on 20 November to agree a way forward.

Discussion took place regarding the benefit of all Members meeting informally regarding budget setting to allow ideas to be put forward.

It was **RECOMMENDED** to Council that in order to facilitate strategic development of the budget, 'away days' be reinstated.

(Proposed by Cllr Mrs J Roach and seconded by Cllr N A Way)

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

83 **FORWARD PLAN**

The Committee had before it and **NOTED** the Cabinet Forward Plan *.

Clarification was sought regarding dates for the Community Engagement Strategy and the delegation of the Insurance Tender.

Note: - Forward Plan * previously circulated and attached to Minutes.

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

Cabinet Member for Community Well being
Disposal of Assets
Performance and Risk
Forward Plan
CCG – increase in population and pressures on hospitals

(The meeting ended at 4.04 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **AUDIT COMMITTEE** held on 21 November 2017 at 5.30 pm

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

Also Present

Councillors R J Dolley and Mrs J Roach

Present

Officers Andrew Jarrett (Director of Finance, Assets and Resources),
David Curnow (Deputy Head of Devon Audit Partnership),
Catherine Yandle (Group Manager for Performance,
Governance and Data Security) and Sarah Lees (Member
Services Officer)

Also in

Attendance G Daly, A Davies and S Johnson

38. APOLOGIES

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

39. PUBLIC QUESTION TIME

There were no members of the public present.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman had the following announcements to make:

- a) He had recently attended some training for Audit Committee members at Haynes Motor Museum. Having listened to a number of speakers during the day he was satisfied that as the Mid Devon District Council Audit Committee it was fully complying with its constitutional role and function. The 'hot' topics outlined at the training had been issues in relation to IT and ransom ware. Briefings had been provided to Members in this authority on both subjects. Examples were provided of instances where things had not quite gone to plan in some authorities but this was presented to delegates in terms of learning lessons and developing best practice guides.
- b) He had also recently attended a Devon Audit Partnership meeting on behalf of the Committee. He had circulated the meeting documents to Committee members. The full decision making element of their role would commence in March 2018. This particular meeting had provided an opportunity for discussion around the remit of the partnership.

41. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 September 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

42. PERFORMANCE AND RISK 2017/18 (00:06:00)

The Committee 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.

Since the report had been published updated data was now available in relation to the following:

- The new transfer station at Carlu Close would be fully operational by December.
- The number of empty homes brought back into use had now well exceeded the annual target of 25.
- MDDC had recently hosted a Landlord Networking event which had been well attended and received and the Involve AGM.

Discussion took place with regard to:

- Confusion regarding the data in relation to the number of complaints received. The Group Manager for Performance Governance and Data Security stated that she would investigate and provide clarification following the meeting.
- It was confirmed by the Director of Finance, Assets & Resources that the Palmerston Park and Birchen Lane developments would be completed before the end of the following financial year. There had been some issues with contractors and the quality of work but he confirmed that the sites were now progressing.
- The increasing number of speculative developments taking place as a result of a delay with the Local Plan.
- Risks in relation to Plant Rooms currently had a severity risk of 4 and a likelihood of 3, however, the Leisure Centre Manager was well aware of the risks and had mitigated for this. The Committee requested that they receive a review note in relation to this next time.
- Uncertainty in relation to Business Rates and how much the Council would be able to retain in the future.
- Risk of stress and the impact upon the health and wellbeing of Housing officers and Legal Services staff. The Committee requested that a watchful eye be kept on this as an area of concern and that they receive a review note in due course.
- It was stated that just because a tenant might have complex needs this need not necessarily have a direct impact upon Housing officer's workloads. It might be that the tenant had an alternative care package in place. Again, the Committee requested that a review note be provided next time.

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

43. **PROGRESS UPDATE ON THE ANNUAL GOVERNANCE STATEMENT ACTION PLAN (00:37:13)**

The Committee had before it, and **NOTED**, a report * from the Group Manager for Performance Governance and Data Security providing it with an update on progress made against the Annual Governance Statement 2016/17 Action Plan.

It was explained that two actions on the plan were overdue and were being re-scheduled, however, eight items were completed with four not yet due.

Consideration was given to:

- The Staff Charter which had now been launched, with the Director for Corporate Affairs and Business Transformation attending team meetings.
- More benchmarking was needed in relation to certain service areas, for example, grass cutting.
- The Group Manager responsible for the successful operation of General Data Protection Regulations (GDPR) confirmed that there had been a 93% response rate in relation to information received from officers for the Asset Registers, 71% of data flow maps had been completed and 21% of service areas had completed their forms review. A project board had been established and had been meeting for over 4 months and staff training had commenced. A revised Data protection Policy would be on the Cabinet agenda for 5 April 2018 in order to comply with all necessary legislative timescales.

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

44. **INTERNAL AUDIT PROGRESS REPORT (00:42:52)**

The Committee had before it, and **NOTED**, a report * from the Devon Audit Partnership Audit Manager updating it on the work performed by Internal Audit for the 2017/18 financial year.

The Audit Manager explained that the report had been presented to the Committee in two different formats but he intended to take them through the revised version as it was considered by many clients to be more informative, accessible and quicker to read. He requested that the Committee indicate at the end of the item which format they preferred and which one they would like to receive in the future.

Discussion took place regarding the following areas within the new format report:

- The expectations of the Audit Committee were clearly set out.
- Opinion Statements were the key components to the progress report providing assurance where necessary to the Committee. The different levels of assurance were explained.
- The management controls for maintenance, monitoring and performance management of risk in relation to Housing, Health and Safety and Environmental Health required improvement.

- It was confirmed that the dates by which audit recommendations ought to have been actioned were agreed at the end of each audit between the audit team and the service manager.
- Changes to the Audit plan had been agreed by management in relation to the following:
 - Housing Options would be deferred to the last quarter.
 - Street Cleansing would be replaced by a Leisure Centre financial procedures audit.
 - The Grounds Maintenance audit would be replaced by a PCI (Payment Card Industry Standards) audit.
 - Further support would be provided for investigations
- Fraud detection and prevention reviews were on going.
- Future reporting on individual audits would be provided as a shortened executive summary in future with a summary of recommendations and a symbol provided in terms of the Direction of Travel.
- Sub-contractors would continue to undertake work in relation to testing for gas and electrical faults, asbestos and legionella whilst at the same time consideration being given to setting up an in-house team to deliver the same professional standard inspections but at a lower cost.
- It was requested that headings be repeated on each page so as to avoid any confusion.

It was **AGREED** that the new style of reporting was preferred. It avoided duplication and was more visually informative. The Committee requested that it received the new report format in future.

It was further **AGREED** that the Director of Finance Assets & Resources would provide a further update to the Committee at the next meeting regarding all the 2016 outstanding audit recommendations.

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

45. **EXTERNAL AUDIT PROGRESS REPORT (01:15:03)**

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

The following was highlighted within the report:

- An Audit Plan would be issued in the New Year.
- The approach regarding Value for Money work was explained.
- Over the coming months there would be discussion around the Council's Special Purpose Vehicle, the retention of Business Rates, the Council's Medium Term Financial Strategy and future sustainability.
- Regarding the procurement of external audit services, Grant Thornton had successfully bid and been awarded 41% of the local government market including Mid Devon District Council.
- Grant Thornton publications which might be helpful to the Council when considering alternative methods of service delivery.

Following this the Engagement Lead informed the Committee that Steve Johnson, who had been the Audit Manager for 9 years, would be attending the Committee for the last time. It was good practice within the industry to rotate audit managers and it was now time for Steve to change his area of remit. The new Audit Manager who would attend the Committee in future would be Andrew Davies.

The Engagement Lead personally thanked Mr Johnson for the support and advice he had given her. She had relied on his historical knowledge of Mid Devon District Council during her time as Engagement Lead. The Director of Finance, Assets & Resources also thanked Mr Johnson for many years of hard work and co-operative working.

Finally, the Chairman of the Committee stated that Mr Johnson must have seen many changes to the authority over 9 years, he hoped that many of these were for the better. Both he as Chairman and the Committee, had, at times, required complex explanations being unqualified as auditors or accountants themselves and Mr Johnson had always excelled at this. The work that he and his colleagues did was absolutely essential to the Council as was the assurance they provided to the public. The Committee wished him well for the future.

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

46. IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

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

- Grant Thornton's Audit Plan

(The meeting ended at 6.55 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ENVIRONMENT POLICY DEVELOPMENT GROUP**
held on 7 November 2017 at 2.00 pm

Present

Councillors R F Radford (Chairman)
D R Coren, Mrs C P Daw, R Evans,
D J Knowles, Mrs E J Slade, J D Squire,
R Wright and Mrs J Roach

Apologies

Councillor(s) Mrs N Woollatt

Also Present

Councillor(s) C J Eginton

Also Present

Officer(s): Andrew Pritchard (Director of Operations), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Rob Fish (Principal Accountant) and Julia Stuckey (Member Services Officer)

31 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr N Woollatt who was substituted by Cllr Mrs J Roach.

32 **PUBLIC QUESTION TIME**

Mr B Warren, representing Willand Parish Council, informed the Committee that he had been displeased by sarcastic comments made at the last meeting regarding the absence of councillors from Willand, which he did not consider to be in line with the Charter. The Chairman apologised for this.

Referring to item 6 on the agenda Mr Warren stated that paragraph 1.2.4 advises that communication and clear consultation must take place with all parties being updated. Experience to date has shown instances where action has been taken and consultation which has taken place has been to justify the action taken, not resolve the matter to the satisfaction of aggrieved parties. I raise this at this point as it may be that this part of the report is referred to as an answer to points raised in the following questions and I will not be allowed to respond. This is also raised to ensure that the true spirit of paragraph 7.2.4 is recognised.

Paragraph 7.0 deals with built environment and subsequent paragraphs are headed 7.2.1 Remove, 7.2.2 Reduce, 7.2.3 Repair. Why is there no policy recommendation to replace?

Paragraph 8.0 refers to play areas and 8.1 states that they are part of the built environment and would be approached within the context of paragraph 7. Is it

therefore the intention that if the one and only swing in a play area breaks beyond repair it will be removed as it is beyond repair and will not be replaced with another swing as there is no policy to replace? Is there to be no sinking fund to replace equipment? Is this a veiled attempt to introduce a managed decline policy of play areas by removing equipment as it becomes irreparable? If there is less equipment then the play area will not be used and then there will be the argument to close them down. Do Members appreciate that to approve recommendation 4 as set out in paragraph 8.5 could have that effect?

If approving recommendation 6 at paragraph 8.5.2 are members saying that they will have no problem with dogs being in the play area with small children?

Does the information in paragraph 8.3 include Willand? If it does it is incorrect. Willand has four areas the subject of lease with MDDC, three have 23 years to run and one has 25 years.

The Director of Operations responded, informing Members that he considered it appropriate to add the word 'replace' at section 7.2.3 as it had always been intended that having decided that the equipment was needed and could not be removed or reduced, that it would be replaced if it was beyond economic repair. Adding the word 'replace' would remove any ambiguity from that section.

The Director also informed Mr Warren that if the information provided regarding the length of leases at 8.3 was factually incorrect he would arrange for a correction to be made; however, this did not materially change the content of the paragraph.

33 MINUTES OF THE PREVIOUS MEETING

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

34 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

35 MOTION 538 (CLLR MRS J ROACH – 1 JUNE 2017)

Following a request at its meeting in May the Committee had before it a report * from the Director of Operations regarding to Motion 538.

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.

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 Director of Operations outlined the contents of the report, which answered a number of questions that had been asked at the previous meeting.

Discussion took place regarding:

- Accounting procedures and the ledger that had been used to calculate figures within the report;
- Cost of living increases;
- An estimated undercharge to the Housing Revenue Account for services provided;
- Ongoing issues regarding areas of land within the parishes and whose responsibility they were with regard to grass cutting;
- The need for accurate data;
- The variety of methods for calculating cost per unit and how they could vary depending on the time required and equipment needed;
- The number of complaints received by Members regarding grass cutting had vastly increased in the last two years;
- Grass cutting was a discretionary service and the standard required was subject to personal perspective;
- The need to confirm the number of cuts undertaken when bills were being sent to towns and parishes;
- Town and Parish Councils could apply to lease any assets, for example play areas.

It was **RESOLVED** that a working group be put in place to further investigate grass cutting pricing methodology and charging recovery. The working group to consist of Cllrs Mrs C P Daw, R F Radford and D R Coren.

(Proposed by Cllr Mrs J Roach and seconded by Cllr D J Knowles)

Cllr Mrs Roach was satisfied with the information provided within the report and discussion that had taken place and withdrew her Motion.

It was **RECOMMENDED** to the Cabinet that invoices to town and parish councils regarding grass cutting should confirm the number of cuts undertaken with dates.

(Proposed by Cllr Mrs J Roach and seconded by Cllr R Evans)

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

36 PARKS AND OPEN SPACES, 10 YEAR MANAGEMENT PLANS AND DESIGN PRINCIPLES

The Group had before it a report * from the Director of Operations regarding Parks and Open Spaces, 10 year Management Plans and Design Principles. This was the third time that the report had been put before the Group and it now contained amendments that they had requested along with suggestions from the Community Policy Development Group.

Discussion took place regarding:

- The addition of the word 'replace' to follow 'repair' at 7.2.3;
- The various options available to provide a barrier, other than fencing, to prevent young children being put at risk in play areas, that could provide a play item for older children, such as boulders or logs;
- The need to maintain certain parts of the old cemetery and the costs of doing so. It was **AGREED** that the Grass Cutting Working Group would look into this matter further.

It was **RECOMMENDED** to Cabinet that subject to the changes identified below the Parks and Open Spaces, 10 year Management Plans and Design Principles be approved:

- a) The Council should look to increase the volume of wild flower, natural grassland meadows and slow growing grasses in its open spaces.

(Proposed by Cllr Mrs J Roach and seconded by Cllr B Wright)

- b) Where shrub beds have become overgrown, a new style of specimen planting will be used to replace traditional shrub bed areas.

(Proposed by Cllr R Evans and seconded by Cllr Mrs J Roach)

- c) The management of tree stock will be set in the context of the 10 year management plan for that open space. There should be a presumption on the use of native trees as the prominent choice within any landscape design.

(Proposed by the Chairman)

- d) *Subject to the addition of the word 'replace' at 7.2.3:* When considering maintenance of the built environment the Remove – Reduce – Repair approach outlined in paragraphs 7.2.1 to 7.2.4 above should be applied.

(Proposed by Cllr Mrs J Roach and seconded by Cllr D R Coren)

- e) Play England – Making Space for Play should be adopted by Mid Devon District Council as its formal reference for best practice in the design and management of play areas.

(Proposed by Cllr R Evans and seconded by Cllr R Wright)

- f) *Subject to the addition of the wording ‘or a suitable barrier provided’ after the word ‘fence’* Play areas must be fenced where fencing is the most appropriate means to protect the health, safety and wellbeing of children. E.g. to physically separate play areas from roads and/or cycle paths.

(Proposed by Cllr R Evans and seconded by Cllr Mrs J Roach)

- g) When work is undertaken to remove fences or other items, such as benches, the work must be undertaken in a safe manner ensuring no residual hazards.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs E Slade)

- h) Headstone runners should be used to define and structure new burial plots.

(Proposed by Cllr Mrs J Roach and seconded by Cllr D J Knowles)

- i) *Subject to the removal of the sentence: ‘Environmental areas should be generated in the old sections of the Council’s cemeteries and biodiversity actively promoted in naturalised habitats.’* At all times War Graves shall be tended and maintained with clear access routes made available.

(Proposed by Cllr R Evans and seconded by Cllr Mrs J Roach)

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

37 DRAFT BUDGET

The Group had before it and **NOTED** a report * from the Director of Finance, Assets and Resources to consider options available in order for the Council to set a balanced budget for 2018/19 and agree a future strategy for further budget reductions for 2019/20 onwards.

The Principal Accountant informed Members that the report had been to the Cabinet on 26th October. He explained it was a position statement, at the early stage of budget setting and that the budget was an evolving process.

The officer outlined the contents of the report stating that the initial aggregation of all service budgets (which included assumptions surrounding predictions for interest receipts, contribution to the capital programme, transfers to/from reserves and council tax levels) currently indicated a General Fund budget gap of £617k. The following table showed the main budget variances affecting the 2018/19 draft budget:

Variations	Amount £k
External items outside of our control	
Reduced formula grant settlement	318
Decrease in Housing Benefit Grant and increase in associated costs	57
Pay Award and pension increases	239
Rural Services Delivery grant	86
Transition Grant	32
Subtotal	732

<i>Other changes</i>	
Increase in service cost pressures	317
Not utilising New Homes Bonus to balance the budget	89
Increase in property sinking funds	100
Interest payments on loans for new leisure equipment	45
Service cost reductions	(108)
New or increased income identified by service managers	(272)
Increase in Council Tax income (£5 rise + 370 new properties)	(212)
Net recharge to HRA	(108)
Minor changes	34
Draft budget gap for 2018/19	617

Consideration was given to

- The Business Rate Retention Scheme;
- The Scrutiny Committee had recommended that Council reinstate an ‘away day’ at which all Members could contribute to budget discussions;
- The need for difficult decisions to be made in the coming years.

It was **RESOLVED** that a Working Group be put in place to look in greater detail at the budget areas that fell within the remit of the Group. Working Group members would be Cllrs R Evans, Mrs E J Slade, R F Radford and D R Coren).

(Proposed by Cllr R Evans and seconded by Cllr Mrs C Daw)

38 **FINANCIAL MONITORING**

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

The Principal Accountant outlined the contents of the report stating that the General Fund deficit for the current year was £181K. There were no areas of concern to report within the remit of the Group.

Note: - Report previously circulated and attached to Minutes.

39 **PERFORMANCE AND RISK**

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

The Group Manager for Performance, Governance and Data Security outlined the contents of the report explaining that areas within the remit of the Group were mostly at or above target.

Discussion took place regarding:

- Garden waste permits were above target;
- Smaller vehicles for waste collection had been purchased which would be beneficial to air quality;
- The number of customers using the garden waste bag scheme.

Members wished that their thanks to the Group Manager for Street Scene and Open Spaces and his team be recorded for their excellent performance.

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

40 IDENTIFICATION OF ITEMS FOR FUTURE MEETINGS

Budget
Performance and Risk
Update from Working Groups
District Officer Discretionary Time
Waste Update

(The meeting ended at 4.03 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 14 November 2017 at 2.15 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, D R Coren, R J Dolley
and F W Letch

Apologies

Councillors

Mrs H Bainbridge, Mrs G Doe, P J Heal and J D Squire

Also Present

Councillor

R L Stanley

Also Present

Officers

Andrew Pritchard (Director of Operations), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Claire Fry (Group Manager for Housing), Mark Baglow (Group Manager for Building Services), Roderick Hewson (Principal Accountant), Stephen Bennett (Building Surveyor) and Sarah Lees (Member Services Officer)

34 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillors Mrs H Bainbridge, Mrs G Doe, P J Heal and J D Squire.

35 **PUBLIC QUESTION TIME**

There were no members of the public present.

36 **MINUTES**

The minutes of the meeting held on 12 September 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

37 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded the Group that an informal workshop would be held on Wednesday 10 January 2018 to begin to discuss the Right to Buy and Devon Home Choice issues. An information pack had been circulated the previous week with background reading on both subjects.

38 **PERFORMANCE AND RISK REPORT FOR 2017-2018 (00:02:06)**

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.

Discussion took place regarding:

- 43 empty homes had now been brought back into use against a target of 25 for 2017/18 which was excellent.
- Two properties were subject to possession proceedings by the tenancy service as it had not been possible to acquire a valid gas safety certificate.
- Rent collection rates were very good.
- There had been some staffing issues within the housing department with officers having to cover a number of vacant posts.
- The effects of welfare reform were beginning to show. The numbers of people claiming housing benefit had not really changed but people were receiving less.
- The average number of days to re-let a property was currently below target.
- The Group Manager for Housing was satisfied that there were sufficient measures in place to tackle any staff health and wellbeing issues resulting from often challenging situations with clients.
- When Universal Credit was fully introduced in Mid Devon there would be a need for early intervention work with some tenants to address any issues caused by the delay in receiving their payment.

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

39 **FINANCIAL UPDATE FOR THE SIX MONTHS TO 30 SEPTEMBER 2017 (00:13:14)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

The following was highlighted within the report and discussion followed with regard to:

- There was a General Fund Housing variance of £5k
- There was a shortfall of £59k on dwelling rents income but it was explained that this was only a variance of 0.5% on what was expected at this stage in the year.
- There was a £76k underspend in Repairs and Maintenance.
- Agency costs were sometimes incurred as a result of seasonal repairs and maintenance pressures.
- It was clarified that 'RCCO' stood for 'Revenue Contribution to Capital Operations'.

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

40 **DRAFT 2018/19 GENERAL FUND AND CAPITAL BUDGETS (0019:00)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets & Resources considering the options available in order for the Council to set a

balanced budget for 2018/19 and agree a future strategy for further budget reductions for 2019/20 onwards.

Consideration was given to the following:

- Overall there was currently a budget gap on the General Fund of £617k. Of this, approximately £500k was outside of the Council's control as a result of central Government cuts.
- Service managers had identified significant savings over the course of the summer. Without this the budget gap would have been significantly greater.
- There were still a few key issues that had not yet been resolved or were still to be fully evaluated.
- Members were invited to attend one of the budget briefings to be given by the Director of Finance, Assets & Resources in the early part of December.

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

41 **HRA MEDIUM TERM FINANCIAL PLAN (00:23:20)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets and Resources and the Director of Operations providing an estimate of the budget required for the operation of the Housing Revenue Account (HRA) from 2018/19 – 2021/2022.

The following was highlighted within the report:

- Gross expenditure and income were both predicted to increase by 2021/2022 as was the surplus on the General Fund and the HRA.
- By the end of 2021/2022 it was expected that approximately £2.6m would be contributed to the Housing Maintenance Fund. The forecast was described as being reasonably healthy although there were some unknowns such as the number of Right To Buy sales. It was also stated that a large budget was needed to maintain the housing stock and that caution in relation to these positive figures was needed.

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

42 **DRAFT 2018/19 HOUSING REVENUE ACCOUNT (HRA) BUDGET (00:26:35)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets & Resources and the Director of Operations considering the options available for the Council to set a balanced budget for 2018/19 and agree a future strategy for further budgetary planning for 2019/20 onwards.

The following was highlighted within the report:

- The HRA budget for 2018/19 was currently in a balanced position and had been set to nil.
- A number of assumptions had been made in order to reach this position which included a decrease in rents by 1%, an increase of 10p per week in garage rents and a harmonisation of community alarm charges.

Discussion took place with regard to:

- The poor condition of some of the garages and the fairness of increasing their rental fees.
- A strategic options review of the garages would be undertaken by Christmas 2017. This would lead to consideration of a number of options including demolition where appropriate and alternative provision depending on what the community needed.

RECOMMENDED to the Cabinet that Garage Rents and Community Alarm Charges for 2018/19 be frozen at the current levels for 2017/18.

(Proposed by the Chairman)

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

43 **MDDC ACTIONS POST GRENFELL (00:39:50)**

The Group received a presentation from the Building Surveyor regarding the actions put in place by the Council's housing department following the Grenfell Tower disaster.

The following was highlighted within the presentation:

- As a Landlord, Mid Devon District Council was legally obliged to comply with the Regulatory Reform (Fire Safety) Order 2005. This required landlords to have Fire Risk Assessments, carried out by a competent person, to all their flats with enclosed communal areas and to implement the recommendations of the Fire Risk Assessments within a reasonable time.
- Mid Devon District Council had the latest Fire Risk Assessments carried out in June 2016; these were due to be renewed in the coming months by the Public Health and Regulatory Service.
- Mid Devon District Council had:
 - Installed fire doors to residents flats
 - Installed Communal fire alarms
 - Installed emergency lighting
 - Installed Fire Action Notices
 - Removed carpets to stairwells
 - Established a testing regime
 - Worked with the Fire Service in Brewin Road
- Regarding Grenfell Tower - it was still too early to give the exact reasons for the fire and its rapid spread through Grenfell Tower, but from the information available the technical experts agreed that the materials attached to the façade of the building created a risk to fire safety. The Fire Service were also impeded by the height of the building and inadequate access externally.
- Following the fire, the Government, via the Department for Communities and Local Government (DCLG), had established the Building Safety Programme, to support Landlords and Residents of high rise buildings to ensure fire safety.

- On the 17 June 2017 DCLG convened a group of technical experts to provide advice on the best immediate steps Government could take to help Local Authorities address the fire safety concerns that tenants living in tower blocks similar to Grenfell Tower would have.
- Actions required of social housing providers were:
 - Identify all their residential tower blocks over 18m tall.
 - Identify those with external Aluminium Composite Cladding (ACM) and submit samples for testing.
 - Ensure that Local Authority Landlord's had robust Fire Risk Assessments of their blocks in place.
 - Confirm that the supply of gas to any system built blocks of flats was adequately protected.
 - Confirm the structural safety of the building, where cladding was replaced.
 - Complete a questionnaire relating to the above and actions taken.
- Mid Devon District Council does have foam cladding attached to the external faces of 258 Cornish Units, which was installed approximately 20 years ago.
- To ensure the security of our tenants Mid Devon District Council engaged the services of a suitably qualified Fire Risk Assessor to carry out an assessment of the external cladding that was applied, to its non-traditional properties.
- Risk to life from fire at the Cornish Units caused by the External Wall Insulation was judged to be **Trivial**.

44 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00:54:42)

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

- An update regarding the housing of refugees in Mid Devon

(The meeting ended at 3.10 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **ECONOMY POLICY DEVELOPMENT GROUP** held on 9 November 2017 at 5.30 pm

Present

Councillors

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

Apologies

Councillors

Mrs C Collis and J M Downes

Also Present

Councillors

R J Chesterton, A Bush, Mrs C P Daw, Mrs S Griggs and
Mrs J Roach

Present

Officers

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jenny Clifford (Head of Planning, Economy and Regeneration), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader) and Sarah Lees (Member Services Officer)

40 **Apologies and Substitute Members**

Apologies were received from Councillors Mrs C A Collis and J M Downes who was substituted by F W Letch.

41 **Public Question Time**

There were no members of the public present.

42 **Minutes**

The minutes of the meeting held on 7 September 2017 were confirmed as a true and accurate record and **SIGNED** by the Chairman.

43 **Chairman's Announcements**

The Chairman had no announcements to make.

44 **Performance and Risk for 2017/18 (00:02:15)**

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

Regarding the Corporate Plan aim 'Focus on business retention and growth of existing businesses' it was explained that the target for the number of Apprentice starts was the Government target calculated as 2.3% of full time equivalents posts. The Council had 9 apprentices as at 31 March 2017 and had 5 starters in September. The Council was holding an event the following week to promote apprenticeships to existing staff.

A brief discussion followed with regard to:

- The up to date figure for the number of empty shops in Tiverton had reduced slightly from 25 (as stated in the report) to 23. The number of empty shops in Crediton and Cullompton remained at 8 and 9 respectively.
- The need for more meaningful measures in relation to business retention and growth.
- The usefulness of receiving information about what other businesses were doing regarding Apprentice starts.
- The land supply being identified as a high risk. The Head of Planning, Economy and Regeneration explained that this risk would be mitigated by the Local Plan review which would provide a new supply of commercial sites.

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

45 **Financial update for the six months to 30 September 2017 (00:11:03)**

The Group had before it, and **NOTED**, a report * from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

The forecast General Fund deficit for the current year was £181k with the main items of variance reflected within the report, although it was reported that none of the overspends were in the area of Economic Development. The Group were also informed that there were two new lease agreements in Market Walk, however, the Pannier Market income was down.

Discussion took place regarding:

- Car park revenue was under budget. The Director of Finance, Assets & Resources welcomed ideas as to how revenue could be increased in this area. It was **AGREED** that the subject of car parking and all relevant data in relation to this be discussed at a future informal workshop. This would provide an opportunity to discuss all the various options in a more detailed and considered way.
- Set up costs in relation to the Three Rivers Development Company which had been incurred as a result of needing independent grant and tax advice.
- The Tiverton Masterplan which was listed in the Forward Plan might go some way towards addressing the shortfall in income for the Pannier market.

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

46 **Motion 540 (Councillor Mrs J Roach - 12 October 2017) (00:26:10)**

The following Motion had been forwarded to the PDG for consideration:

Motion 540 (Cllr Mrs J Roach – 12 October 2017)

‘This Council agrees to give serious consideration to seeking alternative methods of managing the Tiverton Pannier Market, to include a community interest company and a co-operative. Following these considerations Council will be given detailed information about the advantages and disadvantages of the options that were discussed. Council should then be able to decide whether to change their policy and pursue a different management model.’

Cllr Mrs J Roach stated that she felt the market was underperforming and that consideration needed to be given to alternative methods of management. She made reference to the Weymouth Pavilions model which had been implemented by a community interest company and had proven to be a success attracting big name acts with the knock on effect of filling the local hotels and restaurants. She commented that it would be worth looking at this model as a good example of what could be done. She made further reference to the year on year reduction in market income and stated that action needed to be taken as soon as possible to address the issues of concern.

Discussion took place regarding:

- It seemed sensible to have a full review of all the options and to factor this into part of the wider Economic Regeneration work stream.
- The need to consult with traders, various interest groups and stakeholders to seek their views and ascertain whether there was an appetite and enthusiasm for a change of approach. This feedback would be reflected back to the Group.
- Various other market models such as the one in Ludlow.
- The need to investigate all the options thoroughly and in detail.

It was **RECOMMENDED** to Council that the Motion be supported

(Proposed by the Chairman)

47 **Tiverton Market Environmental Strategy 2017-2022 (00:38:45)**

The Group had before it a report * from the Director for Growth and Chief Executive seeking approval to adopt the Tiverton Market Environmental Strategy so as to maximise opportunities to increase recycling, reduce the amount of waste and reduce our carbon footprint.

Reference was made to the ‘Environment’ being one of the priorities in the Corporate Plan. The Strategy had been out for consultation with some useful comments being made by Environmental Health colleagues in relation to food ‘best before’ dates and the ‘Community Food Fridge’. This had resulted in the deletion from the strategy of investigating the provision of a community food fridge.

Discussion took place regarding:

- Charity recycling bins were being considered with an offer from the Clothes Bank.
- An electric car parking point would be installed in the Lords Meadow Leisure Centre, however, the contract for this was limited in terms of other locations within the district.
- The approach to supporting environmentally friendly initiatives ought to be Council wide and not just limited to the market.
- The collection of textile waste from the market.
- The switch to energy efficient lighting and the need to address lighting being switched on during summer evenings.
- The Council was working with third parties, for example, traders bringing in heaters of their own volition.
- The introduction of wild flowers and areas of greenery was welcomed as well as a commitment to reduce plastics.
- How the Council was going to 'police' the wastage of power and electricity?
- How the Council was going to enforce the terms and conditions of contracts with traders.

It was **AGREED** that further clarity was needed with regard to the Council's approach to implementation and enforcement of the proposed strategy within the market and that a decision in relation to this Strategy ought to be deferred until the next meeting.

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

48 **Draft 2018/19 General Fund and Capital Budgets (00:52:38)**

The Group had before it, and **NOTED**, a report from the Director of Finance, Assets & Resources considering the options available in order for the Council to set a balanced budget for 2018/19 and agree a future strategy for further budget reductions for 2019/20 onwards.

The current draft budget gap for 2018/19 showed a deficit of £617k and a reconciliation of the major budget variances was contained within the report. 2018/19 would be the third year of a four year fixed funding settlement which would see a further reduction of £318k and then the complete removal of the remaining Revenue Support Grant of £179k by 2019/20.

Reference was made to a number of budget pressures including the pay award and reductions to various grants. The Business Rate revaluation exercise had impacted on the Council quite adversely, meaning that it had to pay more. The New Homes Bonus would be reduced from next year meaning that retaining sinking funds for the replacement of assets was all the more problematic. It was further explained that the budget gap would have been a great deal higher had managers not come forward with proposals for savings. There were still a number of issues that had not yet been resolved or were still to be fully evaluated, these were listed within the report.

The Group were informed that budget briefings would be held at the beginning of December in both Tiverton and Crediton and that a Members Away Day focussing on the budget was scheduled for early January 2018. There would therefore be ample opportunity for Members to contribute to the budget setting process.

Consideration was given to the following:

- The continuation of work with the Town and Parish Councils; co-operation was vital.
- The maximum amount a district council could increase Council Tax by was limited to 1.99% (or £5). However, the Council only got to keep 11.2% of the Council Tax it collected whereas every pound raised by Town and Parish Council's as part of their precept could be retained.
- Discretionary versus non-discretionary services and the need for honest and difficult conversations to take place.

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

49 **HOTSW Productivity Strategy 2018-2036 (01:12:38)**

The Group had before it, and **NOTED**, a report * from the Director for Growth and Chief Executive informing Members of the Heart of the South West Partnership's Productivity Strategy and to provide Members with an opportunity to steer Mid Devon District Council's response to the Consultation. The deadline for receiving responses was 30th November 2017.

The Strategy set out the long term ambitions of the partnership to generate economic growth by raising productivity in the region.

The main issues and questions were listed as:

- What would be an appropriate target for growth?
- Which of the proposed initiatives were important to Mid Devon District Council?
- What are the 'golden opportunities' – important sectors for Mid Devon?

Discussion took place regarding:

- The need to get hydroelectricity into one of the key sectors.
- Developing pilot schemes for green spaces would be a way of promoting and recognising the natural assets of the district.
- By increasing productivity this would create opportunities to increase wages.
- The South West map contained within the Strategy did not highlight Mid Devon as a growth area and seemed very Exeter centric. This was viewed as very disappointing especially as it did not reflect local ambitions.
- The need to grow higher skills in this area especially amongst the young. Events that brought together high tech businesses, other employers, education providers and early secondary school age children were seen as a very useful way forward.
- It was essential to get the buy in from employers as they had a responsibility to the community they operated in.
- The implementation plan would follow in Spring 2018 after the Strategy had been agreed.

In conclusion, it was **AGREED** that officers would respond to the consultation with comments from the Group summarised as follows:

- It was important not to miss out on opportunities for spins offs from economic growth taking place in other areas of the region.
- Improving skills was crucial to achieving greater productivity.
- Digitalisation was a key factor.
- Fostering and encouraging aspiration and ambition was vitally important and seen as fundamental to the success of the region.

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

50 **Economic Development Service Update (01:43:15)**

The Economic Development Team Leader provided an update in relation to Economic Development projects.

Further highlights within the report were reported as follows:

- Mills Project - the Council was expecting to hear the outcome of its bid to DCLG for funding under the ESIF Low Carbon Programme by the end October. If the bid was unsuccessful it would look at other opportunities for funding.
- Rural Broadband – still had not heard officially that the ‘Expression of Interest’ had been unsuccessful. It was hoped that an official stakeholder group would be established as this was such a vital issue.
- Exe Valley AONB – the Economic Development Team Leader would be convening the AONB Working Group in November and its recommendations would be brought to a future meeting of this Group.

The Group wished the Economic Development Team well with the Cullompton Townscape Heritage Scheme bid.

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

51 **Identification of items for the next meeting (01:49:08)**

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

- Market Environmental Strategy
- 2018/19 budget update

(The meeting ended at 7.21 pm)

CHAIRMAN

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the COMMUNITY POLICY DEVELOPMENT GROUP held on 28 November 2017 at 2.15 pm

Present

Councillors

B A Moore (Chairman)
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 and Mrs H Bainbridge

Also Present

Councillor(s)

C J Eginton and Mrs M E Squires

Also Present

Officer(s):

Andrew Pritchard (Director of Operations), Lee Chester (Leisure Manager), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Rob Fish (Principal Accountant), Kevin Swift (Public Health Officer) and Julia Stuckey (Member Services Officer)

33 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs Mrs E M Andrews and Mrs H Bainbridge.

34 PUBLIC QUESTION TIME

The Chairman read out a question that had been received in advance of the meeting from Mr P Talbot, Chairman of Stoodleigh Parish Council referring to item 9 on the agenda.

The question refers to a comment submitted on behalf of Stoodleigh Parish Council in respect of the current lack of consultation with Parish Councils in respect of Prior Notification 'applications' (see Page 4 of your officer's report).

This issue arose in 2016 as a result of what was regarded by many Stoodleigh parishioners as a wholly inappropriate proposal to convert a large modern barn into a dwelling and a number of industrial/business units.

As a result of those concerns Councillors Stanley and Chesterton pursued the matter by way of Council Motion 530. That Motion was supported by your Cabinet at its meeting on 1 December 2016 and approved by Council on 14 December 2016 and appropriate representations were made to the Minister.

In light of:

- the support of the Cabinet and Council for Parish consultation on prior notifications;
and

- the response of the Minister in the Department for Communities and Local Government that it is open to local authorities to consult more widely on applications for prior approval if they so wish

Do you consider the response set out in the report that 'as there was no clear direction from the DCLG this has not been progressed' to be adequate?

Whilst recognising the very tight timescale placed on the Local Planning Authority, would it not be appropriate for such consultation to be incorporated within the Parish Charter?

The Chairman informed the Group that this question would be answered at the agenda item and that Mr Talbot would receive a response in writing.

Mr Ben Holdman, Tiverton Town Councillor for Castle Ward, referring to item 9 on the agenda asked if something could be added to the Town and Parish Charter with regard to the transfer of assets. Mr Holdman stated that it looked like a lot of properties were being pushed onto town and parish councils and that this should be done to mutually benefit each other and the local community. He asked if there was a way that consultation could be undertaken with the public to find out what they wanted to happen to assets to keep them in the public domain, such as toilets.

The Chairman informed Mr Holdman that his question would be answered in writing.

35 **MINUTES OF THE PREVIOUS MEETING**

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

36 **CHAIRMANS ANNOUNCEMENTS**

The Chairman had no announcements to make.

37 **DIRECTOR OF PUBLIC HEALTH 00:08:00**

The Chairman welcomed Tina Henry, Consultant in Public Health to the meeting. Mrs Henry explained that she was representing Dr Virginia Pearson, Chief Officer for Communities, Public Health, Environment & Prosperity/Director of Public Health at Devon County Council (DCC).

The officer explained that the purpose of the Directorate was to bring public health together with health and well-being. Public Health had been moved to local authority responsibility in 2013 and worked closely with Mid Devon, having previously been the responsibility of the NHS. It was considered that the greatest impact could be made by local authorities. It had three core responsibilities; health improvement, health protection and health assurance. The Directorate produced an annual report on the state of the health of the population. Areas that had to be provided were substance misuse, lifestyle services, a commissioning responsibility and some mental health issues. Due to reduced budgets priority was given to the 'have to's but there were also areas where influence could be used to deliver health and well-being.

Ms Henry had been sent some questions in advance of the meeting. With regard to the NHS and Leisure Services the officer explained that DCC commissioned a 'Lifestyle' service which looked at lifestyles and aimed to change behaviours such as smoking, sensible drinking, being more active and being a healthy weight. This was an online signposting service which would point people to local events, leisure centre promotion and diet groups for example. There was also a GP referral service which Mid Devon Leisure Services took part in.

DCC also had an officer dealing with food and nutrition, in particular with the Sugar Smart campaign. They had taken part in lobbying regarding money from the sugar tax that had been earmarked for National Health Services and the money had now been put towards schools to promote future good health.

The officer also provided information regarding the promotion of walking and cycling, explaining that they had promoted a number of national campaigns such as Active 10 and the Big March, encouraging the public to use the environment. They had worked with local walking groups and promoted Naturally Healthy Month. Areas such as the implementation of cycling routes were expensive but DCC could bid for funding and had been successful in changes to the road network at Blundell's Road, Tiverton and at Tiverton Parkway. Infrastructure could be influenced within new developments and the team were working closely with planners regarding the Garden Village at Cullompton, to maximise health benefits.

School transport, which was procured by the County Council was an area of potential improvement and getting the balance right with providers and routes was an area of future work.

Discussion took place regarding:

- Mental health and the link with diet;
- Early help for mental health services being provided in schools, KOOTH;
- The need to promote initiatives with effective communication.

The Chairman thanked the officer for attending.

38 **AIR QUALITY 00:35:00**

The Group had before it a report * from the Group Manager for Public Health & Regulatory Services, providing a final version of the Statutory Air Quality Action Plan for the District 2017-21, for consideration.

The officer explained that the report had been before the Group at an earlier meeting and that comments received had been noted and incorporated into the plan before them. The officer reminded Members that the plan was a living document and could be changed annually. DEFRA required an annual update on the plan which gave an opportunity to update, to add new measures and to add value to the plan.

The Public Health Officer highlighted areas within the report that had been amended following previous meetings, including road infrastructure and the need for improvements, the difficulties of living in rural areas without a car, local roads and

cycling safety, the train station and access issues, ECO Stars and school transport, electric vehicles, bus passes, potential cycle routes, school travel plans and a requirement for greater enforcement measures.

Discussion took place regarding:

- Tiverton Parkway and links to tourism;
- Electric bikes were now available for hire in Crediton;
- Crediton Town Council were funding a feasibility study to look at High Street issues;
- Engagement with Town Councils;
- Air Quality issues and new infrastructure plans for Cullompton;
- School transport and the need for new vehicles and intelligent routing.

It was **RECOMMENDED** that Cabinet approve the proposed Air Quality Action Plan as attached in Annexe 2 with the addition of wording to emphasise the need for major infrastructure in Cullompton.

(Proposed by the Chairman)

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

39 **DRAFT BUDGET 00:59:00**

The Group had before it and **NOTED** a report *from the Director of Finance, Assets & Resources asking them to consider options available in order for the Council to set a balanced budget for 2018/19 and agree a future strategy for further budget reductions for 2019/20 onwards.

It was **RESOLVED** that a Working Group be put in place to look at areas within the budget that fell under the remit of the Group and to identify areas for priority and areas that Members considered could be put forward for reduction. Members of the Working Group would be Cllr B A Moore, Cllr Mrs E J Slade and Cllr R J Dolley.

(Proposed by the Chairman)

The Chairman informed Members that feedback from the Working Group would be via email due to the tight time scales in place.

Discussion took place regarding future management of Leisure Services and it was **AGREED** that this would be discussed at the Working Group.

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

40 **FINANCIAL MONITORING 01:13:00**

The Group had before it and **NOTED** a report * from the Director of Finance, Assets & Resources presenting a financial update in respect of the income and expenditure so far in the year.

The Chairman had raised questions in advance of the meeting as below:

Section 3.2

There had been a notable overspend in leisure facilities. What were the reasons and what controls were being applied to bring it back to budget?

In relation to action to mitigate an overall predicted General Fund overspend of £181k, actions were as followed:

- Vacancy approvals were approved by Leadership Team on a case by case basis.
- Ongoing surplus asset disposal and reinvesting in income generating properties i.e. Coggan's Well & 36 & 38 Fore Street
- SPV set up to generate income
- Applying for 100% Business rate pilot
- Increasing investment to £5m with CCLA from 01/02/17
- More proactive marketing of the Garden Waste scheme - now up to 9,500 customers.

Appendix A & B

Recreation and Sport 480% over budget. The reasons were given within the report but with such a significant overspend what was going to be done to ameliorate the situation and also learn lessons for the 2018/19 budget?

In relation to Recreation and Sport forecast overspend of £224k:

- A number of cost pressures were inescapable including an increase in utilities and recent NNDR rating increase amount to £41k
- The income budget for 17/18 was set in November 2016 with 'full cost recovery' in mind; in hindsight this was too challenging. The budget for 18/19 had been set to include any recurring pressures so the 18/19 base budget should be more realistic.

Appendix G

Exe Valley Leisure Centre extension overspend of £49k. What were the reasons and what were plans to recover? When planning this project was there any provision for contingency, and if not why not, given that this was a prudent precaution on all projects?

Exe Valley Leisure Centre capital project:

- During the build of the extension additional planned maintenance work originally scheduled for 19/20 was rolled forward to be undertaken at the same time to maximise efficiency, this was recommended and agreed at cabinet on 26/10/17.

- As with all major capital projects this project did have a contingency in the contract that was felt appropriate at the time it was let (in this case £60k).

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

41 **TOWN AND PARISH CHARTER 01:15:00**

The Group had before it a report * from the Member Services Manager presenting the findings of a review into the Charter between Mid Devon District Council and the Town and Parish Councils in Mid Devon.

The officer outlined the contents of the report, highlighting consultation that had taken place with the Town and Parish Councils and amendments that had been made.

With reference to a question asked at Public Question time by Mr P Talbot, Chairman of Stoodleigh Parish Council, the officer explained that the question referred to a Motion regarding permitted development at Full Council on 14th December 2016. The outcome of the Motion was that a letter had been sent to the Secretary of State in January 2017 and a response was received on 6th February 2017. This response had been circulated to all Members. Legislation talked in detail about permitted development and in particular regulations regarding site display on or near the land to be developed and serving a notice to adjoining land owners. Legislation did not state that it was a requirement to consult with Town and Parish Councils but it was up to the Local Authority to consult further if they so wished.

Permitted Development, which was introduced in April 2015, allowed a change of use from an agricultural building to alternative uses such as shops, financial and professional services, restaurants or cafes for example. The right was subject to criteria and consideration by the Local Planning Authority on whether prior approval was required, in relation to certain impacts, only applied where the cumulative floor space of buildings exceeded 150 square metres and could only be considered on the transport and highways impact of the development, noise impact of the development, contamination risks on the site and flooding risk. Below this floor space there was no requirement to consider these issues.

The officer further explained that the authority only had 56 days-notice following application to respond or development could begin. This did not allow much time for consultation but site notices would be displayed and Town and Parish Councils could comment at this stage. This information had been conveyed to Mr Talbot at the time.

It was **RECOMMENDED** that the Charter be approved for a further three years subject to the amendments highlighted in Appendix 1.

(Proposed by the Chairman)

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

42 **SIX MONTHLY UPDATE - PUBLIC HEALTH 01:20:00**

The Group had before it and **NOTED** a report * from the Group Manager for Public Health & Regulatory Services providing a further update on progress of the Public Health Plan.

The officer reminded Members that the Public Health Plan 2017-19 identified four key priorities for the Mid Devon area based upon data provided by Public Health (Devon). These priorities were:

- Prevention of cardiovascular disease and cancer
- Decent high quality housing
- Emotional/mental health and resilience
- Air quality.

The Public Health Officer identified some highlights within the report such as GP referrals to the Leisure Service which had totalled 82 to date, work that was being undertaken to audit the sugar content of food and drink sold at leisure centres, an unsuccessful bid to the Warm Homes Fund to which a phase 2 application would be made and the new switching service for energy suppliers which would live from 1 December 2017.

Note: Report previously circulated and attached to Minutes.

43 **SIX MONTHLY UPDATE - LEISURE 01:28:00**

The Group received a six monthly update from the Leisure Manager.

Note: - Presentation attached to the Minutes.

Presentation

44 **PERFORMANCE AND RISK 01:59:00**

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.

Note: Report * previously circulated and attached to Minutes.

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

Community Engagement Strategy
Trim Trails 6 monthly update
Grant Funded Agencies
Corporate Anti Social Behaviour Policy
Community Cohesion (Consultation Working Group)

(The meeting ended at 4.30 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 1 November 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, B A Moore,
R F Radford, J D Squire, R L Stanley and
J M Downes

Apologies

Councillor(s)

F W Letch

Also Present

Councillor(s)

Mrs A R Berry, Mrs B M Hull, C R Slade and
Mrs E J Slade

Present

Officers:

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), David Green (Group Manager for Development), Lucy Hodgson (Area Team Leader), Alison Fish (Area Team Leader), Catherine Marlow (Conservation Officer), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

70 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr F W Letch who was substituted by Cllr J M Downes.

71 PUBLIC QUESTION TIME

Mrs Sumner referring to Item 2 on the Plans List (Mayfair) stated that the density of the application for houses on this site is very different to that in Mayfair, which is a well-established community. This does not form part of the Area B so why is it allowed to be so high density when it is part of the Mayfair community and not Area B.

The Chairman read a set of questions on behalf Dr Bell referring to item 9 (Land at Uplowman Road) on the agenda:

This is the third time that this Committee has been asked to agree to vary the S106 Agreement made with Waddeton Park Ltd. and the second time that you have been

asked to permit a variation in the timing of the delivery of traveller pitches on the Waddeton Park site.

This time you are asked to approve a delivery timescale that will effectively be in the sole responsibility of the MDDC's affordable housing provision enterprise once all the 260 market properties are built and sold because dwelling numbers 261 to 300 are all affordable properties. This is not what you were told was to happen and asked to approve in March this year.

Also in March, the Planning Department and this Committee allowed Chettiscombe Trust to make a financial contribution to the off-site provision of traveller pitches in lieu of on-site provision.

This was due to the applicant deeming that the provision of such pitches is not required to make the development acceptable in planning terms and, that Planning Officers were aware that mortgage companies are expressing concern about lending on sites where traveller provision is required thus adversely affecting delivery of housing.

1. Is this latest application a version of a relaxation or avoidance of a traveller site provision by the Waddeton Park site developers?
2. Would allowing this change make way for the MDDC Planning Department to try and fit both Chettiscombe Trust's and Waddeton Park's allocated traveller pitch provision on the Waddeton Park site?
3. Why is Chettiscombe Trust's position on this subject not equally applicable to the Waddeton Park site thus allowing for a single more sensibly sized and consolidated traveller site to be provided in less questionable locations?

The Chairman indicated that answers to the questions would be provided during debate on that particular item.

72 MINUTES OF THE PREVIOUS MEETING (00-06-20)

The minutes of the meeting held on 4 October 2017 were approved as a correct record and signed by the Chairman.

73 CHAIRMAN'S ANNOUNCEMENTS (00-07-03)

The Chairman had the following announcements to make:

- She introduced and welcomed new officers: David Green (Group Manager for Development) and Tristan Peat (Forward Planning Team Leader) to the meeting.
- She informed the meeting that Naomi Morgan (Planning Assistant) would be leaving the authority to take up a post elsewhere; she thanked her for her work and wished her well for the future.

74 DEFERRALS FROM THE PLANS LIST

There were no deferrals from the Plans List.

75 THE PLANS LIST (00-08-50)

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 7 on the Plans *List (17/001602/FULL – Change of use from Use Class A1 (Retail) to Use Classes A3 (Restaurants and Cafes) and A5 (Hot Food takeaways – 10 Market Walk, Bampton Street, Tiverton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as Cabinet Member for Housing which included the property function.

(ii) No 8 on the Plans *List (17/001607/FULL – Change of use of ground floor and basement from Use Class D1 (Healthcare) to use Class A1 (Retail), 37 Bampton Street, Tiverton)* be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

(b) No 1 on the Plans *List (17/00824/FULL – Erection of 3 dwellings with associated access and parking provision – Springbourne, Cullompton).*

The Area Team Leader outlined the contents of the report by way of presentation explaining that the site was part of the CU15 allocation within the Local Plan and highlighting the location of the site, the proposed site plan, the new access, the oak tree with a Tree Preservation Order which would be unaffected by the development, proposed elevations and floor plans for the dwellings and the details of the foul water and waste disposal from the site. Members viewed photographs from various aspects of the site and were informed about the Town Council's concerns regarding the access and overdevelopment of the site. She made reference to the update sheet which outlined a revised recommendation, an addendum to the report with regard to permitted development rights and a proposal for an additional condition which referred to the oak tree.

Consideration was given to:

- Whether the site and access was within the 30 mph speed limit
- The new access to the development and the existing property
- The low density on the site.

RESOLVED that planning permission be granted subject to:

- The prior signing of a s106 Agreement relating to the provision of £4326 towards improvements to Knightswood play area and £15,654 towards funding community car share schemes and clubs for Cullompton;
- Conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition stating that “Prior to the construction of the new access and driveway, an arboricultural method statement shall be submitted to, and approved in writing by the Local Planning Authority. The arboricultural method statement should detail how the oak tree (the subject of the Tree Preservation Order) will be protected throughout the construction process as well as details of the no dig proposal and how it will be implemented and overseen”.

Reason : To ensure the protection of the oak tree protected by Tree Preservation Order reference: 13/00001/TPO.

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

Notes:

- i) Mr Farmer (Agent) spoke;
- ii) Cllr Mrs A R Berry spoke as Ward Member
- iii) The following late information was provided: **REVISED RECOMMENDATION:** Subject to the prior signing of a s106 relating to the provision of £4326 towards improvements to Knightswood play area and £15,654 towards funding community car share schemes and clubs for Cullompton, grant planning permission subject to conditions:

Please note the required contributions have been paid

ADDENDUM TO THE REPORT: Page 7 paragraph titled ‘design and appearance’ advises that a condition will be required to remove permitted development rights to manage the character, scale, massing and design of future extensions or alterations. However, during the writing of the report further consideration was given to the need for the condition and in particular consideration was given to the ‘tests’ for the use of conditions. Para 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development being permitted, enforceable, precise and reasonable. Given that the development is relatively low density, well -spaced with good size amenity spaces, and no overlooking or relationship issues with neighbouring development, it was not considered that removal of permitted development rights were necessary or reasonable.

ADDITIONAL CONDITION:

Prior to the construction of the new access and driveway, an arboricultural method statement shall be submitted to, and approved in writing by the Local Planning Authority. The arboricultural method statement should detail how the

Oak tree (the subject of the Tree Preservation Order) will be protected throughout the construction process as well as details of the no dig proposal and how it will be implemented and overseen.

Reason : To ensure the protection of the Oak tree protected by Tree Preservation Order reference: 13/00001/TPO.

(c) No 2 on the Plans *List (17/00910/FULL – Erection of 5 dwellings and alterations to existing bungalow and the erection of garage – 10 Mayfair, Tiverton).*

The Area Planning Officer outlined the contents of the report by way of presentation highlighting the location of the site, the existing site plan which identified the existing bungalow which would remain and the location of the tree group within the site plan, the proposed siting of the 5 new dwellings and the distances between the new dwellings (plots 4 and 5) and No's 14 and 16 in Mayfair; the proposed elevations and floor plans of the proposed dwellings, the removal of the balcony from plot 5 which had originally been planned along with the reduced ridge height and a deeper landscaping buffer in this location. She explained the junction improvements that had been made referring Members to Condition 5 and provided photographs from various aspects of the site.

Answering the question posed in public question time regarding density, she stated that she felt that the density was suitable to accommodate family style accommodation on this site; the density was 13.6 dwellings per hectare for this application. 15-20 dwellings per hectare were proposed for the adjacent part of Area B of the Eastern Urban Extension.

Consideration was given:

- The density proposed for this site against that of Area B of the Eastern Urban Extension
- The width of the driveway and access issues for construction traffic
- Whether the drive would be adopted and the bin collection method
- The design of the proposed dwellings
- The density of the proposed development squeezed into one part of the site
- Concerns regarding the impact of the development on existing properties in Mayfair

RESOLVED that the application be deferred to allow for a site visit by the Planning Working Group to take place to consider:

- The access
- Whether the proposal was deemed to be overdevelopment of the site
- The design and height of the proposed dwellings
- The impact of the development in relation to existing properties
- Whether the screening proposed was sufficient.

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

Notes:

- (i) Cllrs Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, R J Dolley, P J Heal, B A Moore, R F Radford, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had all received correspondence regarding the application;
- (ii) Mr Menheneott spoke on behalf of the objectors;
- (iii) Cllr C R Slade spoke as Ward Member;
- (iv) The following late information had been provided: Cllr Colin Slade has requested that the application be determined at Planning Committee to consider the extent of impact on the neighbouring properties including traffic impact.

The 3rd paragraph to Section 4: Social Infrastructure and Services should read as follows:

A recent change in planning legislation (May 2016) indicates that Local Planning Authorities should only seek affordable housing contributions from developments of over 10 units as financial contributions within Tiverton Settlement Limits. As such, affordable housing cannot be sought for this proposal of 5 units.

During application discussions residents made a request that Councillors view the proposal on site.

Cabinet on 26 October 2017 resolved that subject to acceptable planning impacts, alternative access arrangements into Area B of the Tiverton Eastern Urban Extension may be considered that do not include Mayfair and / or Manley Lane / Post Hill Junction.

Government changes to the planning system (2016) indicate that within the settlement limit of Tiverton, as in this case, affordable housing can only be sought from developments of more than 10 houses. This application is for 5 houses.

- (d) No 3 on the Plans List (***17/01310/FULL – Retention of summerhouse and decking – The Wharf House, Holcombe Rogus***)

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the proposed site plan, the proximity to the Grand Western Canal, the proposed existing elevations, the proposed floor plans as existing and photographs from various aspects of the site including views from the canal towpath. She explained the proposed condition (3) which only permitted the garden room to be used ancillary to the main dwelling known as the Wharf House which may overcome some of the concerns of the Ward Member.

Consideration was given:

- To the fact that the garden room was well screened
- The concerns of the Ward Member with regard to the proximity of the proposal to the unspoilt area of the canal
- Water mains and sewage issues
- The lack of concern from the Parish Council

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

(Proposed by Cllr R L Stanley and seconded by Cllr J M Downes)

Notes:

- i) Mr Cookson (Agent) spoke;
 - ii) Cllr Mrs H Bainbridge spoke as Ward Member;
 - iii) Cllr Mrs H Bainbridge requested that her abstention from voting be recorded.
- (e) No 4 on the Plans *List (17/01344/FULL – stabilisation of existing bank to allow development permitted under planning permission 15/00779/MFUL – land at NGR 294775 111860, Palmerston Park, Tiverton)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the requirement for the stabilisation of the existing bank to allow development of the site to continue. She explained the construction of 26 affordable dwellings, highlighting the site of the retaining wall, the development work that had taken place to date and the need to coppice the sycamore trees to ground level to allow for the soil nailing to be undertaken and for mesh to be put in place, the trees would then have the ability to re-grow. Members viewed photographs from various aspects of the site which identified the slope, the maccaferri wall and the site access.

Consideration was given to:

- The development on the site
- The trees that would be coppiced to allow for soil nailing and be allowed to re-grow

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

(Proposed by Cllr R J Dolley and seconded by Cllr P J Heal)

Notes:

- i) Cllr R L Stanley declared a personal interest as the Cabinet Member for Housing and chose to leave the meeting during discussions thereon as he had been involved in matters with regard to the site;
- ii) Cllr R J Dolley declared a personal interest as he was Ward Member and had had discussions with the site manager and workers and had accompanied other Members to the site;

iii) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as the site was within her County Ward;

iv) Cllr R J Dolley spoke as Ward Member.

(f) No 5 on the Plans *List (17/001430/FULL – Installation of 8 replacement windows to west elevation – 17 St Peter Street, Tiverton)*

The Conservation Officer outlined the contents of the report by way of presentation highlighting the location of the Grade II Listed Building and the elevation (for the installation of the windows) facing onto St Peters Street. She explained that the property had been adapted to flats in the 1970's and that the building been listed in 2000, when only the exterior of the property had been viewed. During the adaptation into flats much of the historic interior value had been lost. The applicant had contacted Historic England to request that the property be delisted because of the lack of historic value internally, however this had been declined. She further explained that the current timber window frames were in poor condition, but that she could not support the use of uPVC windows which she felt would harm the authenticity of the listed building.

Consideration was given to:

- The use of uPVC in listed buildings
- The quality of the uPVC and whether you would notice the difference
- The replacement windows would improve the front elevation of the dwelling
- The fact that the building was in a bad state of repair
- An example of where uPVC had been used in an unlisted building in a Conservation Area
- The Georgian property and the fact that none of the original windows remained
- That the internal layout of the flats created partitions that crossed windows, and therefore the original pattern of the windows could not be reintroduced
- The possibility of accepting a compromise so that the façade could be improved
- Whether the insertion of uPVC windows would set a precedent.

RESOLVED that planning permission be granted for the following reasons: having considered carefully the existing character and appearance of the property and its location, the proposal was considered an improvement over the existing windows and to not detract from the character or appearance of the Conservation Area and that delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

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

- (ii) Cllr R L Stanley made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received correspondence regarding this matter;
- (iii) Mr Burrage (applicant) spoke;
- (iv) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members;
- (v) A proposal to refuse the application was not supported;
- (g) No 6 on the Plans List (**17/001431/LBC – Listed Building Consent for Installation of 8 replacement windows to west elevation – 17 St Peter Street, Tiverton**)

The Conservation Officer outlined the contents of the report by way of presentation highlighting the location of the Grade II Listed Building and the elevation (for the installation of the windows) facing onto St Peters Street. She explained that the property had been adapted to flats in the 1970's and that the building been listed in 2000, when only the exterior of the property had been viewed. During the adaptation into flats much of the historic interior value had been lost. The applicant had contacted Historic England to request that the property be delisted because of the lack of historic value internally, however this had been declined. She further explained that the current timber window frames were in poor condition, but that she could not support the use of uPVC windows which she felt would harm the authenticity of the listed building.

Consideration was given to :

- The use of uPVC in listed buildings
- The quality of the uPVC and whether you would notice the difference
- The replacement windows would improve the front elevation of the dwelling
- The fact that the building was in a bad state of repair
- An example of where uPVC had been used in an unlisted building in a Conservation Area
- The Georgian property and the fact that none of the original windows remained
- That the internal layout of the flats created partitions that crossed windows, and therefore the original pattern of the windows could not be reintroduced
- The possibility of accepting a compromise so that the façade could be improved
- Whether the insertion of uPVC windows would set a precedent.

RESOLVED that Listed Building Consent be granted for the following reasons: having considered carefully the existing character and appearance of the property as a listed building and its location, the proposal was considered an improvement over the existing windows, to cause less than substantial harm and to not detract from the character or appearance of the Listed Building taking into account the specific replacement windows proposed in terms of their design, materials and resultant quality; and that delegated authority be given to the Head of Planning, Economy and Regeneration to produce a set of conditions.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe declared a personal interest as the applicant was known to her;
- (ii) Cllr R L Stanley made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had received correspondence regarding this matter;
- (iii) Mr Burrage (applicant) spoke;
- (iv) Cllrs Mrs B M Hull and Mrs E J Slade spoke as Ward Members;
- (v) The following late information was reported: Delete reference to COR2 from development plan policies, material considerations and reason for refusal 1. Unlike the accompanying planning application, as this is an application for Listed Building Consent, Local Plan policy COR2 is not relevant.

76 MAJOR APPLICATIONS WITH NO DECISION (2-06-18)

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

It was **AGREED** that

Application 17/01660/MOUT – 10 dwellings at Barnshill Close, Cheriton Fitzpaine be brought before committee if minded to approve and that in that instance, a site visit take place.

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

77 APPEAL DECISIONS (2-09- 00)

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

Members were informed that with regard to application 17/00300/MOUT although the application had been allowed with conditions, the inspector had refused an award of costs against the Council as he had felt that the correct balance had been applied, Members had used their experience and local knowledge and that the authority showed examples of good practice by having a cooling off period, having been minded to refuse the application and then considered an implications report prior to making a final decision at the following meeting.

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

78 APPLICATION 13/01616/MOUT - VARIATION OF S106 AGREEMENT: 13/01616/MOUT OUTLINE FOR THE DEVELOPMENT OF UP TO 330 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE, ASSOCIATED INFRASTRUCTURE AND OTHER WORKS INCLUDING VEHICULAR ACCESS, PEDESTRIAN /CYCLE LINKS AND HIGHWAY IMPROVEMENT, LAND AT NGR 298671 113603, UPLOWMAN ROAD, TIVERTON (2-11-30)

The Committee had before it a report of the Head of Planning and Regeneration regarding proposed changes to the S106 agreement entered into in relation to this planning permission.

The Area Planning Officer outlined the contents of the report highlighting the planning permission granted for 330 dwellings in 2015. Since the granting of planning permission discussions had been ongoing with the applicant over the delivery of dwellings on the site together with the preparatory works for the submission of reserved matters. Members at the Planning Committee on 29 March 2017 approved amendments to the timing of payment of financial contributions which formed the basis of a Deed of Variation to the signed S106 agreement of September 2015. A request had now been made by officers to the applicant for further amendments to the timing of payments.

She outlined the proposed changes to the triggers:

- the pre commencement triggers remained the same;
- the first financial contribution will now be paid on or before the 125th dwelling (as opposed to the 150th dwelling),
- the second trigger on the 200th dwelling (as opposed to the 225th dwelling); and
- traveller pitch provision will be made prior to the 300th dwelling (as opposed to the 260th dwelling).

A response was provided to Dr Bell's statement and question from the beginning of the meeting: the site was not delivered with unit numbers 1 to 260 being open market dwellings and unit numbers 261 to 300 as affordable dwellings. MDDC would be seeking to deliver the affordable housing at the earliest opportunity following signing of the land deal. There was no obligation to wait on the delivery of the affordable housing.

The Planning Committee in March 2017 sought to allow a financial contribution to be made towards off-site gypsy and traveller provision including the cost of the land in lieu of on-site pitch provision on the Chettiscombe Trust land. However, events had since progressed culminating in approval of an outline planning consent with signed S106. Condition 18 required a gypsy and traveller pitch scheme including details of the location of the pitches on site.

The triggers now proposed were not a relaxation or avoidance of gypsy and traveller pitch provision. The change represented a change in terms of the delivery of the pitches in relation to the number of houses. Seeking the delivery of the gypsy and traveller pitches at the 300th dwelling instead of the 260th dwelling remains policy compliant. A traveller pitch scheme for the 3 pitches continued to be worked up at the location identified within the Adopted Masterplan SPD. The site currently identified within the Adopted Masterplan made provision for 3 pitches. MDDC planning

department were not seeking to fit both Chettiscombe Trusts and Waddeton parks allocation at this location.

The location identified within the Adopted Masterplan complied with the NPPF and had been endorsed through the adoption of the Local Plan as a suitable site – deemed suitable and deliverable whilst meeting a presumption in favour of sustainable development.

Consideration was given to:

- The delay in the provision of the gypsy and traveller pitches
- Negotiations that had taken place with regard to the provision of the dwellings
- The need to accelerate the provision of the housing

RESOLVED that the timing of payments of the financial contributions and delivery of the gypsy and traveller pitches within the S106 agreement be amended in accordance with the changes requested.

(Proposed by the Chairman)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing and a Director of the SPV and chose to leave the meeting during the discussion thereon;
- (ii) The following late information was reported: Clarification of para 2.4 with regards to traveller pitch provision – the pitches will be delivered prior to the first occupation of the 300th dwelling.
- (iii) *Report previously circulated copy attached to signed minutes.

79 **APPLICATION 17/00445/FULL - INSTALLATION OF 16 GROUND MOUNTED SOLAR PHOTOVOLTAIC PANELS WITH WIRE STOCK PROOF FENCING - LAND AND BUILDINGS AT NGR 289905 122292 (FORD FARM) OAKFORD DEVON (2-27-00)**

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

The Area Planning Officer outlined the contents of the report highlighting by way of presentation the site location plan for the proposed panels, the aerial view of the site, the block plan and elevation plans of the panels and Members viewed photographs taken from various aspects of the site.

Consideration was given to the site being well screened.

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

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

Notes:

- (i) Cllrs B A Moore and R L Stanley spoke as Ward Members;
- (ii) Cllr J M Downes requested that his abstention from voting be recorded;
- (iii) The following late information was provided: Within the 'proposed development' section of the agenda report the sentence that begins on the fifth line should read: The array would be approximately 2.5m high and approximately 8m long. The panels would be mounted on a timber frame and there would be approximately 825mm clearance between the ground and the bottom edge of the panels.
- (iv) *Report previously circulated copy attached to signed minutes.

(The meeting ended at 5.00 pm)

CHAIRMAN

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 29 November 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, F W Letch, B A Moore,
R F Radford, J D Squire and R L Stanley

Also Present

Councillor(s)

D R Coren, J M Downes, C J Eginton,
R Evans, Mrs J Roach and C R Slade

Present

Officers:

David Green (Group Manager for Development), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Simon Trafford (Area Team Leader), Lucy Hodgson (Area Team Leader), Christie McCombe (Area Planning Officer), Hannah Cameron (Planning Officer), Michael Parker (Housing Options Manager), Sally Gabriel (Member Services Manager) and Adrian Devereaux (Principal Planning Officer)

80 APOLOGIES AND SUBSTITUTE MEMBERS

There were no apologies.

81 PUBLIC QUESTION TIME

Mr M Greig, referring to item number 8 the agenda said, speaking on behalf of Mrs Violet Stevens, stated that the planning officer has referred to a number of properties in the proposed access cul-de-sac as being occupied by elderly and disabled residents, however he has not specified that these homes will always be occupied by elderly and disabled so will always be occupied by people with special needs. In fact, living there is a bit like living in an old people's sheltered housing complex. Does the Planning Officer agree that discussions about access should not just be about generalised highway safety but also the specific needs of those living in that cul de sac? Mrs Stevens has lived in her bungalow for over 30 years and during that time an ambulance has needed to come for residents on many occasions, a great deal more I am sure than the national average for a cul de sac given the care needs of almost all residents here. But a parked ambulance blocks or restricts access to the rest of the cul de sac. More houses would mean more people being inconvenienced so why does the Planning Officer consider this cul de sac to be the most appropriate means of access to any new housing when an alternative does exist?

At the meeting of this committee in October Section 106 money was discussed including a proposal that £50k would be allocated to the funding of a village hall in Copplestone, a sum that is just a drop in the ocean compared to the funds needed. It was also suggested that the hall would benefit the environment by significantly reducing traffic between Copplestone and Lords Meadow Leisure Centre, when in fact most users of Lords Meadow go for specialised facilities such as a swimming pool, things that are not designated in part of the new village hall. In the village it is seen as the talk of money towards the hall, something of a red herring seeking to justify development that the village rejects by offering what feels like jam tomorrow.

Section 2.6 of the implications report echoes comments made at this Committee in October and suggests a significant community benefit as a result of paths from the development to the schools. The Parish Council has discussed this with the schools head and the outdoor area behind the pre-school which needs to remain enclosed is located where the proposed path is shown to enter and the school would not allow access here on security grounds. Has the applicant or planning officer discussed this with the school and with what result?

Mrs A Greig, also referring to item 8 on the agenda, said at the October Planning Committee the Planning Officer was asked about access to the proposed site from the East but dismissed it on the grounds that there was no road beyond the farm yet Mr Pearcey has said that he would ask construction traffic to access the site from this way so does the Planning Officer agree that a road can if necessary be built?

In the Planning Committee reasons for deferral they stated the access was unsuitable. This was the considered opinion of people that understand the needs of the very elderly and disabled and the implications report seems to conclude that 3 of the 4 reasons are valid and defensible. What then is the justification for returning a different decision from the one that was made last time?

Mr E Cole, referring to item 9, said at the site meeting we were told that the private lane into 10 Mayfair is to be adopted. Section 87 of the 1980 Highways Act states that local authorities will not adopt private roads unless the adoption would constitute sufficient wider benefit. If access to area B through 10 Mayfair has been dismissed why are the council still intending to adopt the private lane for this proposed development of 5 dwellings?

Cllr Grantham, referring to item 4 on the Plans List said the recommendation refers to the prior signing of a S106 agreement relating to affordable housing for rent in perpetuity but members do not have the wording for approval. Should not the wording be available for scrutiny? We have examples of such alleged agreements in the past where some of the houses were then sold as they allegedly could not be let. We also have a recent case where a S106 agreement was incorrect over the parish to whom contributions should be paid. We also have a DCC case where the agreement said exactly opposite to what was intended. All these had been prepared by officers without there being an opportunity for comment from the relevant planning committee or parish council.

Figures are given as to housing need within Willand by the MDDC Housing Enabling Officer which are more than double those presented in a recent Housing Needs Survey commissioned by Willand in conjunction with MDDC and using figures obtained in a survey and figures provided by the Devon Homes Choice list. Where is

the evidence to show that these people in the officer figures who are seeking housing in Willand qualify for housing on an exception site by having a local connection as stipulated by MDDC policy and guidance given in NPPF. Even if the need for 37 houses is accepted by members Willand Parish Council has shown that these, and more, can be met over the next five years from within the planned and existing housing stock.

Cllr Warren, referring to item 4 on the Plans list said on page 61 of the reports pack the officer has summarised the Police advice which has amounted to not giving a true representation of what was said – why? The full wording is “I note and have concerns regarding the relocation of the proposed apartment blocks, plots 8-11 and 23-26 respectively and their associated parking courts. The change in layout of dwellings appears to provide little or no surveillance opportunities over the parking courts. Care is required when providing communal parking areas as experience shows they can become unofficial play parks and targets for crime, vandalism and anti-social behaviour, forcing residents to park on the street. Natural surveillance of these spaces could be improved by incorporating gable end windows in the adjacent plots (14, 26 & 27) along with adequate and appropriate street lighting. I would ask that this is considered if not already a design feature. However, it should be noted this places the burden of surveillance on the occupants of these plots, regrettably, there is overwhelming evidence to suggest that unless a crime directly involves a member of the public, many will not act or report it for fear of repercussions. Residents will also look to park as near to their choice of main access point, resulting in parking on footpaths and verge’s, thus creating potential for community conflict between residents and motorists. Why are these issues raised by the police and the Parish Council being discounted thereby planning for problems? How can the Officer justify the remark under 5 on page 66 – “The parking provided is well related to the dwelling houses and meets the requirements of policy DM8.” – when plots 16, 17, 27 & 28 are more likely to park in front of their houses partially obstructing the entrance into the whole complex?

On page 63 of your pack in the paragraph before heading 2 it states “....As such, it is not the case that the proposal would not have in principle policy support under the emerging plan. Furthermore, due to the outstanding objections to the emerging local plan and its early stage of submission, the plan holds limited weight at the current time and therefore the proposal must be determined based on the existing policy framework.” In other applications we are being told that the current plan is silent and does not have weight. How can this conflicting comment be relevant to the advice members are receiving?

There are 13 conditions listed on pages 68 & 69 with reasons on page 70. Is condition 6 practical or enforceable? Willand Parish Council can quote a number of similar examples on other applications where a similar condition has been applied. When it has been ignored or openly flouted, complaints have met with prevarication by officers and then the developer has gone so far that we then get told that it is not expedient to do anything about it. What assurance do committee have that the same will not happen in this case particularly as this is going to affect the main road through the village?

Ms C Romijm, referring to item 8 on the agenda, said previous questions have spoken about the impact on individual elderly and disabled people that live in the cul de sac that will give access but I thought it was a wider policy question and would like

to ask if the development goes ahead it will destroy the effectiveness of the cul de sac which currently provides an enclave of safe quiet accommodation for older and disabled people in the village and it is self-evident that it is more efficient if individual care needs can be met together in a single hub rather than widely scattered. I would like to ask the Planning Officer if you look at the Mid Devon Housing Strategy it provides as a priority managing the impact of an aging population together with a prediction that the number of over 75's in Mid Devon will rise from the current 7500 to 14000 by 2040. In this context I would like to ask does the Planning Officer agree that it would be counterproductive and out of line with that priority to allow us to lose the current good quality enclave of supportable elderly accommodation in Coplestone?

Mrs V Lucas, referring to item 9 on the agenda, said having been told at the last meeting that the lane would not be adopted Cllr Moore sought clarification as to how far the residents may need to tow their rubbish to be collected by the bin lorry. Can the officer confirm that the information given of just short of 60m was misleading as it was the estimate of the length of the first part of the lane and in fact residents of plot number 5 would be towing their rubbish in excess of 190m for collection?

Ms A Glover, of Willand, referring to item 4 on the Plans list said on page 63 of the pack the officer states a requirement under policy AL/WI/2 for there to be improved pedestrian links to the village and the retention and enhancement of the existing public right of way. Why was none of this dealt with as part of the application for the houses in Ash Close? Why is there nothing in this application to comply with those policies? Why are these features not considered under the need for pedestrian safety as outlined in the parish council response which would also include the reduction of the speed limit? Children must walk along the main road to get to school or any play areas. These will add to the families who currently cross over from the rear of Townlands to use this pavement which is too narrow opposite the new building site on the Old Village side. There is only provision for a small amenity area on the actual application site and this is badly placed in relation to the bungalow on the site.

Mrs B Chamberlain, referring to item 9 on the agenda, said if this application is agreed we will be overlooked in 5 of our 7 rooms. The officer's report makes no condition to the quality of the proposed screening. The plan shows existing trees in our garden that do not exist and says that these will provide screening. If this application is approved can she assure us that there are conditions added that specific height mature trees will be planted along the boundaries, which will provide all year round foliage?

Mr L Menheneott, referring to item 9 on the agenda, said in the officers report condition 6a states that no development shall take place until the access road has been laid out, kerbed and constructed to a base core level for the first 20 meters from its junction with the public highway. Can the officer say if this would make the improvements to the road beyond the entrance to the drive of number 8 Mayfair without a proper pavement that construction traffic will cause a hazard to pedestrians? Would she consider extending this distance to 40m?

Mrs S Sumner, referring to item 9 on the agenda, stated that the site at 10 Mayfair is clearly not part of area B, it is clearly part of Mayfair. The density figures of 13.5 dwellings per hectare quoted for the development are somewhat misleading. Can the

Planning Officer confirm that if one takes the area of the proposed site of the new dwelling and divides by 5, the number of new houses, a figure of 3.3 dph is achieved? This is set against a figure of 6.4 for the 4 houses bordering the application and a density of 6.95 for Mayfair as a whole.

Mr R Davey, referring to item 12 on the agenda, asked whether the report prepared for the Committee was independent? By that I mean has she been pressurised by the Chief Executive, Councillors or other officers to take a particular view of this scheme?

I assume she has collated the information, spoken to the developers, been to the site, has she talked to or contacted the residents or the objectors to the scheme?

If that is not the case she has been in close contact with the developer and has she been actively assisting them to overcome issues that have been raised, in the Gazette report it states that the site is located in flood zone 3 and that the Environment Agency has assessed it against the requirements of the National Planning Policy Framework, is the Gazette report correct and is it a fact that the Environment Agency have insisted that flood warning signs are posted on the site and that they list this site as highly probable to flood? Is it not also true that MDDC's own 2009 Flood Risk Plan report states that the Town Hall site is ranked 5th highest for flood risk, therefore increased flood risk makes it less suitable for development. In addition the flood assessment report for this scheme also states that the site will flood, is that true?

82 **MINUTES OF THE PREVIOUS MEETING (00-28-53)**

The minutes of the meeting held on 1 November 2017 were approved as a correct record and signed by the Chairman.

83 **CHAIRMAN'S ANNOUNCEMENTS (00-29-56)**

The Chairman had no announcements to make.

84 **DEFERRALS FROM THE PLANS LIST**

The Chairman informed the meeting that Item 5 (Application 17/01292/FULL – Veltham Barn, Morebath) had been deferred to allow for further information to be submitted.

85 **THE PLANS LIST (00-30-42)**

The Committee considered the applications in the plans list *.

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

(a) Applications dealt with without debate.

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

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

(i) No 7 on the Plans *List (17/01464/FULL – retention of change of use from shop (A1) to Tattoo and Piercing Studio)(Sui Generis) – 17 West-Exe South, Tiverton*) be approved subject to conditions as recommended by the Head of Planning, Economy and Regeneration.

(Proposed by the Chairman)

Note: Cllr R L Stanley declared a personal interest as Cabinet Member with property sat within his portfolio.

(b) No 1 on the Plans *List (17/00982/MFUL – Erection of 49 dwellings, including associated public open space, landscaping and all other associated external work – land at NGR 284671 100838 Cromwell’s Meadow, Crediton.*

The Area Team Leader outlined the contents of the report highlighting by way of presentation the site location plan sitting adjacent to the existing Cromwell’s Meadow estate, the adopted and emerging policies, the development would be located outside of the flood plain, the concerns of the Town Council and the updated position of South West Water. He outlined the proposed site layout and the pedestrian connection into the existing site, the affordable housing distribution on the site, parking provision, the open space proposed and the connection to the proposed Pedlarspool site allocation. The proposed street scene and design types were identified, along with the drainage strategy, the refuse storage and collection points, elevations of the proposed dwellings and photographs from various aspects of the site.

Consideration was given to:

- The parking provision
- The drainage scheme and management of the attenuation ponds
- Flood history, high water tables and sewage issues
- The density of the proposal and possible over development of the site
- The site being allocated in the Allocation and Infrastructure Development Plan Document
- The distribution of the affordable housing
- The lack of a 5 year land supply and the reasoning as to why the development of 49 dwellings was being brought forward at this time
- Consultation feedback from South West Water and Devon County Highways Authority

RESOLVED that planning permission be granted subject to:

- The prior signing of a S106 Agreement relating to the provision of 35% affordable housing on site (a total of 17 units), air quality contribution of £139,008.00, an open space contribution of £40,768.00 and an education contribution of £179,487.00
- Conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Criterion D of Condition 6 as follows: D)

A site compound and car park shall have been constructed on site in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

(Proposed by the Chairman)

Notes:

- i) Mrs Phillips spoke on behalf of the objectors;
- ii) Mr West (Applicant) spoke;
- iii) Cllr J M Downes spoke as Ward Member;
- iv) Cllr F W Letch requested that his vote against the decision be recorded;
- v) The following late information was provided:

Page 22: In the proposed development section amend the third bullet point to delete the following words from the report: each with a double garage and 2 car parking spaces. This is a drafting error.

Page 22: In the applicants supporting information section update the plans as listed as follows. These revised plans reflect the changes to the layout that were agreed and assessed as set out in the report but with a delay in the plans being submitted.

Site layout plan (**rev P5**), Materials Layout (**rev P4**), Affordable Housing Distribution Plan (**rev P4**), Building Storey Heights Plan (**rev P3**), Street scene drawing (**rev P3**) Public Open Space Area Plan (**rev P2**): **Revised date 13th November and as received on 17th November.**

Drainage and Transport drawings prepared by Vectos: **Revised date 13th November and as received on 17th November.**

Page 19: Flood Risk Assessment & Drainage Strategy prepared Vectos: **Revised date 13th November and as received on 17th November.**

Page 29: Following further consideration at their meeting on 21st the Town Council have submitted the following further comments about the application.

To recommend OBJECTION to the application on the following grounds:

- It is overdevelopment of the site. The Local Plan Policy CRE3 has allocated 35 dwellings on the site, however, this application proposes 49 dwelling.
- South West Water sewerage system is incapable of coping with the current capacity generated from dwellings in the surrounding area such as Cromwells Meadow, Willow Walk, Hedgerow Close, Primrose Way etc. There are regular occurrences of the pumping station breaking down resulting in raw sewerage overflowing into the gardens of properties. The introduction of further dwellings on to the system will exacerbate these issues causing increased public health issues.

- The proposed development site is still a flood plain and has regularly flooded in the past. Raising the level of the development does not remove it from being on a flood plain. Neighbouring properties surrounding the development will be impacted by water run-off from the level being raised.
- The installation of an attenuation pond to accommodate surface water run-off is insufficient mitigation for the level of surface water run-off. It is questionable as to whether the drainage ditch located at the southern boundary will be able to cope with the increased volumes of water from the attenuation pond, as this already accommodates water run-off from other areas. This development could increase the risk of flooding elsewhere due to water run-off.
- The Management of the attenuation pond is of concern as this will be the responsibility of the residents of the development, who will not have the knowledge or expertise for such an important liability.
- The access to the site via Willow Walk is unsuitable. Willow Walk is unable to accommodate the increased level of traffic and parking that this development will generate.
- There is no play space on the site.
- There is no consideration for walking and cycling routes.

Case officer comments: The views of statutory consultees are set out above regards the flood risk, surface drainage and foul water impacts that are referred to by Crediton Town Council. The other issues as raised are addressed in the main body of the report.

Page 37. Please re-draft Criterion D of Condition 6 as follows:

D) A site compound and car park shall have been constructed on site in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

Page 38. Please correct the drafting as set out in the report in terms of the phrase **land rising** to **land raising**.

Following a number of concerns expressed by local stakeholders and the Town Council further clarification has been provided direct by the Planning and Sewer & Adoptions Team at South West water – comment below received via email on 28th November.

I have reviewed the site at Cromwell Meadow and based on foul flows only entering the foul/combined sewerage network, South West Water has not identified any hydraulic overloading issues in the public sewerage network. Therefore, the comment to advise SWW has no objection stands and we will not request a condition for the planning application.

Officer Comment. The scheme includes a new foul link to serve the new development which links to the existing public foul sewer connection at Willow Walk, with a separate arrangement to manage surface water (including a diversion of the existing surface water sewer that serves the existing Cromwells Meadow Housing estate).

Reflecting on the controls imposed by Condition 21 as recommended in the report, the scheme details as described above and the clarification provides by the Planning and Sewer & Adoptions Team it is recommended that members have sufficient information and clarity to conclude positively on this issue from a (town and county planning) development management assessment point of view.

(c) No 2 on the Plans *List (17/01487/HOUSE – Retention of replacement two-storey outbuilding – 6 Forestry Houses, Chenson, Chulmleigh)*.

The Area Team Leader outlined the contents of the report explaining that the application related to a 2 storey building already constructed to the rear of the property, he highlighted the site location plan and the outbuilding away from the main building on the site and provided photographs from various aspects which included pictures of other buildings used for storage.

Consideration was given:

- The rural location
- The fact that the remoteness didn't mean it was acceptable
- The siting of a greenhouse in the shade

RESOLVED that the application be refused as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- (i) Cllr C J Eginton spoke as Ward Member;
- (ii) The following late information was reported: Page 45: Reason for Refusal number 2. add the following sentence to the reason as drafted in the Report pack. On this basis the application proposals (retrospective) would be contrary to Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1).

(d) No 3 on the Plans *List (17/01414/FULL – Conversion of disused former office/workshop/store to dwelling – building at NGR 268200 111519, Eggesford Station Yard, Eggesford)*.

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the fact that the development was proposed in the open countryside, the existing building that was to be converted, the existing, proposed plans, elevations and photographs from various aspects of the site.

Consideration was given:

- Previous applications on the site
- The fact that the building was a former office and rest area used in conjunction with Eggesford Garage but outside the settlement limit
- The footprint of the original building

- The proposal would be adjacent to Eggesford Station and therefore ideally situated for train travel
- Houses in the vicinity of the application site
- The benefits of conversion
- The need for starter homes in the local area
- Employment opportunities in the local area

RESOLVED that:

- a) The application be granted planning permission for the following reason: The Local Planning Authority recognise that the application site is in the open countryside and is not an allocated site for new residential development and therefore there is no specific development plan policy support for the application scheme which is for the conversion and extension of a single storey dilapidated garage style/storage unit into a residential unit with accommodation over two levels, off street car parking and a rear garden area. However taking into account the provisions of paragraph 14 of the National Policy Framework, the improvements to the visual amenities of the site and to the general area that would arise from the application scheme and given the proximity of the site to the Eggesford Train Station the benefits of the proposals are considered to outweigh the objections on development plan policy grounds.
- b) Delegated authority to be given to the Head of Planning, Economy and Regeneration to produce a set of conditions for the development to include reference to contaminated land and to also produce a Section 106 agreement for the provision of contributions towards the delivery of new/improvement of existing public open space off site.

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

Notes:

- (i) Cllr J D Squire declared a personal interest as the applicant was known to him;
- (ii) Mr Churchill (Applicant) spoke;
- (iii) Cllr C J Eginton spoke as Ward Member;
- (iv) A proposal to refuse the application was not supported;
- (v) The following late information was provided: The consultation period has finished and no further comments have been received.

The applicant has submitted a further letter in support of the application (23/11/2017) which raises the following issues:

1. A site visit was carried out at the time of displaying the site notice (25/10/2017) and it was not considered that a further visit was necessary. Furthermore the applicant was advised that Planning Committee could

decide to make a site visit should they consider it necessary as part of their assessment of the application.

2. The applicant considers that the proposal is permitted development by virtue of Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) which allows the change of use of a building and any land within its curtilage from a use falling within B1(a) (offices) to C3 (dwelling).

3.

Officer comment: the building appears as a functional garage/ store type building and there was no evidence to suggest that it has been used, or furnished for use, as an office. As such it is considered unlikely that the building would qualify for change of use under these permitted development rights unless the applicant can submit evidence to demonstrate its use as an office in accordance with Class O. In addition, the Class O permitted development rights would not allow the significant alterations to the building that are proposed as part of the application scheme.

(e) No 4 on the Plans *List (17/011797/MFUL – Erection of 28 affordable dwellings, together with associated landscaping, highways and drainage infrastructure – land at NGR 303340 110341 (Land off Silver Street) Willand).*

The Planning Officer outlined the contents of the report by way of presentation highlighting the site location adjacent to the 7 affordable dwellings already in situ. She explained that each dwelling would have 2 parking spaces in line with policy, identified the communal bin storage area and the boundary treatment plan, access to the site, the dwelling sizes and design, elevations and floor plans and provided photographs from various aspects of the site. The developer had put forward an offer of funding to go towards education provision in the village and stated that the Parish Council had requested that the 30 mph zone be moved, the Highway Authority had confirmed that it would not support such a proposal, however this could be pursued further by the Parish Council at a later date.

The officer provided answers to questions posed within Public Question Time:

- With regard to the Parish Council viewing the S106 Agreement prior to signing - this was not standard practice and would be dealt with by the Legal Department.
- The Housing Need Survey commissioned by the Parish Council was 18 months old and that Devon Home Choice had up to date figures. With regard to other housing development in the area, this would still not meet the current need.
- With regard to the Police comments, they were summarised, it was only the Parish Council representation that was provided in full. The design of plots 14, 27 and 26 had all been amended so that the windows were on the side elevations.
- Parking was not ideal, but there had to be a balance.
- With regard to pedestrian links, the Highway Authority had stated that there was no need for those to be updated. Works to the hedgerow would take place to make walkways more friendly and no further work was required on the Right of Way.

- With regard to the bungalow close to the public open space – this would provide a nice outlook from the dwelling; this was a green area and not a formal play area.
- With regard to the policy framework, this was an allocated site and therefore in the current plan.
- Condition 6 – this was enforceable and a standard condition.

Consideration was given to:

- The access to the proposed dwellings would be outside the 30 mph zone
- The Section 106 financial information was available on the update sheet
- Parking issues
- The Housing Needs Survey and information provided by Devon Home Choice
- The housing need in the area
- The housings would be for social affordable rent
- Whether the application should be deferred to consider further the housing need
- The land allocation and whether it was required at the current time
- The advice of the Housing Options Manager with regard to the demand for affordable housing in the village
- The need for the Mid Devon cascade policy to be in place

RESOLVED that the application be granted planning permission subject to the prior signing of a S106 agreement relating to affordable housing provision in perpetuity and the provision of an education contribution with conditions as recommended by the Head of Planning, Economy and Regeneration.

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Hourican spoke on behalf of the agent;
- (iii) Cllr Warren spoke on behalf of Willand Parish Council;
- (iv) Cllr R Evans spoke as Ward Member;
- (v) The Chairman read a statement on behalf of Cllr R J Chesterton (Ward Member);
- (vi) Mr Parker (Mid Devon District Council - Housing Options Manager) spoke;
- (vii) Cllrs: Mrs C A Collis, Mrs G Doe and R F Radford requested that their vote against the decision be recorded;
- (viii) The following late information was reported: 1 - Further comments from Willand Parish Council received on the 27th of November:

Willand Parish Council considered the revised plans at the meeting on 23 November and is concerned that the revision takes little or no account of the

numerous concerns raised by it and other consultees and respondents. The Parish Council wish to stand fully by their earlier representations.

Further comments from the Highway Authority in relation to moving the 30mph zone: The Highway Authority has confirmed that it would not be reasonable to condition a Traffic Regulation Order as it requires consultation and if it is objected to it may not go ahead. Highways have confirmed they would not be able to support moving the 30mph zone, as the Traffic Engineers stated that the 259 houses proposed (recently refused at appeal) did not require this change. The Highway Authority have advised that this matter could be pursued by the Parish with County Traffic Engineers.

Updated need figures for Willand and surrounding Parishes

All Devon Home Choice figures contained within the tables below show the number of people within each area with a need for affordable rented accommodation. The figures only show persons who live or work in each of the respective parishes at present. The figures are as of the end of November 2017.

Uffculme:

	Banding for Uffculme				
Bedroom Need	Band B	Band C	Band D	Band E	Grand Total
1	1	4	10	21	36
2	2	3	4	11	20
3	2	3	1	4	10
4		2			2
Grand Total	5	12	15	36	68

Halberton:

Count of Bedroom	Banding for Halberton				
Bedroom	Band B	Band C	Band D	Band E	Grand Total
1	3	1	3	4	11
2	1		3	5	9
3		2		1	3

Grand Total	4	3	6	10	23
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Willand:

Bedroom Need	Banding for Willand				Grand Total
	Band B	Band C	Band D	Band E	
1		4	21	19	44
2	1	5	2	14	22
3	1	2		4	7
4		3			3
5	1				1
Grand Total	3	14	23	37	77

Needs Summary for Uffculme and Halberton:

The total number of affordable houses coming forward in Uffculme (including two sites adjoin Uffculme but within the Halberton parish) is known to be 36. These affordable dwellings are coming forward through the following planning permissions:

15/00108/MOUT; 17/01370/MARM – Outline planning permission for 60 houses (Harvesters), with reserved matters pending consideration. This site will provide 21 affordable houses.

17/00300/MOUT – Outline planning permission for 30 houses, adjacent to the Harvesters site – to provide 11 affordable houses.

17/00106/MOUT – Outline planning permission for 16 houses at Ashley Road Uffculme, pending decision, agreement to grant subject to a S106 – this site will provide 4 affordable dwellings.

The 21 affordable dwellings at the Harvesters site is proposed to be jointly prioritised to the parishes of Uffculme and Halberton. The need for Uffculme and Halberton at the current time is 91, or 45 excluding band E. The need for Uffculme and Halberton will not be fully met by the development known to be coming forward in the Uffculme/Halberton area. As such, these developments are highly unlikely to contribute towards meeting the affordable housing need of Willand.

Needs Summary for Willand:

The most up to date figures show a need of 77 affordable houses, 40 excluding band E.

13/00993/FULL – Fir Close provided 7 units in June 2016, all are occupied.

Policy W11 – in the emerging plan which holds very limited weight at this time due to the outstanding objections would provide 13 affordable homes if 30% affordable housing is provided as per the allocation. At the current time there are no timescales for the development of this site; development could be a number of years away.

Application 17/00652/MOUT is pending consideration. This application proposes 10 social rented houses. As this application is yet to be determined it is unclear whether these units will gain permission.

The current pending application and forthcoming allocation, along with the current application (17/01179/MFUL) would provide a total of 51 affordable homes. The applications combined would not meet the total need of Willand which is 77 units. In addition, the current application for 28 homes intends to meet the current need, whereas the timescales for the other developments is unknown. The proposed allocation isn't likely to be complete for a number of years and therefore will not address the current need, but is capable of helping to address any outstanding or future need.

Education contribution:

The education contribution agreed with the applicants is £38,461.50.

(ix) Cllr R F Radford left the meeting at this point.

(f) **No 5 on the Plans List (17/01292/FULL – Erection of 3 dwellings following demolition of existing livestock building – land and buildings at NGR 295566 125028 (Veltham Barn) Morebath).**

As reported earlier in the meeting this item had been deferred to allow for further information to be provided.

(g) **No 6 on the Plans List (17/01395/FULL – Erection of 5 dwellings with associated parking following demolition of industrial units – The Garage, Silverton)**

The Principal Planning Officer outlined the contents of the report by way of presentation highlighting the site location plan, 150 metres outside of the settlement limit, (the site being allocated within the emerging Local Plan Review (Policy SI2). He outlined the block plan of the proposal, the existing arrangements, parking provision, visibility splays, elevation and design plans.

Consideration was given to:

- Highway safety and possible overspill of parking onto a busy road
- The lack of a footpath
- The absence of a 5 year land supply
- The efficiency of the site layout
- The design of the proposed dwellings
- The Parish Neighbourhood Plan (which had not been submitted)
- The views of the Highway Authority

RESOLVED that the application be granted planning permission subject to the prior signing of a S106 agreement with regard to:

- Public Open Space contribution of £6,250 allocated to Provision of a new junior multiplay unit at Ellerhayes Play Area, Silverton
- Public Open Space monitoring fee of £110.80
- A contribution of £16,440 [based on the DfE extension rate of £21,921 per pupil] towards additional education infrastructure at the local secondary school
- A contribution of £2,546 towards secondary school transport costs due to the development being further than 2.25 miles from Clyst Vale Community College.

And conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 7 to add the following wording “has been submitted to and approved in writing by the Local Planning Authority” at end.

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

Notes:

- (i) Mrs Bennett spoke in objection to the application;
- (ii) Ms Lyle spoke on behalf of the agent;
- (iii) Cllr Mrs J Roach spoke as Ward Member;
- (iv) The following late information was provided:

First Update - Pg 90 bottom of page “roof within the roof” should be room within the roof

Second Update - Pg 95 condition 7 needs to be updated so it reads “**has been submitted to and approved in writing by the Local Planning Authority**” at end.

Full condition should read as follows:

‘7. Prior to development commencing, the applicant shall carry out a detailed investigation, site characterisation and risk assessment aimed at identifying the full extent and type of land contamination present and the measures to be taken to ensure that no significant pollutant linkages will exist on the site following development. The assessment should include for all possible human health, controlled water, ecosystem and building receptors. This will include identifying the presence or lack thereof of any buried fuel storage tanks prior to any site demolition. A report of the investigation and its recommendations shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required].

If required, a site remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services

(and other agencies if required). Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services [and other agencies if required]. Development on the site shall not commence until the land contamination investigation report and remediation have been approved in writing. Occupation on the site, or parts of the site affected by land contamination, shall not take place until the validation report has been submitted to and approved in writing by the Local Planning Authority.'

Third Update -

One additional letter of objection received from Ros & Steve Bennett of Elbury House - The objections are summarised as follows:

Concern over insufficient parking for the development and that parking will spill out into the narrow road.

A restrictive covenant requires a turning head to be retained for use of neighbouring residents to the front of the site.

Parking in the area to the front will restrict visibility to residents of neighbouring property exiting onto the road.

The Local Highway Authority objected to a development of a dwelling on this site previously (07/00262/FULL) due to the substandard nature of the approach roads and remoteness of the site.

There is a septic tank, soakaway and drainage field the currently occupies approximately one third of the site which serves Elbury House and is protected.

Fourth Update –

For Members interest, with respect to the allocation of the site within the emerging local plan (Policy SI2 – The Garage, Silverton for 5 dwellings), three representations were received during the Local Plan Review Proposed Submission Consultation in 2015, all being supportive. No further representations were received in 2017 following the Local Plan Submission Consultation.

(h) No 8 on the Plans *List (17/0826/MFUL – Erection of 3 poultry houses and ancillary buildings following demolition of 2 existing poultry units – Land at NGR 291466 112201 Jurishayes, Withleigh)*

The Area Team Leader outlined the contents of the report by way of presentation highlighting the site location plan, the existing poultry houses, the proposed levels and access arrangements, the storm water strategy and landscaping of the proposed bund, the existing and proposed elevations and photographs from various aspects of the site

Consideration was given to:

- The height of the proposed poultry house
- The waste management strategy
- Noise levels
- Concerns of local residents with regard to odour, dust and ammonia

- Possible visual impact of the proposal

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

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr Mrs F J Colthorpe made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as she had received correspondence regarding the application;
- (ii) Cllr R J Dolley declared a personal interest as he knew the farmer, was the Ward Member and had been on site;
- (iii) Mr Burgess (Objector) spoke;
- (iv) Cllr R J Dolley spoke as Ward Member.

86 MAJOR APPLICATIONS WITH NO DECISION (4-08-23)

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

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

87 APPLICATION 17/00914/OUT - OUTLINE FOR THE ERECTION OF 9 DWELLINGS WITH ASSOCIATED ACCESS AT LAND AT NGR 277111 102951 SUNNYMEAD, COPPLESTONE (4-10-39)

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

The Area Team Leader outlined the contents of the report reminding the meeting of the issues raised previously, the location of the site, proposed access arrangements, an indicative masterplan for the development and photographs from various aspects of the site. He had provided possible reasons for refusal as requested

He provided answers to questions posed in public question time: he referred to the occupation of the bungalows that were populated by elderly people and stated that there was no planning restriction on the occupancy of those bungalows. He felt that the issues highlighted by local residents were covered within the reasons for refusal within the report

Consideration was given to:

- The fact that this was only one part of the Sunnymead estate
- The occupation of the bungalows
- The proposal was outside the settlement limit and that reason for refusal 1 be used

- Lack of 5 year land supply
- The location of the school an open space adjacent to the development site.

RESOLVED that Planning Permission be granted subject to the signing of a Section 106 Agreement to include:

- Primary school contribution of £30,717 and Secondary school contribution of £5,320 as per DCC request.
- Air Quality contribution of £39,906. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
- Open Space contribution of £10,845. To be allocated and spent towards the delivery of the community/sports/village hall proposed at Copplestone.
- Financial commuted contribution toward the delivery of two affordable housing units following completion.
- Pedestrian link between the application site and the Village school/ Recreation ground campus areas.

With conditions as recommended by the Head of Planning, Economy and Regeneration

(Proposed by Cllr P J Heal and seconded by Cllr Mrs G Doe)

Notes:

- (i) Cllr P J Heal made a declaration in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as he had had discussions with the applicant;
- (ii) Cllrs Mrs C A Collis, R J Dolley, B A Moore and R L Stanley requested that their vote against the decision be recorded;
- (iii) The following late information was reported: Please correct the conclusion and Summary Section (paragraph 2.20) on page 121 so that is clear that the Highway Authority would **NOT** be able to provide support at an appeal situation in order to defend a reason for refusal on highway grounds;
- (iv) *Report previously circulated copy attached to signed minutes.

88 APPLICATION 17/00910/FULL - ERECTION OF 5 DWELLINGS AND ALTERATIONS TO EXISTING BUNGALOW AND ERECTION OF GARAGE, 10 MAYFAIR, TIVERTON (4-36-00)

The Committee had before it a *report of the Head of Planning and Regeneration regarding an application which had been considered but deferred from a previous meeting to allow for a site visit to take place by the Planning Working Group.

The Area Team Leader outlined the contents of the report highlighting the site location plan, the established tree group, the distances between the existing and proposed dwellings in Mayfair, the proposed floor plans and elevations for the dwellings, junction improvements and photographs from various aspects of the site. She also explained via a plan the density of development between Mayfair, the proposed new dwellings and Area B of the Eastern Urban Extension.

The officer then provided answers to questions posed in public question time:

- Following a conversation with the Highways Engineer, under Section 38 of the Highways Act the developer may ask for the private drive to be adopted as there were to be more than 3 dwellings off of a private drive. The developer had elected to have the road adopted.
- The above therefore overcame the issue of waste collection.
- The pedestrian footpath would be provided for the full length of the drive.
- Condition 9 with regard to a landscape plan would overcome the issue of the quality of the screening and the applicant had offered up the use of heavy standards trees.
- An additional condition would overcome any ecological issues
- She reiterated the density of development highlighted in her presentation and that the density would be a transition from Mayfair to Area B of the Eastern Urban Extension

Consideration was given to:

- The concerns of local residents with regard to the access to the site, overlooking and over development issues, the height of the proposed dwellings and that the buildings did not reflect existing properties in Mayfair.
- The distance between the proposed and existing dwellings
- The proposed screening and the offering up of mature trees for screening
- The amenity of local residents
- Access issues

RESOLVED that planning permission be granted subject to the prior signing of a S106 agreement to secure a financial contribution of £7,210 towards off site public open space and conditions as recommended by the Head of Planning, Economy and Regeneration with additional conditions stating that:

The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 and shall be approved by the Local Planning Authority before construction begins.

Reason

To limit the impact of the development on any protected species which may be present

The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.

Reason

In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

(Proposed by the Chairman)

(Vote 6 for: 5 against – Chairman's Casting Vote)

Notes:

- (i) Cllr Mrs H Bainbridge, Mrs C A Collis, Mrs F J Colthorpe, Mrs G Doe, R J Dolley, P J Heal, F W Letch, B A Moore, J D Squire and R L Stanley made declarations in accordance with the Protocol of Good Practice for Councillors in dealing with Planning Matters as they had received correspondence regarding this matter;
- (ii) Cllr R J Dolley declared a personal interest as he knew the residents of Mayfair;
- (iii) Mrs Menheneott spoke in objection to the application;
- (iv) Mr Upton (Agent) spoke;
- (v) Cllr C R Slade spoke as Ward Member;
- (vi) Cllrs: Mrs C A Collis, Mrs G Doe, R J Dolley, B A Moore and R L Stanley requested that their vote against the decision be recorded.
- (vii) The following late information was reported: This update is to confirm the density of the proposed development, the density of the existing Mayfair properties and the density proposed through the Adopted Masterplan SPD for Area B of the Tiverton Eastern Urban Extension:

Mayfair as existing (19 dwellings): 7.6 dwellings per hectare
10 Mayfair (5 proposed dwellings and retention of one existing dwelling): 13.6 dwellings per hectare
Area B park edge : 15 to 20 dwellings per hectare

One further email of objection has been received.

One email of objection has been received (to supplement an existing objection). A summary of it as follows: disappointment for the lack of opportunity members of the public had to speak at the Planning Member Working Site Visit; the proposal represents over development of the site; bungalows would be more in keeping; there may be a badger sett on the site which requires additional ecological assessment.

The following condition is recommended for inclusion should planning consent at 10 Mayfair be forthcoming:

The development shall be carried out in accordance with the recommendations and mitigation measures set out in the 'Preliminary Ecological Appraisal' prepared by WYG dated May 2017 and shall be approved by the Local Planning Authority before construction begins.

Reason

To limit the impact of the development on any protected species which may be present

Following the PMWG site visit at which the applicant offered heavy standard trees for inclusion in the landscape scheme to following condition is recommended should planning consent be forth coming:

The landscape scheme, to be approved in writing by the Local Planning Authority prior to the commencement of any development, shall provide heavy standard trees.

Reason

In the interest of the character and visual amenity of the area in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies).

One further email of objection has been received.

Please add after it – details to be presented by the objector at public question time.

There is also an objection from a new objector. Please add the following text: An email of objection has been received, summarised as follows: the proposal would represent a loss of privacy and loss of country view.

(viii) *Report previously circulated copy attached to signed minutes.

89 **APPLICATION 15/00108/MOUT - DEED OF VARIATION RELATING TO OUTLINE FOR UP TO 60 DWELLINGS AT LAND AT NGR 305658 112080 (WEST OF HARVESTERS), UFFCULME ROAD, UFFCULME (5-07-47)**

The Committee had before it a *report of the Head of Planning, Economy and Regeneration regarding proposed changes to the S106 agreement entered into in relation to this planning permission.

The Planning Officer outlined the contents of the report stating that the change to the S106 agreement was with regard to the cascade of affordable homes, there had been an oversight in the original agreement in that only Halberton Parish was mentioned and not Uffculme. It was suggested that both Halberton and Uffculme should have joint priority over the affordable housing.

Consideration was given to:

- The number of requests received by the developer from residents of Uffculme
- The application site was within Halberton and therefore the Parish should take priority
- The need for the cascading process to be clear
- The details of the original Section 106 Agreement

RESOLVED that:

- (a) A replacement S106 agreement be approved with regard to the affordable housing cascade: that Halberton be the lead parish followed immediately by Uffculme and that the normal cascade following these priorities take place; and

- (b) Delegated authority be given to the Legal Services Manager to progress the replacement S106 agreement.

(Proposed by Cllr R L Stanley and seconded by Cllr P J Heal)

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Coles (Agent) spoke;
- (iii) *Report previously circulated copy attached to signed minutes.

90 **APPLICATION 17/01370/MARM - RESERVED MATTERS FOR THE ERECTION OF 60 DWELLINGS - LAND AT NGR 305658 112080 (HARVESTERS) UFFCULME (5-32-41)**

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

The Planning Officer outlined the contents of the report stating that this was a reserved matters application following the outline application that had been granted at appeal. The application before Members was to seek approval for the appearance, landscaping, layout and scale of the application. She provided a presentation which highlighted the proposed location, the layout, identification of public footpaths, the design of the proposed dwellings, the location of the public open space and attenuation ponds, the tree boundaries which would be strengthened, parking provision, the tenure plan which identified the affordable housing on site, the highway adoption plan, elevations and different house types. Photographs were also provided from different aspects of the site.

Consideration was given to:

- The work that had taken place between the developer, the local parish council and Uffculme residents.
- The involvement of the Design Panel
- The fact that the proposal was attractive and refreshing and had considered the views of local residents.

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an additional condition stating that: The development hereby approved shall be carried out in accordance with the submitted floodplain compensation scheme as shown on drawing 16407-052 Rev B, the scheme shall be implemented in full prior to the construction of residential plots 31 and 32 and shall be retained and maintained as such thereafter.

Reason – To ensure adequate compensatory floodplain storage is provided in accordance with Policy COR11 of the Mid Devon Core Strategy (Local Plan Part 1).

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as Cabinet Member for Housing;
- (ii) Mr Crosby spoke on behalf of the applicant;
- (iii) The following late information was reported: A revised flood compensation storage scheme has been submitted. The Environment agency have provided further comments in relation to the scheme and have confirmed that the floodplain compensation scheme submitted satisfies their concerns about the small loss of floodplain storage resulting from the development. The scheme shall be fully implemented as approved and the works should be undertaken prior to the construction of plots 31 and 32.

On this basis an additional condition is proposed:

The development hereby approved shall be carried out in accordance with the submitted floodplain compensation scheme as shown on drawing 16407-052 Rev B, the scheme shall be implemented in full prior to the construction of residential plots 31 and 32 and shall be retained and maintained as such thereafter;

- (iv) *Report previously circulated copy attached to signed minutes.

91 **APPLICATION 17/01509/MFUL ERECTION OF 39 DWELLINGS FOLLOWING DEMOLITION OF EXISTING GARAGES AND ADJACENT SUBSTRUCTURE, TOGETHER WITH BIKE STORAGE, UNDERGROUND CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS - LAND AND BUILDINGS AT NGR 295350 112455 (REAR OF TOWN HALL) ANGEL HILL TIVERTON (5-32-41)**

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

The Area Team Leader outlined the contents of the report highlighting by way of presentation the application, the site location plan and the 3 previous consents on the site that had not come to fruition. Members viewed the site location plan, a plan showing the 14 affordable dwellings that had already been built as part of the allocation on the site, the proposed roof plans, photographs of the site and an impression of the development, an impression of the internal street scheme supplied by the architects and proposed views from Westexe looking back into the site towards the Town Hall and St Georges Church. She highlighted the site elevations, the landscape sections, the layouts of the upper level, ground floor and lower grounds floors and elevations of the dwellings and apartment blocks.

She then provided answers to questions posed within public question time:

- Her report had been written independently, it was a professional report based on the facts of the application.
- She had collated all the information available and had contacted residents.
- She had acted to assist the developer to overcome outstanding issues as she would with any application.

- It was correct that the land fell within Flood Zone 3 and the Environment Agency were aware.
- A flood risk assessment had been provided and recommendations had been made for additional conditions including the provision of flood warning signs particularly to the under storey area which could be prone to flooding.
- With regard to the site being considered as the 5th most likely site for flood risk in 2009, she had not read that but in 2017 the site was sequentially sound.

Consideration was given to:

- Whether the linking bridges were covered
- The number of lifts
- Accessibility for disabled people
- The steepness of the site
- The views of the objector with regard to the possibility of a town centre garden, the size of the development, access issues, lack of planting, the impact of the development on Ham Place
- The comments of Historic England
- The need to develop the site

RESOLVED that planning permission be granted subject to conditions as recommended by the Head of Planning, Economy and Regeneration with an amendment to Condition 11 to read: No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref. L1008-C-RP-0001; Rev. 03; dated 24th November 2017), Webb Yates Sketch Showing Proposed Alternative Drainage Strategy (drawing No. L1008-C-SK-0035-00-59; dated 29th November 2017), Webb Yates Mark-up Showing Flood Exceedance Routes (drawing No. L1008-C-SK-0034-00-59; dated 29th November 2017) and Civil & Structural Engineering Stage 3 Report (Ref. L1008-S-RP-0001; Rev. 01; dated 24th November 2017).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and in the interests of ensuring that adequate drainage is provided to serve the development and to reduce the risk of pollution in accordance with Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).

With additional conditions to read:

The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 Local Plan Part 3 (Development Management Policies)

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Prior to their installation, details of the link bridges between blocks E to F and G to H, at first and second floor levels and details of the balustrading for the balconies within blocks E, F, G and H shall be submitted to and approved in writing by the Local Planning Authority. The link bridges and the balconies shall be completed in accordance with the approved details and shall be so retained.

Reason: To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development's construction, has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

The development shall be carried out in accordance with the Conservation Action Statement prepared by Acorn Ecology Ltd received 29th November 2017.

Reason: To protect the habitats of protected species in accordance with policy DM2 Local Plan Part 3 (Development Management Policies).

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

Notes:

- (i) Cllr R L Stanley declared a personal interest as a Director of the 3 Rivers Development Company and chose to leave the meeting during the discussion thereon;
- (ii) Mr Davey spoke in objection to the application;
- (iii) Cllrs R J Dolley and F W Letch requested that their vote against the decision be recorded;
- (iv) The following late information was reported: additional conditions added above:

The proposed estate road, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals in accordance with policy DM2 Local Plan Part 3 (Development Management Policies)

No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Prior to their installation, details of the link bridges between blocks E to F and G to H, at first and second floor levels and details of the balustrading for the balconies within blocks E, F, G and H shall be submitted to and approved in writing by the Local Planning Authority. The link bridges and the balconies shall be completed in accordance with the approved details and shall be so retained.

Reason: To ensure the use of materials and detailing appropriate to the development in order to safeguard the visual amenities of the area and the character and appearance of the conservation area in accordance with policies DM2 and DM27 Local Plan Part 3 (Development Management Policies).

Condition 11 was amended verbally and two additional conditions included in the resolution were added verbally at the meeting.

(v) *Report previously circulated copy attached to signed minutes.

92 **PLANNING PERFORMANCE AGAINST TARGETS - QUARTER 2 (6-30-34)**

The Committee had before it and **NOTED** a * report of the Head of Planning, Economy and Regeneration providing information on the performance of aspects of the planning function of the Council for quarter 2 – 2017/18.

The Group Manager for Development outlined the contents of the report stating that performance was continuing to meet targets and some of the key targets were being exceeded.

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

(The meeting ended at 9.25 pm)

CHAIRMAN