

WRITTEN QUESTIONS – FULL COUNCIL – 24 OCTOBER 2018

1. MINUTE 60 – CABINET 30 AUGUST 2018

Questions submitted by Councillor Mrs N Woollatt and the response of the Cabinet Member for Planning and Economic Regeneration

It is stated in the minutes that the Head of Planning, in response to my request for distribution of information on the consultation direct to households, claimed that “today the majority of consultations were more web based”

1. Please explain what the basis for the Head of Planning’s comment was?

RESPONSE

In Councillor Woollatt’s request that a leaflet be distributed to addresses in Cullompton, reference was made to consultation undertaken in Crediton by Devon County Council in connection with the link road some 10 years ago. Since then, electronic means of communication and engagement have increased in frequency, including those in response to consultations. This has been reflected in the method of responses received for recent public consultations such as the North Devon Link Road where 90% of responses were via the scheme website.

Delegated authority was given to the Head of Planning and Cabinet Member for Planning and Regeneration to prepare and finalise the consultation material.

2. Was an equalities impact assessment carried out as part of the preparation for the consultation?

RESPONSE

Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with 6 public exhibitions at which staff were on hand to talk through proposals. Means of consultation took equalities impact into account.

3. When preparing for the consultation was any consideration given to a static display of the exhibition boards being located in a public building in Cullompton?

RESPONSE

Yes.

4. Why was it decided not to leave any material about the consultation in any of the public access buildings in Cullompton?

RESPONSE

5 (later revised to 6) public exhibitions were being held at which staff were on hand to talk through proposals and answer questions. The same opportunity would not be available via static display. The availability of all the consultation material including the exhibition boards online on the consultation webpage was also taken into account.

5. Was any discussion held with Cullompton Town Council to include mention of the consultation in the town council newsletter The Crier which was delivered to Cullompton households during the consultation period?

RESPONSE

Yes. The distribution of the next available edition of The Crier was later than the distribution timescale originally agreed with the distribution company. It was therefore expected that residents would have received an A3 leaflet on the consultation in advance of The Crier's distribution. The size and format of the publication also did not suit the summary information on route options and its legibility by readers. It was considered that an A3 format was required in order to provide both maps of the route options and accompanying text.

6. Were any posters advertising the consultation and exhibition dates produced by the Council and if so where were they displayed?

RESPONSE

Yes, posters were produced approximately one week before the end of the consultation for display to remind of the deadline. They were handed over for display at the Town Hall, The Hayridge Centre, Culm Valley Leisure Centre, Tesco and Mole Valley Farmers.

For the main period of consultation other means of communicating information was in place.

After the Cabinet meeting I was told that leaflets about the consultation would be delivered to households in Cullompton to the same distribution area that the town council covers with The Crier newsletter.

7. When it came to light that the majority of households in Cullompton had not had a leaflet delivered what actions did the Council take to remedy the situation?

RESPONSE

Officers contacted the distribution company across multiple days, seeking to establish the situation. Officers were advised by the company that the leaflet distribution was mainly completed to the agreed timescale and in full by 5th October. Officers have also sought GPS tracking information from the company for verification.

8. How many distribution companies were considered, were they local or national and on what criteria was the delivery company the job was awarded to chosen and others discounted?

RESPONSE

Sourcing a distribution company took place against a series of criteria: geographical area covered by the company, ability to distribute within a set area that equated to only part of the EX15 1 postcode, timescale within which distribution could take place, cost and

accountability. A total of 5 distributors were contacted comprising local and national providers. The company chosen was the only one that stated they would be able to complete the distribution within timescale and offered accountability post distribution to the client via GPS tracking.

9. What due diligence took place to assess the reputation and reliability of the distribution company contracted?

RESPONSE

Testimonials of their service are available on their website and were viewed prior to commissioning. The company in question offered clients the ability to check the geographical area of distribution via GPS tracking information.

10. Has the delivery company been paid?

RESPONSE

Yes.

11. Does the council think it is acceptable that people living in property which will be directly affected by the proposed routes have not been informed directly?

RESPONSE

Extensive efforts have been made to raise awareness of the consultation via a range of platforms. Leaflet distribution was viewed as an additional means of consultation. In speaking to those attending the vast majority were aware and had heard about the consultation before seeing the static exhibition displays, for example the Gazette has had nearly weekly coverage of the consultation via articles and letters.

12. In hindsight does the Council think it did everything it could to ensure that there was widespread awareness of the consultation amongst all sectors of the community?

RESPONSE

As of early Monday 22nd October, 467 consultation responses had been received and 1,114 unique new users had accessed the consultation website with several days to go until the consultation closes on 25th October 2018. It is also estimated that nearly 800 people attended the 6 public consultation exhibitions at which staff were on hand to talk through proposals. Consultation material was available and promoted across a range of platforms and media types. This level of interest and response for a geographically focussed rather than district wide consultation indicates many people in Cullompton are aware of the consultation and proposals.

The effectiveness of consultation methods can always be reflected upon after the event and improvements identified. However this does not mean that the consultation exercise as carried out was ineffective or fundamentally flawed.

2. MINUTE 60 – CABINET 30 AUGUST 2018

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

Fairness and the Common law duty to consult.

The cabinet office state that 'the governing principle is proportionality of the type and scale of the consultation and the potential impacts of the proposal decision being taken and thought should be given to achieving a real engagement rather than following a bureaucratic process'

The general principles derived from case law known as the Gunning principles.

They are,

Consultation should occur when proposals are at a formative stage.

Consultation should give sufficient reasons for any proposal to permit intelligent consideration.

Consultations should allow adequate time for consideration and response.'

There must be clear evidence that the decision maker has considered the consultation responses or a summary of them before taking a decision.

Recent case law added two further general principles, 'The degree of specificity regarding the consultation should be influenced by those who are being consulted.

The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

Addressing each point individually, has the Council complied with the Gunning principle and how did they achieve compliance?

RESPONSE:

Yes. Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with 6 public exhibitions at which staff were on hand to talk through proposals.

No decision has yet been made over the preferred route and the public consultation period has not yet closed. A public consultation report will be prepared prior to decision making so that it may be taken into account.

3. MINUTE 62 – CABINET 30 AUGUST 2018

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

Identical question to previous one.

RESPONSE:

Ward Members, Cullompton Town Council and Kentisbeare Parish Council were consulted over proposed garden village governance arrangements prior to their agreement and establishment.

The report in question focusses upon the governance of the project and the decision making powers of the Garden Village Delivery Board and makes it clear that in accordance with 2.3.7 and 2.3.8 that the Board has no statutory decision making powers. Statutory decisions (e.g approval of planning documents) will be made through the usual processes of the relevant authority and subject to any associated consultation in the normal way.

4. MINUTE 72 – CABINET 27 SEPTEMBER 2018

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

Identical question to previous one.

RESPONSE

No decision has yet been made over whether to seek Area of Outstanding Natural Beauty status for the Exe Valley. The resolution was that officers bring back a revised options paper once the Government's review has concluded. Should the Council wish, there is opportunity to consider consultation prior to decision making.

Extra Question, Why was the consultation work undertaken by Cllr Mrs J Roach not considered when making this decision?

RESPONSE:

The officers exploring the potential for designation and preparing the report did not see consultation feedback gained by Councillor Roach in 2014/15 until after the PDG reports had been prepared and were due to be published. The information was provided to them by her on 28th August. Email exchanges led officers to believe that Councillors Roach and Stanley would take the opportunity to update PDG and Cabinet Members at the meetings on the discussions they had had with Parishes. Councillor Stanley made the point at the meeting of Cabinet that the proposal would likely be supported by the parishes in his ward based on discussions he had had with them.

5. MINUTE 81 – SCRUTINY COMMITTEE 8 OCTOBER 2018

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

This important report on a consultation exercise which had an extremely poor response has only been noted.

What is the Council going to do to ensure that this consultation meets all the requirements of the Gunning principles given that it has the potential to affect a number of residents and business owners.

RESPONSE:

Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with public exhibitions at which staff were on hand to talk through proposals. These took place during an 'Electric night' event and at a Friday market. Whilst only 55 consultation responses were received, most were detailed responses.

When Cllr Daw and I visited the three towns we managed to get a response rate of 175.

Will the Council agree to a further 'Meet the people ' exercise to ascertain the views of local people?

RESPONSE:

A second stage of public consultation on the draft masterplan documentation is yet to take place and will seek to engage across a range of platforms including direct contact at public exhibitions.

What is the overall aim of the masterplan? is it retail, the night economy, tourism...what is the council planning to do, what are the outcomes and the cost?

RESPONSE:

The masterplan will set out a comprehensive regeneration and investment blueprint for the future of the town centre. Members will be aware of work taking place to produce an Economic Strategy and that the masterplan will also sit within the context of this wider piece of work.

The masterplanning process is not yet complete, but will result in a masterplan supplementary planning document together and investment programme.

The value of the consultant's commission is £51,810.