

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **SCRUTINY COMMITTEE** held on 10 April 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, S G Flaws,  
Mrs B M Hull, T G Hughes, Mrs J Roach,  
J L Smith and N A Way

### **Apologies**

#### **Councillor(s)**

T W Snow

### **Also Present**

#### **Councillor(s)**

R L Stanley and Mrs M E Squires

### **Also Present**

#### **Officer(s):**

Jill May (Director of Corporate Affairs and Business Transformation), Lucy Hodgson (Area Planning Officer), Michael Parker (Housing Options Manager), Jeremy Pritchard (Team Leader Environmental Health) and Julia Stuckey (Member Services Officer)

## 134 **MINUTES SILENCE**

Today being the funeral for PC Keith Palmer, who had been killed in London during the recent terrorist attack, the Committee held a minutes silence to give thought to the officer, the other victims of the attack and their families.

## 135 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr T W Snow.

## 136 **PUBLIC QUESTION TIME**

Mr George Faulkner, referring to item 8 on the agenda, said that he had asked Mr Walford, Chief Executive, in January if he knew what was in the pit that was producing distressing symptoms. He replied repeatedly that I would just have to wait for Environmental Health to investigate and report their findings. What are their findings? Environmental Health thought they had better check to make sure it was not our burning appliances, wood burners, which were causing toxic fumes, phenols, creosotes and other organic chemicals. So they recommended that we sweep our chimneys. Anaerobic digesters are effectively burning appliances that change energy from crops such as maize or grass into methane. This process also makes bi-products such as phenols, creosotes and other organic chemicals. The methane is burnt through an engine to produce electricity for subsidy payments for Greener for Life. At some stage the reactor is emptied, the digestate is tankered to Crossparks pit which contains slurry and other vegetable matter. The living bugs in the digestate and slurry now have fresh food to work on producing more methane, carbon dioxide,

hydrogen sulphide into the open air without even a chimney to raise it into the higher atmosphere. When the wind blows to us we suffer the consequences of open air anaerobic digestion, the toxic fumes, phenol, creosotes and other organic chemicals. Would you like to live in the middle of a chimney or would you describe it as a nuisance? Has Environmental Health achieved anything?

Mrs Suzanne Faulkner, referring to item 8 on the agenda, said that as well as Environmental Health asking us to check our chimney, they are now spending time and money on testing our well water which we have told them we have not used since 4 February. They are also testing Mr Hills borehole which at the moment is only used for his animals. Why? What tests have Environmental Health done on the pit itself? Bioaerosols are suspensions of airborne particles that contain living organisms, bacteria, viruses and fungi. Mr Pritchard and Mr Newcombe and Mr Smith are fully aware of the fact that they can travel in the air. Mr Smith (PHE) says that they cannot get out of the pit because it is too wet. He is ignoring the dry unbroken crust on the top of the pit that was used to prove that there were no movements in or out of the pit. Wyke Research (now Rothemstead) write of bioaerosols travelling 10km and remaining viable at the end of their journey. On 23 February the farm was engulfed in the toxic fumes from the big stir of the pit. We all felt ill. The wind was westerly. On Saturday 25 February we went to get in the car to have a night away from the continuing fumes which had been entering the house for many nights. My husband opened his door first, I followed opening my side. I was hit by fumes; the car had been parked by the house from the day of the big stir (23) until Saturday 25<sup>th</sup>. The weather was warm. Maybe the spores developed and then on opening the car they escaped into my face and lungs. We travelled to Barnstaple to stay at the Premier Inn. At midnight I was retching copious phlegm, feeling very ill and unable to breathe, as in previous attacks. I ended up spending the night in Barnstaple A and E. Last week I spoke to the Government Mycology Reference Laboratory and Diagnostic Service (PHE) in Bristol. I explained the situation here in Templeton and they said it was possible that it was fungal. They were surprised that there was a residential house only 80m from the pit and said it was advisable that Environmental Health tested the pit. I therefore ask the same question as I have asked many times before, will Environmental Health test the pit for bacteria, viruses and fungi to eliminate the possibility?

Mrs Judith Bikerstaff, referring to item 8 on the agenda said that she was joint owner of Palm Springs, the nearest property at under 100m to the open below ground slurry pit at Crossparks. The nuisance of noise and odour that we have experienced from this slurry pit over the years is well known to your Environmental Health department. However, since the importing of digestate from one of the Greener for Life Group anaerobic digesters at Great Hele South Molton for storage in the pit, we have suffered the aggravated nuisance of harmful emissions, which has given my partner an extreme adverse reaction as well as to a lesser degree myself and visitors to our property. We have supplied continuous daily logs/diary entries and numerous medical reports and updates to your officers and relevant agencies. My partner and I cannot understand why the Council's officers will not accept that the use of Crossparks pit is effectively being operated as an unlicensed transfer operation by Mr Reed of Greener for Life Group. Nor do we understand why Environmental Health will not recognise the nuisance at the very least to our enjoyment of our home and property, yet exactly the same intended use by the same operator was identified as a potential unacceptable nuisance and as harmful to the local environment and residents of Pennymoor, by the Planning Committee when they placed Enforcement

Notice/16/00269/NUDRU Pulsards Farm. We ask when is this disgraceful invasion of our home going to end?

Miss Sarah Coffin, referring to item 8 on the agenda, said it has become apparent after a visit to the affected Templeton residents by your Director of Operations Andrew Pritchard on 29 March 2017 that despite both the history of this slurry pit and the increased degree of nuisance emanating from it, now it is being used to store digestate, Environmental Health cannot proceed with a case as they fear the operator will repute the cause is the pit and they will require beyond reasonable doubt evidence to take action. We ask what does this exactly mean and how should it be resolved? Do Councillors expect our tiny parish of 100 residents and a precept of £4k to take legal action ourselves and against whom, so that a legal precedent can be established? Isn't this like asking a morris dancer to take on a martial arts expert?

It seems that intimidation prevails and the threat of potential litigation by legally savvy developers and ever decreasing timelines is preventing any meaningful scrutiny into adequate sustainable supply of suitable land for digestate/waste/manure disposal at crucial planning stage. This lack of scrutiny is directly relevant to the problem before you today and we ask you to consider the statement by Mr Reed in the Western Morning News 2/2/17 that the Greener for Life Group is planning further AD's in the area. In view of this present problem how will the Council deal with yet further potential nuisance from the same problem of disposal of digestate and chicken litter from industrial farms in what is a prime livestock and tourist area? Has MDDC any plans to do as some other Councils in the country have and make a specific statement in their Planning Policy so that all industrial sized agricultural associated consents granted are fully aware that they are obliged to follow best practice guidelines and take all non-pollution precautions to ensure the protection of the local communities and environment.

Cllr Mrs Doe explained that she was in receipt of correspondence from the Chairman of Willand Parish Council regarding agenda item 11. Cllr Doe outlined the contents of the correspondence which she explained would be forwarded in full to be added to the consultation.

The Chairman stated that answers to questions raised would be provided at the agenda item.

### 137 **MINUTES OF THE PREVIOUS MEETING**

Subject to adding the name Katie French to Minute 129 and changing the word 'every' to 'many' at Minute 31, page 7, paragraph commencing 'Cllr N A Way informed ....' the Minutes of the last meeting were approved as a true record and signed by the Chairman.

### 138 **MEMBER FORUM**

There were no issues raised under this item.

### 139 **DECISIONS OF THE CABINET**

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

had been involved in discussion at the Cabinet meeting regarding the Special Purpose Vehicle (Property) as he did not consider that Members knew enough about the project. He informed the Committee that a Member Briefing had been put in place for 18<sup>th</sup> April so that all Members could be updated.

#### 140 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that he had received a letter from Mel Stride MP in which he had thanked Members for inviting him to attend a very useful meeting, covering lots of issues and that he was happy to assist in the ways that had been discussed. The MP thanked Members for their input.

#### 141 **MEETING MANAGEMENT**

The Chairman indicated that he intended to take item 8 on the agenda before item 7.

#### 142 **UPDATE BRIEFING ON CLEAVE FARM AND CROSSPARKS, TEMPLETON**

The Committee had before it and **NOTED** a report \* providing an update on Cleave Farm and Crossparks, Templeton.

The Environmental Health Team Leader outlined the contents of the report, reminding Members that the report referred to allegations centred on the Crossparks slurry pit and anaerobic digester. The officer informed Members that testing of private water supplies at Palm Springs and Mount Pleasant would be taking place during the following week to rule out chemicals in the water supply. He explained that there was a possibility that leachate could leak into the supply. The mains water would also be tested to check that chemicals were not getting into the pipe work. This would be at a cost of £1200 to the Council. Air monitoring was being considered and would take place indoors and outdoors focusing on a worst case scenario location, the testing would be independent and equipment and feedback would be provided.

The officer informed the Committee that a meeting had been put in place for 25<sup>th</sup> April at which officers would meet with representatives from Devon County Council (DCC) and Public Health England (PHE) to discuss findings.

Discussion took place regarding:

- The difficulty in proving nuisance and the requirement for residents to keep diaries;
- The timescales for testing which would commence with water testing in the current week and air quality after Easter;
- The fact that some people might be more susceptible genetically to chemicals in the environment and the need to identify the levels and chemical concerned;
- The need to take air samples over an extended period of time to allow for weather conditions and wind direction;

- Samples from the pit would be discussed at the meeting being held on 25<sup>th</sup> April;
- A request that Cllrs R L Stanley and B A Moore be invited to attend the meeting;
- The possibility that calls from concerned residents regarding nuisance were not being recorded out of hours.
- The need to work within legislation.

It was **AGREED** that a further report be prepared for the Committee when test results were known.

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

### 143 **POLICE AND CRIME COMMISSIONER**

The Chairman welcomed the Police and Crime Commissioner (PCC), Alison Hernandez, to the meeting.

Members had submitted a number of questions in advance;

***Where has the money that we the public contributed and were told would result in policemen being on the beat in Cullompton been allocated to?***

The PPC informed Members that she was investing £24m in policing which would fund an extra 100 officers and 50 investigators for a period of 4 years. However she could not specify where they would be sent as that was an operational decision that would be made by the Chief Constable. The PCC went on to say that although it seemed a lot £24m was not enough and it would also be necessary to change the way in which the force operated. She had requested a Connectivity Plan, in which there would need to be a change to the workforce mix and a change of priorities. The Plan would be ready later in the year.

Discussion took place regarding the removal of the Police Community Support Officer (PCSO) role and the PCC explained that this would be a phased operation and that there would be no redundancies, just natural turnover. She explained that PCSO's could not be deployed to emergencies and although they were a visible presence they could not protect the public in an emergency. A range of new roles, across the emergency services, were being explored.

Discussion took place regarding a perceived lack of patrol cars on the motorway. The PCC explained that road policing had been cut but now that more armed response officers were being appointed there would be more availability for this work as they undertook road duties when not armed. She also explained that a lot of resource was required for dealing with online crime such as harassment, safeguarding and supporting the vulnerable.

***I would like to know how large the cyber-crime team is for the area and is there any facility to brief small rural businesses about cyber security. Realistically if***

***someone falls prey to cyber-crime/attack is there any likelihood of the protagonists being caught?***

The PCC explained that there was now a Digital Capabilities Unit which was part of the Serious and Organised Crime Branch. She considered this to be a weak area nationally and that catching offenders was challenging, particularly as many of them were abroad. She was keen to put resource into prevention; to stop people getting caught-out, and this help could be accessed through groups such as the Federation of Small Business and Chambers of Commerce. There was a lot of free training available to help people to help themselves.

***Do we have robust plans in place for natural or human induced disasters and specifically terrorist attack -accepting that details are likely to be confidential? Do we have local armed response teams?***

The PCC responded that the Police and Crime Plan focused on safe communities and that the biggest threat was flooding. There had been a couple of terrorist linked incidents in the South West and she considered that the best cure for Devon and Cornwall would be prevention. Numbers of armed response units had increased with extra funding from Government and these were being deployed as part of a 3-County function with Dorset. Connectivity was important and the police needed to connect with the public and be visible. Armed response would be spread across the counties.

***Is Brexit likely to affect information sharing between European countries or in any other way compromise our security?***

The PCC stated that she did not expect any reduction in the sharing of information within Europe following Brexit.

***What is the priority for rural policing?***

The PCC explained that consultation had taken place over the summer and the public were asked their priorities. She explained that there had been 1500 responses on Facebook, mainly from the over 65's, and those responses indicated that people did not feel connected or know what was going on. This had been fed into the plan. She had maintained funding to the Community Safety Partnerships and was pushing for extra funding for Districts.

Discussion took place regarding the 111 service. The PCC informed Members that response times for answering telephone calls had now improved and that callers shouldn't have to wait for more than 5 minutes. However many calls were from people calling back to find out what had happened regarding something they had reported and the PCC considered that the feedback process needed to be better. Sometimes this included a failure to feed back when something had been dealt with which gave a bad impression, so realistic deadlines needed to be put in place.

Discussion took place regarding the amount of paperwork that officers had to complete following an incident and whether an inappropriate amount of time was being spent on this. The PCC informed Members that mobile working had been introduced, which though there were some coverage problems, had helped, however this needed further development. She was also supporting a Victim Care Unit which,

whatever the crime, victims could ring and get support. A number of agencies could be commissioned to provide support.

Regarding domestic abuse the PCC stated that it was illegal and a serious issue. The Community Safety Partnership were involved with areas such as teaching people about healthy relationships by helping them to recognise what a healthy relationship looked like.

***Have you given any consideration in respect of the efficacy of police stations? In Tiverton, one is reduced to picking up the outside phone and to find that one is talking to Plymouth, I believe, even though there are several police cars parked outside.***

Discussion took place regarding Tiverton Police Station, which although being manned, was not open to the public. The public had to use a telephone outside of the building and speak to staff in Plymouth. The PCC suggested that if Members had better ideas for how things could be done they let her know. She gave an example of Newquay Police Station which now had a front desk manned by volunteers. She asked for ideas to help make policing more accessible. She agreed to look at the external telephone at Tiverton to see if it could be made more private, without making it isolated.

The PCC also highlighted 'safer places' which was a scheme whereby shops had a sticker on the door to let the public know that if they felt at risk or in danger this was a safe place to go. This scheme was currently in place for people with special needs but could be extended.

***What is your opinion of the Government Crime Recording Standards Guidelines?***

The PCC agreed that crime recording had not been done well for a number of years. This was because only master crimes were recorded and not other associated crimes, for example a burglary could be reported but not the assault which was associated to the burglary. Currently 83% of crimes were being reported well but 17% were not. The Chief Constable had set up a Gold Group following a HMIC report in which Devon and Cornwall performed worst of the 7 constabularies inspected. She said that there was a need to focus and to train officers to record properly. The PCC informed the Committee that better crime recording would result in a higher crime rate.

The PCC informed Members that Devon and Cornwall had the highest public confidence rating in England and Wales but in some service areas could be better. Her role was to help the Chief Constable to provide better services. A new Deputy from Dorset, as part of the alliance, had been put in place to manage Operations as a temporary trial as well as a Deputy in charge of business change. The PCC was confident that when the HMIC returned the force would get a better rating.

The Chairman thanked Mrs Hernandez for attending the meeting and for her thorough answers to the questions raised.

Note: - Questions \* previously circulated and attached to Minutes.

## 144 HOMELESSNESS (1:48)

As requested the Committee had before it a report \* from the Head of Housing and Property Services providing an update on homelessness within Mid Devon.

The Housing Options Manager outlined the contents of the report, explaining that Homelessness across the country was predicted to increase over the next few years with rising private rental house prices and lack of social housing. The Authority was starting to see an increase in the total numbers approaching the Housing Options team for housing advice. Applicants presenting to the Council recently appeared to have more complex needs, with the involvement of mental health services, drug and alcohol services; and there had appeared to be an increase in the numbers of private and social landlords issuing Notice To Quit due to the complex needs of tenants. The officer reported that this was common across the Devon and Cornwall network.

So far this year (2016/17) the service had had 347 approaches for housing advice compared to 299 this time last year. The Housing Options team had taken a more proactive role in dealing with applicants approaching the service. The team engaged with applicants and landlords at an early stage to prevent the person from becoming homeless and attempted to retract any notices served by landlords.

There were currently 8 households in temporary accommodation within Mid Devon and over the last few years there had been an increase in the number of households going into temporary accommodation due to the threat of becoming homeless. The officer explained that this could be attributed mainly to households leaving it to the last minute to approach the service for help.

The Housing Options team already worked in partnership with some other social landlords who worked in the District. Wherever possible, individual officers engaged in joint visits with landlords to help with preventative work at the stage when possession proceedings were being considered.

Mid Devon had joined up with East Devon District Council, Exeter City Council and Teignbridge District Council and together applied for a bid from DCLG for the Homelessness Prevention Trailblazers Application. Through this network, Mid Devon was working on an action plan to help deal with the impact of homelessness across the district. The four districts had been awarded a grant of £359,000 to help prevent homelessness over the next 3 years (2016/17-2018/19).

Churches Housing Action Team (CHAT) and Citizens Advice had been awarded a small amount of funding. Community based services could help people try to remain in their home, help them to maintain a tenancy, work with landlords in the area, help with tenancy rescue schemes and provide rough sleeper provision. There were currently 4 known rough sleepers in Mid Devon but major cities were seeing an increase.

The officer informed Members that the Homelessness Reduction Bill 2016-2017 was seeking to introduce a new duty on local authorities to prevent homelessness for all eligible applicants threatened with homelessness and a new duty to relieve homelessness for all eligible homeless applicants. These duties involved helping all eligible people, whether they were single or a family. When a person was homeless or threatened with homelessness, the Council was currently obliged to deal with them

if it was likely that they would become homeless within 28 days. Under the new legislation, the number of days would increase to 56.

The officer considered that these changes could have an impact on the authority but it was not yet known what the financial impact would be.

The officer reminded Members that dealing with homelessness was a statutory duty, driven by legislation.

Discussion took place regarding:

- Concerns that people from Mid Devon were amongst the homeless in Exeter;
- The possibility of looking at new ways of working to see if there were areas that could be done better;
- Grants to outside organisations;
- Temporary accommodation often being a long way from the local area which created instability for children when they needed to move school;
- The potential number of teenagers 'sofa surfing'.

It was **RESOLVED** that a Working Group be put in place to look in depth at what was being done regarding homelessness and what improvements could be made to ensure best use of resources. Membership of the Group to be Cllrs Mrs H Bainbridge, Mrs A R Berry, Mrs J Roach and N A Way.

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

Note: - Report previously circulated and attached to Minutes.

#### 145 **CABINET MEMBER FOR WORKING ENVIRONMENT AND SUPPORT SERVICES**

The Committee had before it a report \* from the Cabinet Member for Support Services and the Working Environment providing an update on areas covered by this remit.

Discussion took place regarding:

- Levels of skin cancer being high due to the numbers of outside workers;
- Sugar Smart and the levels of sugar in ready meals;
- Air quality and the unsuccessful bid for Air Quality Grants;
- Freedom of Information requests and the benefits of them being available to view on the internet;
- The difficulties in recruiting to certain posts due to pay levels;
- The benefits of the Community Safety Partnership;

- Mental Health first aid training;
- Vacant posts in Enforcement;
- Organisational review and the uncertainty this caused.

Notes: i) Report \* previously circulated and attached to Minutes.  
 ii) Cllr Mrs J Roach declared a personal interest as she had submitted a Subject Access Information Request.

#### 146 LOCAL ENFORCEMENT PLAN

The Committee had before it a report \* from the Head of Planning and Regeneration providing Members with information regarding the Local Enforcement Plan which was currently out for public consultation.

The Area Planning Officer reminded the Committee that they had asked the Chief Executive to investigate the efficacy and effectiveness of the Planning Service, with particular reference to the way enforcement was carried out and how Members engaged with the work of the council in this service area. As a result, it was recommended that the Head of Planning and Regeneration bring forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity in Mid Devon.

The Area Planning Officer explained that the document had been to the Planning Policy Advisory Group and to Cabinet and was now out to consultation, which ended on 2 May 2017. The consultation had been advertised in the local newspaper, on the website, via Town and Parish Councils and to the Agents and Architects Forum. There had been four responses to date. Once the consultation was complete the comments would be fed into the final report.

Discussion took place regarding;

- Staffing levels within the service following a restructure;
- There was no national requirement to record the performance of planning enforcement but the authority had chosen to do so for a number of years;
- Problems regarding retention of staff.

Members were asked to submit any comments they had regarding the Plan through the consultation process.

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

#### 147 COMMUNICATIONS WORKING GROUP ANNUAL REVIEW

The Committee had before it and **NOTED** a briefing paper \* from the Head of Customer Services providing an update on recommendations from the Communications Working Group.

At a meeting of the Committee in April 2016 discussion had taken place regarding the fact that the Chief Executive had shown some concerns regarding communication and it had been resolved that this matter be left with him to move forward. It had also been agreed that an agenda item be added for 12 months' time in order that Members could assess progress from a Members perspective.

The Director of Corporate Affairs and Business Transformation outlined the contents of the report informing Members that the Chief Executive had recently given an instruction to all officers that the maximum amount of time a Member should expect to wait for a response to a query must be no more than 48 hours.

Discussion took place regarding estate visits and whether Members should take part in them during Purdah.

Note: - Report previously circulated and attached to Minutes.

#### 148 **CHAIRMAN'S DRAFT ANNUAL REPORT**

The Group had before it and **NOTED** a draft report \* by the Chairman on the work of the Committee since May 2016. This report would be submitted to Council on 26 April 2017.

Note: - Report previously circulated and attached to Minutes.

#### 149 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Member Development six monthly update  
Local Police Inspector  
Performance and Risk

(The meeting ended at 5.00 pm)

**CHAIRMAN**

This page is intentionally left blank