MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 19 June 2017 at 2.15 pm

Present Councillors F J Rosamond (Chairman)
Mrs H Bainbridge, Mrs A R Berry, Mrs G Doe, R J Dolley, R Evans, T G Hughes, Mrs B M Hull, J L Smith and T W Snow

Apologies Councillors Mrs C P Daw, Mrs J Roach and N A Way

Also Present Councillors C J Eginton and Mrs M E Squires

Also Present Officers Andrew Jarrett (Director of Finance, Assets and Resources), Andrew Pritchard (Director of Operations), Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Simon Newcombe (Public Health and Professional Services Manager), Catherine Yandle (Internal Audit Team Leader), Julia Ryder (Community Safety & Emergency Planning Officer) and Sarah Lees (Member Services Officer)

15 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Councillor Mrs C P Daw, who was substituted by Cllr R Evans, Councillor Mrs J Roach who was substituted by Councillor R J Dolley and Councillor N A way.

16 PUBLIC QUESTION TIME

Sarah Coffin, Chairman of Templeton Parish Council, referred to item 7 on the agenda, (update regarding Crossparks). She stated that as a Parish Council we share our Parishioners frustration and anger. We have continuously expressed our support of the truly self contained on farm Anaerobic Digesters (AD) but have argued with sound and informed objections against cluster AD's, all of which have been continually dismissed and ignored by your Planning Officers and the majority of the Planning Committee.

Now that farm manures (to include digestate) are the responsibility of Local Planning Authority and not Devon County (See Bedford Borough Council) and are only subject to voluntary 'Best Practice' regulations; what measures has this Council taken in Planning and Enforcement to fulfil its obligations under the Environment Act and Human Rights Act?

It is a fact that a 1MW power AD requires approximately 1600 acres of land to dispose safely of the digestate produced, so exactly how much of the digestate being imported to Crossparks from any of the 8 Greener for Life AD's (all 1 MW) can be disposed of in accordance to all waste/fertiliser 'Best practice' as well as in accordance with sustainable and environmental criteria?

Given that this Council has been made aware of other problems of odour occurring from the spreading of digestate and the fact that all EA permits refer to a standard requirement of 250 metre exclusion zone from nearby dwellings, or require a bespoke permit, residents cannot understand why you refuse to act.

WRAP guidance also states under 'Best Practice' that the liquid digestate should not be spread with a splash plate close to nearby dwellings with the preferred option being by slurry injector tanker, this prevents air pollution and pathogens/spores being spread in the atmosphere for up to 10 kilometres.

How can the Council fulfil its duties under the Environment Act 1990 and its obligations under the Human Rights Act if it does not ensure that the operator has done everything possible to mitigate any statutory nuisance that our residents have reported since January 2017?

We request that:

1. Full Environmental Impact Assessment to assess the cumulative import / export activities be undertaken (see Pulsards comments reference).
2. A full (not desktop) 'Outdoor Impact Assessment' be done by a professional consultancy firm to see if it is possible with material changes and reasonable enforceable conditions to make the site acceptable (i.e. pit covered).
3. Stop Crossparks pit being used as part of a Transfer Operation (see DEFRA Standard Rules Consultation No. 14 Landscaping and Digestate Storage) – instruct operator to seek retrospective Planning and a Transfer Operators Licence. The present activities constitute a 'Change of Use in operation to the detriment of local infrastructure and neighbours'.
4. All EA standard permits require 250 metre minimum distance from non-connected residences/public buildings for AD digestate storage otherwise a bespoke permit has to be sought with the Applicant able to prove he can fulfil sufficient mitigating conditions which are enforceable.
5. All digestate spreading within 250 metres of any residence should be notifiable to the Local Planning Authority and method (splash plate or digester) approved. (See Lea Moor Plymouth).

Mr Hill spoke in relation to the same item and stated that he lived at Palm Springs and was the resident being affected most as he was in closest proximity to the site in question. He was currently being seen by a consultant and since January had been suffering from an ulcerated mouth and a split tongue. He further stated that we were still awaiting the results from the tests, why? Recently 37 arctic loads had been unloaded into the pit at 30 tonnes a time. How could this not be a transfer operation? He only lived 8 metres from this pit and if no action was taken he would take the matter to the European Court.

Mr George Faulkner, again referring to the Crossparks item, stated that he had asked Mr Walford in January 'what was in the pit causing our distressing symptoms?' He

replied that I would just have to wait for the officers to investigate and report back. For the sake of the Mid Devon populace I asked him not to allow the spreading of the pit contents, foreseeing malevolent consequences. In the meantime my wife has been to A&E several times. So bad was the situation, so tardy the official response, so much ridicule we received, we had to investigate for ourselves.

Even now Mid Devon cannot tell us what was, is, or will be, in the pit. Oh, they put test tubes up to test the air around the pit but then it was empty and inactive. Immediately after the test tubes came down, the operator resumed refilling in a seemingly contemptuous manner.

We have had enough, our agents are seeking assurance from the officers that nothing untoward is emanating from the pit to allay any fears prospective purchasers may have. Oh, and by the way, the water tests, about which I am sceptical, have revealed that the ground water under the pit is severely contaminated. Unless you buy into Mr Winters, of Mid Devon Environmental Health's theory that Mr Hill, Palm Springs, has ducks that splodge and pollute through 47m subsoil.

Mrs Suzanne Faulkner, also referred to the Crossparks item. She stated that it had now been over 5 months that they had been suffering from the fumes at Crossparks. Our bees died when the fumes came over the farm in March. Since then I have not seen a single honey bee. In fact, where had all the insects gone? Last year, our conservation meadow was teaming and so noisy with a variety of life. Today, it was quiet!

Where were all the flies? Every year we spray our cows and goats with herbs to keep the flies at bay. This year we have not needed to spray them once. Where had all the birds gone? We rarely hear them sing. It used to be so noisy. Have they sore throats from the fumes or are they just fleeing with no food to eat and poisoned air to breathe. Plants live by the pit. They cannot escape, they are discoloured, deformed and dying.

The Chairman indicated that the questions would be addressed when the item was reached on the agenda.

17 MINUTES OF THE PREVIOUS MEETING (00:14:00)

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

In approving the minutes, the following comments were made in relation to the 'Local Chief Inspector' item discussed at the previous meeting:

- The significant reduction in Police personnel numbers causing issues locally in that some Police Stations were now not open to the public.
- Resources had been diverted away from some crimes towards others meaning that rural crime was not as much of a priority.
- The precept paid to the County Council was in the region of £5m and there was a view that Mid Devon residents were not getting value for money.
- Recent events in London and Manchester had proven that a potential crisis could occur at any moment and at any location and there were sincere concerns that Police officers would not be able to cope locally.

- The Devon and Cornwall region was a huge area to cover and whilst there were approximately 3000 Police offices employed, where were they? The view was expressed that the situation was at breaking point.

The Monitoring Officer informed the Committee that this item was only to approve the accuracy of the minutes and that any detailed discussion should take place under the 'Member Forum' item or the 'Community Safety Partnership' item, later on in the agenda.

18 **DECISIONS OF THE CABINET (00:25:50)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 15 June 2017 had been called in.

19 **MEMBER FORUM (00:26:00)**

There were no issues raised under this item.

20 **CHAIRMAN'S ANNOUNCEMENTS (00:27:00)**

The Chairman had the following announcements to make:

i. Given the recent events in London and Manchester, he sought reassurance from officers that the Council had a plan in place to deal with a major emergency and the possibility of rehearsing this plan. Reassurance was provided by the Director of Operations in that the Council did have a plan which was currently being revised. Once the revision was complete the plan would be tested. Members would then be briefed and given the opportunity to rehearse the media component. It was further confirmed that all Town and Parish councils would be consulted to ensure that there was a consistent message across the district.
ii. He reminded the Committee that a Scrutiny training day had been scheduled for 18 July between 10am and 4pm.
iii. The Consultation Working Group would be holding consultation events with members of the public on 1 July in Crediton and on 15 July in Cullompton.

21 **UPDATE REGARDING CROSSPARKS (00:33:20)**

The Committee had before it, and **NOTED**, a report * from the Public Health and Professional Services Manager providing an update on Crossparks, Templeton.

The Director of Operations stated that a specialist laboratory had been commissioned Environmental Health to undertake air quality monitoring including sampling and the results of those tests were expected towards the end of the week. These results would be shared with Public Health England and once an agreement had been received from residents whose property had been tested then the results would be shared more widely with other local residents in the vicinity of the pit. He confirmed that a broad range of potential environmental contaminants were being investigated.

Discussion took place regarding:

- The issue of water under the pit and whether or not this was contaminated. The Public Health and Professional Services Manager stated that a level of natural microbial contaminants had been found but chemical contaminant results had come back clear. Nothing had been discovered that Environmental Health would not expect to in any untreated private water supply and that the service has a large quantity of benchmark data from hundreds of supplies across Mid Devon to compare these results with.
- The timing of the air quality monitoring – local residents had expressed the view that testing had occurred after the pit had been emptied, however, it was confirmed that, pits went through a cycle and that monitoring had commenced when the pit was nearly full. Subsequently an amount had been removed following in-situ mixing. The pit had been refilled again after testing was completed. A range of what was possible had been captured. Monitoring and sampling had also been undertaken continuously over a period of two weeks and the farmer had received no prior warning that the testing was to take place. Complaints from residents had continued to be received throughout the monitoring period
- Whether NFU or DEFRA Codes of Good Agricultural Practice had been reviewed. The Public Health and Professional Service Manager confirmed that that was the case.
- Some individuals were more sensitive to organophosphates than others.
- The possibility of a telephone number that residents could call in an emergency. It was confirmed that the Council had undertaken inspections both in and out of normal business hours and it had responded, notwithstanding resources limits, as quickly as it could when called.

RESOLVED that a letter be sent to the Government's Environment, Food and Rural Affairs Select Committee (EFRA) asking them:

a) Whether or not they were aware of any perceived health issues for residents living near such pits?

b) Were there any implications to the health of local residents when digestate was being moved?

c) Was the Government content for digestate to enter the food chain?

(Proposed by Cllr R Evans and seconded by Cllr Mrs A R Berry)

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

22 LEADERS ANNUAL UPDATE (01:03:15)

The Committee had before it, and **NOTED**, a report * presenting an annual review against the Corporate Plan for 2016/17. The Leader outlined the contents of the report with discussion taking place under each of the following headings:

Environment PDG

Figures in relation to waste and recycling were in the top quartile nationally and the recycling team were to be congratulated.

Homes PDG

- The report stated that 33 empty homes had been brought back into use, it was confirmed that this figure had risen to 44 in 2017/18 which was very encouraging. The help of the public in identifying empty properties had played a significant part in addition to the proactive approach by the Private Sector Housing team.
- The Council was required to house people according to their assessment of need within the Devon Home Choice bandings.

Economy PDG

- Regarding the regeneration of Tiverton town centre the Leader stated that initially the Cabinet had not been content with the proposed design. Since then there had been further discussions with the design consultants with a view to agreeing a proposal that could then go out for public consultation. The timeframe for this would be a couple of months.
- A suggestion was made that Tiverton be compared with other towns with similar demographics to assess whether charging for car parking had an effect upon footfall within towns. It was stated however that this would be difficult since no two towns were the same.
- Disappointment at the underuse of the Tiverton coach park. Acquiring these spaces had taken a lot of effort and their regular use would have been a boost to the local economy. The Leader explained that there was a view that perhaps this was not quite the right location in terms of access. Alternative locations could be considered as part of the Tiverton Town Masterplan.
- Better promotion and use of the tourist attractions within the district such as the River Exe which flowed through Tiverton for activities such as canoeing. The Canal Barge Company would be approached to ascertain what they knew about what had worked and not worked previously.
- The funding implications of short and long term aspirations.

Community PDG

- Projects illustrating how resourceful local communities could be in undertaking, resourcing and completing projects themselves, for example, the children's play area in Hemyock.
- The improvement in communications between the District Council and the Towns and Parishes now that a Town and Parish Liaison officer had been appointed.
- Thanks and congratulations were to be passed on to the Elections team following the successful management of two recent elections and the introduction of IT at the count showing what was being counted or verified on each table.

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

23 REVENUE AND CAPITAL OUTTURN 2016/17 (01:25:26)

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

The officer outlined the contents of the report bringing the Committee's attention to the following:

- The General Fund had performed very well resulting in an overall underspend of £30k for the year. The Council had also managed to increase some of its Ear Marked Reserves.
- The Housing Revenue Account had also performed very well resulting in an increased contribution to the Housing Maintenance Fund.
- Council Tax, Housing Benefit and Housing Rent collections had continued to perform well meaning that the Council was in the upper quartile nationally.
- The External Auditors, Grant Thornton had just concluded their audit on the accounts for 2016/17 and so far there had been only good news. A special meeting of the Audit Committee would take place on 17 July to sign off the Accounts meaning that the Council would be one of the first authorities in the country to do so.

Discussion took place regarding:

- Figures in relation to the Tiverton Pannier Market were still showing a profit. Vacant posts were being advertised both locally and nationally in order to attract the best candidates.
- Areas of concern for the future included a change in the way New Homes Bonus would be calculated and the 100% localisation of Business rates.
- The difficulty in reading Appendix 5 on an iPad. The Director of Finance, Assets and Resources stated that he would consult with Member Services on the best way to get around this problem.
- A new contractor had commenced work on the Palmerston Park site and it was anticipated work would finish in the middle of 2018.

The Committee wished to pass on their thanks to the Finance team for producing such a comprehensive and understandable report.

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

24 COMMUNITY SAFETY PARTNERSHIP ANNUAL REPORT (01:40:25)

The Committee had before it, and **NOTED**, a report * from the Public Health and Professional Services Manager providing it with an oversight of the Community Safety Partnership including an overview of the working relationships of partner agencies and delivery of activities against the community safety priorities.

The contents of the report were outlined with the officer explaining that the report provided an oversight of the work of the Community Safety Partnership. Particular attention was drawn to section 8 of the report which provided detail in relation to the emerging issues and changes in relation to policing numbers and priorities. They had needed to change their focus from 'traditional crimes' within the community, such as

car crime, criminal damage and theft, including shoplifting to focus on crimes which caused the most harm or where there were vulnerabilities and a greater overall impact on society, such as domestic abuse, child sexual exploitation, modern day slavery and safeguarding.

It was further explained that the changes in priorities had been based upon an analysis of the data coming in for reported crime and the changes had been very much evidenced based.

Discussion took place with regard to:

- Theft of property from local farms within the district and a perceived lack of a focus of this.
- The difficulties involved in recording crime correctly on a national basis especially crimes conducted in the social media area.
- The role of the CSP in terms of partnership working across a number of agencies.
- The success of the CSP despite very little resource.
- Elected Members of the Council were well placed to voice the concerns of local people as they were to some extent the custodians of their safety. The view was expressed that it was their duty to raise these concerns with the Chief Constable and the Police and Crime Commissioner.
- There had been and continued to be cases of modern day slavery within the locality as well as drug crime and people trafficking.
- Questions were asked in relation to the role of parents with social media and the deployment of Police officers to tackle such crime when they could be refocussing their attention on assaults and burglaries for example.

It was **AGREED** that regular updates on the work of the Local Advisory Groups (LAG's) would be circulated to Members via the Weekly Information Sheet (WIS) as well as a reminder about who the District Councillor representatives were for each of the three areas and the dates of future meetings.

It was further **AGREED** that the Chief Inspector, Sarah Johns, be invited to attend a future meeting to discuss the concerns raised during the meeting.

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

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

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

- The impact of Anaerobic Digester plants within Mid Devon on the health of local residents
- A discussion with the Chief Inspector regarding the concerns of the Committee.

(The meeting ended at 4.30 pm) **CHAIRMAN**