

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 27 June 2019 at 2.15 pm

Present Councillors

G Barnell, S J Clist, R M Deed,
D J Knowles, A White and Mrs N Woollatt

Apologies Councillor(s)

L D Taylor

Also Present Councillor(s)

R J Dolley and F W Letch

Also Present Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Pritchard (Director of Operations), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Nick Sanderson (Acting Manager Director of 3 Rivers Development Ltd), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

12. **APOLOGIES**

Apologies were received from Cllr L D Taylor.

13. **PUBLIC QUESTION TIME**

Mr Quinn referring to Item 14 (3 Rivers Developments - Annual Accounts and Programme Update) on the agenda stated that when the idea of forming a building company was originally considered by Cabinet in October 2016, one of the potential uses put forward was using it to build affordable homes, as the commercial sector was not delivering.

By the time the report to form 3 Rivers was put to Cabinet in March 2017, this aim has been totally abandoned. The report was very clear when it stated "The council will not be purchasing or building properties to rent as affordable homes. The development company's role is to create income for the council, not to deliver affordable housing."

The current aim of 3 Rivers is to 'build premium houses for maximum profit', but I am asking you to revisit this.

I am not against the concept of 3 Rivers, as such, but after repayment of loans and reinvestment in future builds, I am not sure that there will be enough profit left for it to have any impact on Council Tax bills.

With the price of houses being what they are, people raised locally cannot afford to continue to live locally.

Our district does not need more large, detached, premium properties that produce the most profit for sale. We need low cost houses - homes built for young local people.

Why not use 3 Rivers to build small, low cost, homes and sell these to local people at minimal profit levels.

Doing this would provide homes in line with the low wages of our local workers and help to sustain local communities.

The Council would get more long term income from these homes - two band A properties will pay more Council Tax than one band D - and they would also generate more in New Homes Bonus income.

This new Cabinet could set a new direction for 3 Rivers and change a short term profit into long term benefits.

Can I ask the Cabinet to consider changing the aims of the 3 Rivers programme, from 'build for maximum profit' to "build for maximum community benefit".

The Deputy Chief Executive (S151) responded stating that 3 Rivers had always had a clear building aspiration which was agreed by Council. The company would develop a mixed portfolio, the most affordable housing that we can deliver, mixed affordable housing and market housing, the first development has been built out, that of 6 affordable houses in Burlescombe. 3 Rivers would continue with a mixed portfolio and is keen to deliver affordable homes for residents.

14. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate.

15. MINUTES OF THE PREVIOUS MEETING (00-06-35)

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

16. NATIONAL ASSISTANCE BURIAL PROCEDURE (00-07-13)

The Cabinet had before it a *a report of the Group Manager Corporate Property and Commercial Assets, the Environment Policy Development Group had recommended that the revised National Assistance Burial Policy be adopted.

The Group Manager for Public Health and Regulatory Services outlined the contents of the report stating that National Assistance Burials were sometimes referred to as "Paupers" Funerals. The Council may be informed by the Exeter Coroner's Office, a Nursing Home, a Housing Association, a relative or a friend when a resident of the district had died and there was no one able to make arrangements for the deceased's funeral, the burial fees were met by the Council.

Consideration was given to:

- The use of a funeral director outside of Mid Devon and how the contract had been procured
- Genealogy searches and how the cost of this was recovered.

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

(Proposed by the Chairman)

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

17. **REVENUE AND CAPITAL OUTTURN (00-12-00)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) presenting the revenue and capital outturn figure for the financial year 2018/19.

The Cabinet Member for Finance outlined the contents of the report stating that the report highlighted the overall outturn for the General Fund, the Housing Revenue Account (HRA) and the Capital Programme and he informed the meeting of the following highlights:

- He felt that it was a thorough report and gave a clear explanation of any budget variances.
- The authority had maintained good levels of service delivery with a reduced funding envelope.
- The General Fund had a net underspend of £19k and the HRA, an underspend of £613k.
- Detailed monitoring reports had been provided to senior managers and members throughout the financial year.
- He outlined the occupancy of and return received from property in Market Walk
- The new earmarked reserve for waste service requirements
- The excellent collection service for Council Tax and non domestic rates

Consideration was given to:

- Specific variances within the General Fund
- Income from Market Walk and the fact that the purchase of the area had been part of the Tiverton Town Centre Regeneration Project
- The joint working venture with Exeter City Council with regard to the purchase of vehicles
- The collection rates for Council Tax and whether any shortfall was spread across the recipient authorities
- The Capital Programme and views on options for the future

RESOLVED that:

- a) The General Fund outturn achieved in 2018/19 which shows an overall underspend of £19k be noted. This surplus to be transferred to the General Fund reserve to bring the balance above our minimum recommended level.
- b) The net transfers to earmarked reserves of £2.406m detailed in the general Fund service budget variance reports shown in Appendix 1 and summarised in Appendix 3 be approved.
- c) The transfer of £1.250m to a new earmarked reserve Waste Service Infrastructure from the Vehicle sinking fund reserve be approved.
- d) The positive position achieved on the Housing Revenue Account which shows a saving of £613k be noted and the earmarking of an extra £613k shown in paragraph 4.2 as well as the utilisation of reserves totalling £483k identified in Appendices 2 and 3 be approved.
- e) The carry forward of £12.077m from the 2018/19 capital programme (see paragraph 6.3 of the report) be approved as all of the scheme will be delivered in 2019/20 or later years. Also the transfer of earmarked reserves of the unspent £459k identified in Appendix 4 be approved.

(Proposed by the Chairman)

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

18. ANNUAL TREASURY MANAGEMENT REPORT (00-35-25)

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing Members with a review of activities and the actual prudential treasury indicators for 2018/19.

The Cabinet Member for Finance outlined the contents of the report stating that the report highlighted the overall treasury position, the performance of investments and the material changes in policy. The net debt had reduced and there had been no new external borrowing. The financial year 2018/19 overall was a good year for Treasury. The internally managed investments achieved income above budget of £147k, while the CCLA dividends of £214k were above budget by £9k.

RESOLVED that:

- a) The treasury activities for the year be noted;
- b) The actual 2018/19 prudential and treasury indicators in the report be approved.

(Proposed by the Chairman)

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

19. DATA PROTECTION POLICY (00-39-13)

The Cabinet had before it a report * of the Group Manager for Performance, Governance and Data Security requesting Members to review the existing policy after the first year since the Data Protection Act 2018 and the GDPR became law.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the review had been programmed following the new legislation in 2018 and that no further changes had been identified as being necessary after the first year of operation.

Consideration was given to the impact of Brexit.

RESOLVED that the Data Protection Policy be approved and the next review date set for 3 years hence unless legislation were to change earlier.

(Proposed by the Chairman)

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

20. **FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY (00-43-48)**

The Cabinet had before it a report * of the Group Manager for Performance, Governance and Data Security requesting Members to review the existing policy after the first year since the Data Protection Act 2018 and the GDPR became law.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the reviewed sections including the complaints procedure which required amendment to read “.....Complaints are to be passed to the IMO who will then arrange a review. The review will be conducted by the Data Protection Officer (DPO), or their nominated representative with relevant FOI/EIR and Data Protection knowledge in conjunction with the service and in contentious cases a member of Legal Services”.

RESOLVED that the Freedom of Information and Environmental Information Regulations Policy be approved as amended and the next review date set for 3 years time unless legislation were to change earlier.

(Proposed by the Chairman)

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

21. **PERFORMANCE AND RISK (00-46-41)**

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 for 2018/19 as well as providing an update on the key business risks.

Consideration was given to:

- The significant delay in delivering superfast broadband across Devon and Somerset
- Whether figures could be supplied alongside the percentages

- Whether the target for building of council houses was ambitious enough and the implications of the Right to Buy Scheme
- The Climate Change Declaration and the work that would need to be progressed to provide a baseline to work from
- The target for trim trails in Mid Devon
- GDPR compliance
- The risk register with regard to cyber security

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

22. **START TIME OF MEETINGS (1-11-02)**

The Cabinet **AGREED** that the meetings for the remainder of the 2019/20 municipal year would take place at 6.00pm.

23. **NOTIFICATION OF KEY DECISIONS (1-13-32)**

The Cabinet had before it, and **NOTED**, its rolling plan * for July 2019 containing future key decisions.

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

24. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-19-00)**

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

It was therefore:

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

(Proposed by the Chairman)

25. **3 RIVERS DEVELOPMENTS LIMITED - ANNUAL ACCOUNTS AND PROGRAMME UPDATE**

The Cabinet had before it a report * of the Deputy Chief Executive (S151) and the 3 Rivers Developments Limited Acting Managing Director presenting it with 3 Rivers Developments Limited Company Accounts and providing an update on current project performance and any key risks.

The officer outlined the contents of the report and a full discussion took place.

RESOLVED that:

- a) The 3 Rivers Developments Limited Annual Report and Financial Statements for the period from 1 April 2018 to 31 March 2019 be noted.
- b) The update report on current performance and key risks be noted and that an update be provided in 3 months time.

(Proposed by the Chairman)

Note: *Report previously circulated.

26. **DISPOSAL OF LAND AT PARK NURSERY, PARK ROAD- TIVERTON**

The Cabinet had before it a report * of the Chief Executive outlining options for the disposal of an asset.

The Cabinet Member for Housing and Property Services outlined the contents of the report and a full discussion took place.

Returning to open session, the Cabinet:

RESOLVED that the item to be deferred to allow for 3 valuations to be obtained and that a site visit take place prior to any decision being made.

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

Note *Report previously circulated.

(The meeting ended at 4.40 pm)

CHAIRMAN