

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 16 January 2020 at 6.00 pm

Present

Councillors R M Deed (Leader)
L D Taylor, S J Clist, D J Knowles, A White
and Mrs N Woollatt

Apologies

Councillor(s) G Barnell

Also Present

Councillor(s) Mrs C P Daw, R J Dolley, C J Eginton, R Evans,
Mrs S Griggs, Mrs I Hill, F W Letch and R L Stanley

Also Present

Officer(s): Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Dean Emery (Group Manager for Revenues and Benefits), Joanne Nacey (Group Manager for Financial Services), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Christie McCombe (Area Planning Officer) and Sally Gabriel (Member Services Manager)

111. **APOLOGIES**

Apologies were received from Cllr G Barnell.

112. **PUBLIC QUESTION TIME**

Jo Webber referring to item 12 on the agenda urged the Cabinet not to remove the half hour free car parking facility and to scrap the proposed increases in car parking charges.

Ros Nicholls also referring to item 12 on the agenda asked:

- Why were the funds received from the Premier Inn not earmarked to pay for the maintenance costs?
- Council staff do not pay for parking, how many staff and councillors are eligible for free parking in the Multi Storey and how many used the facilities? You promote the use of permits, could you not change the staff contracts and encourage use of permits at a reduced rate?
- For an explanation as to why there was 30 minutes free car parking in the evenings but not during the day?

Mrs Miller again referring to item 12 on the agenda asked the Cabinet to reconsider the increases in car parking charges and the impact this would have on the High Street.

Cllr Ana Hendy, speaking on behalf of Tiverton Town Council and referring to item 12 on the agenda asked the Cabinet to consider the effect of the charges on the Town Centre Regeneration Plan and urged them to reconsider the increase in car parking charges.

Cllr Andy Perris referring to item 7 asked what the coherent plan was for the Tiverton Town Centre.

The Chairman indicated that answers would be provided when the items were debated.

113. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

Cllr D J Knowles declared a personal interest with regard to Item 12 on the agenda (Off Street Parking Places Order) as he knew a number of the objectors.

Cllr C J Eginton declared a personal interest in Item 12 on the agenda (Off Street Parking Places Order) as he had a business in the Tiverton.

114. **MINUTES OF THE PREVIOUS MEETING (00-13-29)**

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

115. **MEETING MANAGEMENT (00-14-15)**

The Chairman indicated that he intended to take Item 12 (Off Street Parking Places Order) as the next item of business.

116. **OFF STREET PARKING PLACES ORDER**

The Cabinet had before it a further *report of the Deputy Chief Executive (S151) following the decision at the previous meeting to defer the item so that the Cabinet could consider objections and representations made in regard to the proposed changes to the Off-Street Parking Places Order ("OSPPO").

Also Members were requested to consider the following recommendation from Council following receipt of a petition: **RECOMMENDED** to the Cabinet that the decision to increase parking charges in Tiverton specifically the Multi-Storey Car Park and the loss of 30 minutes free parking in Westexe South and William Street be reconsidered.

The Leader indicated that consideration would be given to the petition, the Cabinet were not 'anti' people in the town or those who used the car park. The initial decision had been made in August 2019 on recommendation from the Economy Policy Development Group who had considered the views of the Car Parking Working Group. The Scrutiny Committee had called in the decision and requested that the

decision be reconsidered which it had been. He therefore proposed to discuss the issue again, following further concerns raised by local businesses.

The Cabinet Member for Finance stated that there was a need to consider the objections and representations made during the public consultation and to consider the wording of the petition presented to Council. Some of the parking prices had been reduced and he highlighted the most used tariff for one hour's parking and emphasised the value of purchasing a permit. He understood the concerns raised and therefore made further proposals to reduce costs further: a charge of 50p for 30 minutes in Westexe South Car Park, Tiverton and William Street Car Park, Tiverton which he felt was good value for money. The preservation of free parking for 30 minutes between the hours of 8.30-9.30am and 3-4pm, Monday to Friday at William Street Car Park to allow for school arrivals and pick up times. And the changes to the tariff in the Multi-Storey Car Park to allow for 5 hours parking for £3 and 10 Hours parking for £5.

Consideration was given to:

- The compromises that had been made
- The need to increase footfall in the town
- The lack of free parking in CREDITON and CULLOMPTON
- The process for consultation which was a legal requirement
- Whether a working group should be reconvened to reconsider the whole issue of car parking in the towns
- Whether the Economy PDG be requested to review parking charges in a year's time
- The need to finance the maintenance of the car parks
- The parking available in the area of Westexe
- Permits available to purchase and the direct debit facility available
- The need for savings to be made by the Cabinet across other services to allow for the reduction in charges

The Chief Executive answered questions posed in public question time: with regard to the capital receipt from the Premier Inn, he confirmed that these funds were set aside in a reserve but were not set aside for maintenance work. With regard to Councillors and staff using the car park: 42 councillors used the car park as did about 80-100 staff, many of the staff lived locally and were able to walk to work. The Group Manager for Financial Services explained that capital receipts had to be spend on capital items and therefore could not be used to maintain the car parks.

Having considered

- all duly made representations and objections to the proposed Order;
- the petition presented to Council on 8th January 2020; and
- the recommendation of the Council arising from its consideration of the said petition

RESOLVED that the Order (including the charges and tariffs) be made in accordance with the public notice previously given, with the following modifications:

- (1) the re-introduction of 30 minutes' parking in Westex South Car Park, Tiverton charged at £0.50 Monday to Saturday;
- (2) the re-introduction of 30 minutes' parking in William Street Car Park, Tiverton charged at £0.50 Monday to Saturday, save for the preservation of FREE parking for 30 minutes between the hours of 8.30-9.30am and 3-4pm Monday to Friday; and
- (3) the proposed charges for parking in the Multi-Storey Car Park, Tiverton be reduced as follows:
 - (a) for 5 hours' parking, the proposed charge is reduced from £4 to £3; and
 - (b) for 10 hours' parking, the proposed charge is reduced from £6 to £5.

(Proposed by Cllr A White and seconded by Cllr Mrs N Woollatt)

Notes:

- i) Cllr D J Knowles declared a personal interest as a number of objectors were known to him;
- ii) Cllr C J Eginton declared a personal interest as he had a business in Tiverton;
- iii) Cllr Miss E Wainwright left the meeting at this point;
- iv) *Report previously circulated, copy attached to minutes.

117. **CORPORATE HEALTH & SAFETY POLICY (1-02-55)**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the Cabinet note that the Health and Safety Policy had been approved by the JNCC on 4th September 2018, following subsequent review by the Health and Safety Committee and representatives from the union, there were no changes to be made to the current policy.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that it was a legal requirement to review the policy on an annual basis and that no amendments had been required to the existing policy.

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

(Proposed by Cllr N Woollatt and seconded by Cllr D J Knowles)

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

118. **COUNCIL TAX REDUCTION SCHEME (1-04-11)**

Arising from a report of the Group Manager for Revenues and Benefits, the Community Policy Development Group had recommended that:

- a) The Council Tax Reduction (banded) scheme be adopted; and
- b) The updated Exceptional Hardship Policy (revised) be adopted.

The Cabinet Member for Finance outlined the contents of the report stating that the Council Tax Reduction Scheme also known as Council Tax Support was introduced in April 2013 and had replaced the national Council Tax Benefit Scheme, with a 10% funding reduction he highlighted the different schemes for working age customers and those that received a pension. He made reference to funding streams, the roll out of universal credit and the hardship scheme available.

Consideration was given to:

- The Hardship Policy and how it was made available
- Enforcement responsibilities

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

(Proposed by Cllr A White and seconded by Cllr L D Taylor)

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

119. **SCRUTINY COMMITTEE - CALL-IN - TIVERTON TOWN CENTRE REGENERATION TENDER OUTCOME (1-09-24)**

Following the meeting on 19th December 2019, the following *decision had been called in by members of the Scrutiny Committee:

1. The specific scheme that came forward in advance of the forthcoming Tiverton Town Centre Masterplan be postponed, and allows the second stage of the process to be properly completed before seeking to prioritise strategic investment opportunities.
2. The Cabinet Members for Planning & Economic Regeneration and Housing and Property Services:
 - a) Consider how a Tiverton Town Centre Regeneration Fund might be established to facilitate match-funding opportunities and encourage external investment into the town, with proposals to be brought back to the Cabinet.
 - b) Work with Tiverton Town Council, market traders, the Town Centre Partnership and other businesses in the town to identify a programme of

works that will make a significant improvement to the Town Centre in the short term.

Following consideration of the item at its meeting on 6 January 2020 the Scrutiny Committee had recommended that the decision to defer the Tiverton Town Centre Regeneration Project – Tender Outcome be reconsidered.

The Leader addressed the meeting raising the issue of the lack of consultation with Tiverton Town Council over the proposed scheme and the view that a better scheme could come forward and that it was not value for money to finance a scheme that was not supported by the town council. He highlighted the various schemes that had come forward over recent years and the cost of those projects

Discussion took place regarding:

- The reasons for the call in and that Article 15 (Principles of Decision making) had not been breached
- The views of the lead member for the call-in with regard to a difference of opinion and that there were no clear plans if the project was postponed nor the amount of funding that would be required if a further project was agreed
- The cost of the project to date
- The meetings that had taken place with Tiverton Town Council over the last few months and whether the ideas being put forward were realistic and could be funded and that a bigger scheme would require the loss of the bank which would impact on the residents of the town
- The concerns of local traders

RESOLVED that having reconsidered the decision to postpone the specific scheme, the original decision be confirmed. The Cabinet wishes to expedite a substitute scheme to be implemented as quickly as possible with a view to improving the Tiverton Town Centre Regeneration Project.

(Proposed by the Chairman)

Notes:

- i) Cllr R L Stanley declared a personal interest as he had been involved in the initial scheme;
- ii) Cllr C J Eginton declared a personal interest as he had a business in the town;
- iii) * Decision previously circulated copy attached to minutes.

120. TAX BASE CALCULATION (1-42-06)

The Cabinet had before it a * report of the Group Manager for Revenues and Benefits setting out the details of the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that each year each billing authority was required to calculate and approve its Band D equivalent Council Tax base. It was also necessary to estimate a collection rate for 2020/21

RECOMMENDED to Council:

- a) That the calculation of the Council's Tax Base for 2020/21 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **29,040.56** an increase of circa 233 Band D equivalent properties from the previous financial year.
- b) That the current Council Tax Rebate scheme is replaced by a banded system paragraph **4**.
- c) That a new empty property premium be amended to include further classes of premium detailed in paragraph **3.7**.

(Proposed by the Chairman)

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

121. **CREDITON GP/NHS HUB (1-44-57)**

The Group Manager for Financial Services informed the meeting that a report was put before Cabinet on 25 July 2019 with a recommendation to make an advance of £2.1m for 28 years at a fixed rate of 3.75% to facilitate the construction of a GP surgery/NHS Hub at Crediton with a further £4.1m of funding (80% of costs) being provided interest-free from the NHS.

Since then the forecast costs had been updated and contracts were in the process of being drawn up. The forecast costs had increased by £75k and as such a recommendation would be put to the Cabinet in February to increase the approval by £75k and add this to the capital programme.

She was also aware that the term of the loan was now 27 years. As part of the crystallisation of costs she was mindful that the Public Works Loan Board (PWLB) rates had increased across the board by 1%. The Deputy Chief Executive (S151) had since spoken with the contract lead and had agreed an increased rate of 4% fixed.

She informed the meeting how treasury decisions were made and that the authority would not necessarily borrow from the PWLB to fund any advance and therefore were not bound to reflect the full 1% rate increase in the offer.

She reminded the meeting of the following:

- The authority had a first charge on the property with Estates and Technology Transformation Fund (ETTF) NHS, having a second charge.
- State Aid issues had been explored and were not triggered.
- External advice had been taken (Michelmores)
- ETTF would fund 85% of the build and associated costs
- Current estimates suggested that authority would "make" c£750k in surplus interest over the 27 year period.

- Initial annual surplus of £42k in interest reducing to £2k in the final year (if borrowing to fund was required).
- Approval had been requested to borrow to fund this project but internal resources would be used initially to maximise the interest surplus.

Consideration was given to:

- the Public Works Loan Board rates
- State Aid and advice received.

The contents of the update was **NOTED**.

122. **CORPORATE PLAN (1-57-02)**

The Cabinet had before it a * report of the Chief Executive considering the new Corporate Plan for the council in light of comments and feedback from all four policy development groups that reviewed the working draft in December 2019.

The Chief Executive outlined the contents of the report and referred to the feedback that had been received from the Policy Development Groups (available at appendix B of the report) and that the broad consensus of the draft was one of support.

Consideration was given to:

- An amendment to the date of the previous plan to read 2016-2020
- How much influence the authority had on farming practices and whether other agencies should take those issues forward
- The need to include reference to the abolition of the 'Right to Buy'
- The removal of the wording 'hydro-energy and windpower' and leave the wording as 'green sources of energy'
- To include the wording 'private and third sector and communities' into the last bullet point on the Economy section
- To remove the word 'Enable and replace with 'Encourage'.... Communities to deliver their own projects to reduce carbon emissions
- Remove the wording 'by holding more meetings in the evening' from the bullet point ...Promote community involvement in Council activity
- The need to identify Bradninch and Bampton as towns within the map

RECOMMENDED to Council that the new Mid Devon Corporate Plan (as amended) be adopted and that delegated authority be given to the Chief Executive to make minor changes to layout or images as necessary prior to publishing.

(Proposed by the Chairman)

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

123. FINANCIAL MONITORING (2-19-49)

The Group Manager for Financial Services provided the meeting with a verbal update on financial monitoring to date stating that the October variance on budget had been £95k, this had changed in November to £243k deficit, the main factors being:

- **Environmental Services** - Net S106 expenditure slightly less than previously forecast (£9k) this is offset by EMR
- **Waste** – (£15k) Garden waste, permit sales down against budget. Numbers may pick up before year end.
- **Cemeteries** – Income below previously forecast (£10k)
- **Planning** – S106 expenditure has increased by £82k, but this is offset by EMR transfer. Planning income is a further £20k less than forecast at the Oct monitoring.
- **IT** – A salary pressure has been reduced by £11k.
- **Revenues and Benefits** – Housing Benefit Overpayments Recovery forecasts have dropped another £60k – revised forecast following identification of some duplication.
- **NDR** – Retained Business Rates are forecast to be £48k lower than forecast in Oct following appeals.

The Housing Revenue Account remained unchanged from the October forecast.

124. DRAFT BUDGET (2-24-55)

The Cabinet had before it a * report of the Deputy Chief Executive (151) reviewing the revised draft budget changes identified and discussing any further changes required in order for the Council to move towards a balanced budget for 2020/21. Also, to highlight the impact of the proposed changes on the Medium Term Financial Plan (MTFP).

The Cabinet Member for Finance outlined the contents of the report stating that there was a need to consider the budget gap referred to in table 1 of the report and that there was a need to look to use reserves to bridge the gap unless further savings could be realised.

Consideration was given to:

- The proposed savings that had been put forward which included the removal of the weed team and collection calendars
- The special meeting of the Environment Policy Development Group planned for 30 January to consider budget issues
- How effective the weed team had been
- A hard copy of collection calendars would be available on request
- Tiverton Town Council's involvement in the maintenance and planting of flower beds
- The impairment of 25% of 3 Rivers working capital loan

It was therefore **RESOLVED** that:

- a) The updated budget proposals for 2020/21 included in Appendix 1 and 2 and the Capital Programme included in Appendix 4 be agreed.
- b) The payment in advance of the next 3 Years' Pension Deficit (see Section 4) be agreed.
- c) The revised Medium Term Financial Plan (MTFP) be noted.
- d) A minimum General Reserves (General Fund) limit of £2m see Section 5 and Appendix 6 be agreed

(Proposed by Cllr A White and seconded by Cllr L D Taylor)

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

125. **AREA B EASTERN URBAN EXTENSION - MASTERPLAN STAGE II PUBLIC CONSULTATION (2-42-08)**

The Cabinet had before it a *report of Head of Planning, Economy and Regeneration requesting approval of the Draft Tiverton Eastern Urban Extension SPD Area B Masterplan for Stage 2 Public consultation.

The Group Manager for Growth, Economy and Delivery outlined the contents of the report stating that the report had been presented to the Planning Policy Advisory Group who had recommended a number of amendments relating to bus provision, car parking, allotment provision and maintenance of open space.

An update sheet had been provided as a supplement to take the above into account.

Discussion took place with regard to the need to engage with local councillors.

RESOLVED that:

- a) The Draft Tiverton Eastern Urban Extension SPD Area B Masterplan for Stage 2 public consultation be approved (as amended);
- b) The associated Strategic Environmental Screening Report and the Habitats Regulations Assessment Screening Report for consultation be approved; and
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to finalise the material and arrangements for consultation.

(Proposed by the Chairman)

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

126. **CULLOMPTON TOWN CENTRE MASTERPLAN STAGE 1 PUBLIC CONSULTATION (2-45-06)**

The Cabinet had before it a *report of Head of Planning, Economy and Regeneration considering the key themes detailed in this and seeking approval to progress to a Stage 1 Public consultation on the Cullompton Town Centre Masterplan and Delivery Plan.

The Group Manager for Growth, Economy and Delivery outlined the contents of the report stating that a baseline report (outlining the key messages gathered from a visioning workshop during Sept 2019) was presented to Members of the Planning Policy Advisory Group (PPAG) as well as consultation boards for discussion which had focussed on the following themes.

Principle 1: Cullompton's distinctive historic buildings and landscape will be restored and enhanced

Principle 2: Cullompton's centre will rediscover its historic role as a place of work and making

Principle 3: Cullompton will draw people into the town centre with an enticing experience for visitors

Principle 4: Cullompton's spaces will be reclaimed and redesigned to support a vibrant community life

Principle 5: Cullompton will be a sustainable town for its growing community: with education, community and recreational facilities

Principle 6: It will be easy of move around on foot, on bicycle, by bus and by train.

Changes to the consultation boards requested at PPAG included more emphasis on:

- a) Road / traffic
- b) Living in the town centre
- c) The use of key heritage assets e.g St Andrew's Church, The Walronds, The Manor Hotel and Town Hall.
- d) Delivery of public / private partnerships
- e) The third (community) economy.

Consideration was given to the consultation process and the possible use of 'Survey Monkey' and/or different forms of social media.

It was therefore:

RESOLVED that:

- a) The themes set out in this report to form the basis for a Stage 1 Public Consultation be agreed; and

- b) The associated Strategic Environmental Assessment Screening Report and the Habitats Regulations Assessment Screening Report for consultation be approved.
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to finalise the material and arrangements for consultation.

(Proposed by the Chairman)

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

127. REPLACEMENT PVCU DOUBLE GLAZED UNIT / ENTRANCE DOORS 2020 - 2025, AWARD (2-49-11)

The Cabinet had before it a report of the Director of Operations advising Members on the results for the tendering of the Replacement PVCU Windows and Doors Programme 2020–2025 and confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating the term of the contract was 3 years with a possible 1 year extension subject to budgets, performance and the approval of the Cabinet Member. He explained the budget for the works and the number of homes which would receive replacements.

RESOLVED that the new five-year (3+1+1) PVCU Windows and Doors Replacement Contract be awarded to Contractor 1 with a forecast annual cost £400,000.00. The contract has been awarded to the contractor with the highest combined price/quality score with 40% of the total score based on price and 60% on quality.

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

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

128. NOTIFICATION OF KEY DECISIONS (2-52-06)

The Cabinet had before it and **NOTED** its rolling plan * for February 2020 containing future key decisions.

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

129. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (2-52-52)

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)

130. **DISPOSAL OF LAND AT PARK NURSERY, PARK ROAD, TIVERTON**

The Cabinet had before it a report * of the Deputy Chief Executive (S151) with regard to 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 asset disposal project of Park Nursery Depot, Park Road, Tiverton continue following consideration of the public objections to the notice of intention to dispose.

(Proposed by the Chairman)

Note: *Report previously circulated.

(The meeting ended at 9.00 pm)

CHAIRMAN