

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 8 March 2022 at 10.00 am

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, Mrs C P Daw, C J Eginton,  
R Evans, D J Knowles, B A Moore and  
C R Slade

### **Also Present**

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

B G J Warren

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Fiona Wilkinson (Operations Manager for Revenues Benefits & Recovery), Stephen Bennett (Building Surveyor), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

### **153. APOLOGIES (00-03-12)**

There were no apologies for absence.

### **154. PUBLIC QUESTION TIME (00-03-20)**

There were no questions from members of the public present in the meeting.

### **155. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-32)**

Members were reminded of the need to make declarations of interest if and when necessary.

### **156. MINUTES OF THE PREVIOUS MEETING (00-03-43)**

Subject to the inclusion of Cllr E J Berry in the attendance list, the minutes of the previous meeting were approved as a correct record and signed by the Chairman.

### **157. REGULATION OF INVESTIGATORY POWERS (00-04-23)**

Arising from a \*report of the District Solicitor and Monitoring Officer, the Community Policy Development Group had made the following recommendation that: the Council's RIPA Policy be amended as outlined in section 3 of the report.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the current policy did not accurately reflect the requirements regarding covert surveillance using communications data, this had been updated within the revised policy along with the use of juvenile covert human surveillance

A query was raised with regard to the number of staff that had received training.

**RESOLVED** that the Council's RIPA Policy be amended as outlined in section 3 of the report.

(Proposed by Cllr D J Knowles and seconded by Cllr C R Slade)

Reason for the decision – there is a need for the RIPA policy to be up to date.

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

158. **REVIEW OF DISCRETIONARY PLANNING FEES IN RELATION TO THE MONITORING OF SECTION 106 AGREEMENTS AND RESPONDING TO ENQUIRIES CONCERNING COMPLIANCE WITH PLANNING OBLIGATIONS (00-08-00)**

The Cabinet had before it a \*report of the Corporate Manager for Income, Benefits, Recovery and Planning with regard to discretionary fees.

The Cabinet Member for Finance outlined the contents of the report stating that this dealt with a review of discretionary fees with regard to S106 agreements and was in line with other local council's general practice.

A query was raised as to whether the charges would be applied to Parish Councils and it was explained that this was not the case.

It was therefore:

**RESOLVED** that:

- 1) the introduction of a £100 fee for basic Section 106 compliance enquiries be approved, with a further charge of £50 per additional clause, applicable from 1<sup>st</sup> April 2022;
- 2) the reviewing and setting of these fees, with a further review being undertaken after 12 months be approved;
- 3) that monitoring fees contained within Section 106 Agreements be delegated to the Corporate Manager for Income, Benefits, Recovery and Planning in conjunction with the Section 151 Officer and the Cabinet Member for Finance.

(Proposed by Cllr B A Moore and seconded by Cllr R J Chesterton)

Reason for the decision – the charging of relevant fees in line with increasing costs will generate valuable revenue to assist in covering the costs associated with providing the service.

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

#### 159. **CULLOMPTON RAILWAY STATION (00-10-07)**

The Cabinet had before it and noted a \*report of the Director of Place presenting an update in relation to the Cullompton Railway Station project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Council had been working with South West and Taunton Council over a number of years and had included the production of a strategic outlined business case seeking to demonstrate the strong business case associated with the proposed reopening of the Cullompton and Wellington stations. The Councils had been successful in securing a further £5m of funding for the project. A change to the governance arrangements was felt to be appropriate and the project lead role would transfer from the District Councils to Network Rail who would now progress the project further with the use of this funding. It was hoped that the first passengers would be able to use the stations by 2025.

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

#### 160. **RESIDENTS SURVEY (00-13-11)**

The Cabinet had before it and noted a \*report of the Deputy Chief Executive providing an update of the results of the Mid Devon residents' survey which was undertaken in November 2021 and included questions in relation to statutory consultation on the budget.

The Leader outlined the contents of the report stating that the results of the residents' survey along with feedback from the Peer Review provided valuable tools for the Council to reflect upon.

Consideration was given to:

- The percentage of those who felt safe after dark and whether there was a further breakdown available
- The feedback with regard to tackling climate change and the reported satisfaction with regard to the waste service
- Disappointment in the feedback with regard to street cleaning which would be followed up and whether a further breakdown with regard to areas of concern across the district could be made available.
- The public's views on spending and the importance of continuing to invest in the leisure centres
- Value for money and general satisfaction and whether any further breakdown could be made available

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

#### 161. **FINANCIAL MONITORING (00-25-00)**

The Cabinet had before it and noted a \*report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Cabinet Member for Finance outlined the contents of the report stating that the current financial status provided a General Fund projected underspend of £30k, with income remaining well below normal levels for leisure and car parking, planning and waste income rising and staff costs under budget but this was offset by higher usage of agency staff. The HRA was showing an underspend, as was the Capital Programme.

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

#### 162. **MODERNISATION OF COUNCIL HOMES CONTRACT 2022 - 2026 (00-27-18)**

The Cabinet had before it a \*report of Corporate Manager for Public Health, Regulation and Housing advising Members on the results for the tendering of the Modernisation of Council Homes Contract 2022–2026 and requesting confirmation of the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the evaluation process and the investment in the HRA estate.

**RESOLVED** that:

1. The new four-year (2+1+1) Modernisation of Council Homes Contract is awarded to Contractor 1 with a forecast annual cost £400,000.00.
2. Delegated authority be granted to the S151 Officer (in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services) to complete the associated modernisation contract.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

Reason for the decision – the Council has a legal duty to maintain the stock and meet the Decent Homes Standard.

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

#### 163. **GAS AND RENEWABLE SERVICING CONTRACT (00-29-34)**

The Cabinet had before it a \*report of the Corporate Manager for Public Health, Regulation and Housing advising Members of the procurement of a combined gas and renewables servicing delivery partner (2022-2028) and requesting confirmation of the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the evaluation process and the investment in the HRA Estate.

**RESOLVED** that:

1. The new 6-year (4+1+1) Combined Heating Services Contract is awarded to Contractor 2 with a forecast annual cost £385,000.00.
2. Delegated authority be granted to the S151 Officer (in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services) to complete the associated service contract.

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for the decision – the Council has a duty to main safety compliance standards within its homes.

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

164. **NOTIFICATION OF KEY DECISIONS (00-30-53)**

The Cabinet had before it and noted it's \*rolling plan for April 2022 containing future key decisions.

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

165. **APPOINTMENT OF FINANCE DIRECTOR TO 3 RIVERS DEVELOPMENTS LIMITED (00-31-34)**

The Cabinet had before it a \*report with regard to the appointment of a new Finance Director to 3 Rivers Developments Ltd complying with the current governance arrangements under schedule 2 of the Shareholder Reserved Matters, the appointment or removal of a Director was a reserved matter for the Shareholder.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the process for seeking a new director.

**RESOLVED** that Mr Paul Neilson be appointed to the post of Finance Director to 3 Rivers Developments Ltd.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore)

Note: \*Report previously circulated.

(The meeting ended at 10.35 am)

**CHAIRMAN**