

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 9 August 2022 at 10.00 am

Present

Councillors

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

Also Present

Councillor(s)

S J Clist, L J Cruwys, R J Dolley, Mrs S Griggs,
B Holdman, B G J Warren and A Wilce

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Maria De Leburne (Operations Manager for Legal and Monitoring), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Darren Beer (Operations Manager for Street Scene), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Tina Maryan (Area Planning Officer) and Sarah Lees (Member Services Officer)

31. APOLOGIES

There were no apologies for absence.

32. PUBLIC QUESTION TIME

The following questions were received from members of the public:

Mike Stoneman – stated that he was Chairman of the Riverside Club in Tiverton which is adjacent to the development that is happening down by the river. He continued...I have a number of questions here all relevant to the 3RDL Company.

If the contractors, presumably Three Rivers, have accepted the responsibility for managing the Environment Control Plan, why aren't they fulfilling their obligations to actually follow that plan? Secondly why aren't the Council policing and enforcing this? I have a question about Right of Way, the residents for this new development have access through a driveway from St Andrews Street, will they also have access or ROW through the archway next to the Town Hall? I would like this clarified because at the moment it does tend to be a rat run for the contractors themselves and as far as I understand it the contractors have been told they cannot use the archway as an entrance to the site. Finally, we have a security issue at the club, there is a new retaining wall built adjacent to the existing retaining wall at the rear of

the development which is about 2 feet away from our wall and it effectively compromises the security of our building, so much so that at 1.30am the previous Monday we had to call the Police because we had people that were on the site presumably looking for something to steal.

Ana Hendy – I am on Tiverton Town Council and I chaired the recent meeting for local residents regarding the St George's Court development. Following that meeting, Tiverton Town Council has been made aware of several complaints and concerns which they have submitted to the company. A document has been issued with 15 different questions which I won't go through one by one. Residents say they have previously raised most of these issues before but have not received a satisfactory response. I would like to ask when we might expect a reply to the issues raised and would MDDC Cabinet be able to submit a request to Three Rivers, as a company wholly owned by Council, that these items be addressed quickly and fully? Thank you.

Debbie Winter – I am a Steward at the Riverside Club and also live in the building which faces Three Rivers. Obviously I am one of the residents so some of these questions are from all of the other residents and people from the club. First question is, why is there no security on site at night? As you have been informed we have had break ins or attempted break ins and obviously the site is very dangerous especially when the young ones are walking across the scaffolding from building to building. My worry is for the young children that are up there. There should be someone there to at least watch the site. Second question, how many visits have been to the site from MDDC Health and Safety? Have they been recorded? Have residents complaints been recorded? Thirdly, the entrance from St Andrews Street is a dusty mess, it is a health and safety hazard for residents and workers. Why was there no road constructed from St Andrews Street before works commenced? Why are builders coming in and out through the archway, one comes in driving like a lunatic, in a minute somebody is going to be killed. My husband and I on two occasions have either been coming in or going out and he has only just missed our car. I did speak to Mr Sanderson this morning who did come and have a look with somebody else, he said he wasn't aware of this but I did mention it to the site manager.

I did also put some questions in but have not had any replies. The scaffolding is adjacent to our patio area, the amount of debris that we have had to clean up from the building site is incredible, there should have been some sort of netting put up? We had an incident with a scaffold pole coming down from the top. My boss was putting up a gazebo for a function we were having in the evening, it bounced off two stones, which I do have pictures of, and damaged the cottage front door so I have had a new door put in. That could have been avoided if the netting had been put up, luckily nobody was hurt but again the health and safety doesn't seem to be very strong on the site.

The builders are throwing blocks from the top of the scaffolding down to the ground. We do have elderly people that come through with mobility scooters. We have the builders blocking our disabled access gate with scaffold poles, wood, bricks, sand and cement. If you ask them to move it the abuse you get from some of them is unbelievable. The only one who is any good is the man who drives the forklift, he will come and move it for you but disabled clients have struggled to get in and out of the disabled access. I understand it is a building site and I understand that you do need

to put things in places but there are other places you could put it without blocking a disabled access?

The Leader thanked the speakers for their comments and stated that he did have two emails from Cllr Elstone which had a number of questions which he did not propose to deal with now, they would be dealt with after this meeting.

The Leader further stated that the questions posed all related to the operational function of Three Rivers, not directly the responsibility of this Cabinet at this meeting. The item on the agenda this morning was regarding the annual report. Notwithstanding he did appreciate the public's attendance and all of the questions. There were others which had been received would be forwarded on the Three Rivers Company for them to address pdq.

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

Cllr Mrs C Daw declared a personal interest in that she had been present at the Tiverton Town Council meeting where 3RDL developments were discussed on 4th August 2022.

34. **MINUTES OF THE PREVIOUS MEETING**

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

35. **MEETING MANAGEMENT**

The Leader informed those present that he would be taking item 13 – '3 Rivers Developments Limited – Annual Report', as the next item of business.

36. **3 RIVERS DEVELOPMENTS LIMITED - ANNUAL REPORT (00:13:00)**

The Cabinet had before it, and **NOTED**, a report * from the Deputy Chief Executive providing it with an Annual Report which also included the company's Accounts as per the conditions of the Shareholder Agreement.

The Cabinet Member for Finance outlined the contents of the report and stated that:

- Overall performance remained on track.
- There had been some revised Treasury rules which had hampered progress throughout the year.
- Council returns were steady and prospects remained positive.
- As a development company it needed to remain innovative.
- A revised Business Plan was expected in the near future.

Discussion took place regarding:

- Information relating to the company was available through Companies House.

- Additional information was requested to be provided to Members within the restricted report.
- It was confirmed that responses to the questions raised during Public Question Time would be responded to by the Company within 7 days.

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

37. HOUSING INITIATIVES PROJECT - PURCHASE OF HOUSES IN MULTIPLE OCCUPATION (HMO'S) FOR TEMPORARY ACCOMMODATION (00:24:00)

Following consideration of a report * of the Corporate Manager for Public Health, Regulation and Housing the Homes Policy Development had recommended that: Option 2 – to purchase one property – Scheme 1 – be approved as the preferred option in terms of size, location and ongoing maintenance. They had also recommended that full funding be utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

The Cabinet Member for Housing thanked the Homes Policy Development Group for their consideration of this matter, however, he was not of the same mind as he believed purchasing two properties could house up to 14 people and could save the Council a significant amount of money in B&B costs.

The Corporate Manager for Public Health, Regulation and Housing provided the following summary:

- Current hotel and B&B costs were a significant expenditure to the Council.
- Purchasing these properties would ultimately reduce these costs and provide more flexibility when trying to house Homeless individuals.
- The properties provided an attractive opportunity to potentially house up to 14 people and were located centrally within the district.
- It was anticipated that capital costs would be covered by utilising earmarked reserves (EMRs) for private sector housing and homelessness. The revenue costs would be covered by other Rough Sleeping Initiative funding and Flexible Homeless Grant.
- Ultimately there would be a significant difference in terms of cost between housing a person in the Council's own property of approximately £71 a week compared to the B&B cost of £374 a week.

Consideration was given to:

- It was anticipated that both properties would be fully occupied.
- As property assets their value would likely increase in the future.
- Repairs and refurbishments were anticipated to be completed 'in house'.
- Tenants would be supported by the Homelessness Team as well as receiving contracted specialist support in order to ensure the needs of vulnerable Tenants were met.

- The Council had to maximise all opportunities presented to it in terms of trying to house Tenants. There were also opportunities to work with other care providers and Housing Associations.

Following this initial discussion the Cabinet decided to go into Part II by passing the following resolution:

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 Leader)

Returning to Part I, the Cabinet,

RESOLVED that:

Both properties be purchased and that full funding be utilised from Earmarked reserves (EMRs) as set out in Section 3.3 of the report.

(Proposed by Cllr S Penny and seconded by Cllr C Eginton)

Reason for the decision – the project provides a long term solution to the provision of temporary accommodation.

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

38. **TENANCY STANDARD POLICY FRAMEWORK (01:11:00)**

The Cabinet had before it a report * from the Corporate Manager for Public Health, Regulation and Housing presenting the Tenancy Standard Policy Framework for approval.

The Corporate Manager for Public Health, Regulation and Housing outlined the contents of the report and stated that the updated policy incorporated 4 of the Homes Standards, they being, Homes, Neighbourhoods, Tenancy and Tenancy Involvement and Engagement. It also covered elements relating to the allocation of properties, how tenancies were managed and the support offered to vulnerable tenants.

RESOLVED that the updated policies within the overarching Tenancy Standard Policy Framework be approved.

(Proposed by Cllr S Penny and seconded by Cllr Mrs C Daw)

Reason for the decision – MDH is a social landlord and is registered with the Regulator for Social Housing (RSH), meaning that it is a Registered Provider (RP). The RSH sets consumer standards and the Tenancy Standard is one of these. The role of the regulator was to intervene where failure to meet the standards has caused, or could have caused, harm to tenants. Agreed housing policy provides a

framework for decision making which ensures that customer-facing teams deliver consistency in the discharge of duties to support good housing management. This would ensure that both properties and tenancies were managed effectively and reduced reputational risk.

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

39. **PLAY AREA SAFETY INSPECTION POLICY (01:14:00)**

The Cabinet had before it a report * from the Corporate Manager for Property, Leisure and Climate Change reviewing the way in which the Council manages its play area risk assessments and safety inspections.

RESOLVED that:

1. The current risk assessments and safety inspections frequency were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment forms.
2. Digital transformation of the current inspection method would make the task more efficient and that implementation of a process would be expedited.

(Proposed by Cllr C Slade and seconded by Cllr S Penny)

Reason for the decision - The Council must have an inspection and maintenance regime for its play areas as stated within the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations (1999) to ensure the health and safety of users, as far as reasonably practicable.

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

40. **EAST CULLOMPTON MASTERPLAN SPD (01:17:00)**

The Cabinet had before it a report * from the Director of Place seeking approval for the East Cullompton Masterplan SPD to go out the public consultation. It also sought approval for the continuation of technical work focussed on Junction 28 of the M5, including the utilisation of £800,000 of Homes England capacity funding, to support the development of a Strategic Outline Case/Outline Business Case to support future applications for funding and discussions with key stakeholders about timely delivery of critical enabling infrastructure.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report and stated that:

- Policy CU7 of the Mid Devon Local Plan allocates 160 hectares of land at East Cullompton for 2,600 homes, employment, infrastructure, greenspace and community facilities. The policy requires adoption of a masterplan as a

Supplementary Planning Document before any planning application could be determined.

- Whilst the Masterplan SPD focuses on the existing East Cullompton allocation, garden village status for the development of up to 5,000 new homes in the East Cullompton area was granted by the Government in 2017, and there is a clear direction of travel towards a garden village of significantly greater scale than the East Cullompton allocation.
- As only the first phase of the proposed garden village is allocated, it is not possible to set out the masterplan requirements for the whole of the garden village within the SPD. At this stage, it is therefore proposed only to develop a detailed Masterplan for East Cullompton, with Section 6 of the document looking at how a wider garden village might be developed, should it be allocated in a future Local Plan.
- The report provides details of the draft Masterplan SPD, the background work to date, comments from the design review panel and Planning Policy Advisory Group, and details of the proposed public consultation. Feedback from public consultation would help to shape the final version of the Masterplan SPD which, once adopted, would support the Local Plan, and guide the development of the proposed allocation.
- In addition, the Council had received £800,000 of capacity funding from Homes England specifically to progress technical work in respect of strategic highway improvements at Junction 28 of the M5. These improvements were required by the Local Plan in order to bring forward development. It was proposed that the technical work would include transport modelling, an options assessment and environmental reports in order to progress a Strategic Outline Case for the required highways improvements.

A brief discussion took place regarding the Cullompton Town Centre Relief Road and whether or not there was a requirement for it to be delivered before any homes could be occupied on the East Cullompton allocation. It was confirmed that the Local Plan policies for East Cullompton required improvements to capacity at Junction 28 of the M5. Capacity modelling carried out by Devon County Council for the Local Plan examination currently requires the Town Centre Relief Road to go in first. However, the technical work being progressed by Devon County Council includes capacity modelling and this work could amend the position. Mid Devon would take advice from Devon County Council on this.

RESOLVED that:

1. That the document at Appendix 1 is approved for public consultation.

2. That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the consultation material.
3. That delegated authority be given to the Director of Place to utilise £800,000 of Homes England capacity funding to continue the technical work to support development of a Strategic Outline Case/Outline Business Case in respect of Junction 28 of the M5.

(Proposed by Cllr R Chesterton and seconded by Cllr C Slade)

Reason for the decision - The Masterplan SPD would provide guidance on the planning and delivery of a strategic site for Mid Devon. The Masterplan SPD directly relates to all four Corporate Plan 2020-24 priorities including Homes, Environment, Economy and Community. The Junction 28 infrastructure project is considered vital to enable development identified in the Local Plan to come forward and make a substantial contribution to delivering the priorities of the Corporate Plan 2020 to 2024; Economy, Homes, Community and Environment.

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

41. **THREE WEEKLY WASTE COLLECTION SCHEME - CABINET IMPLEMENTATION UPDATE JULY 2022 (01:25:00)**

The Cabinet had before it a report * from the Operations Manager for Street Scene and Corporate Manager for People, Governance and Waste providing an update and review of the operational arrangements for rolling out the three weekly bin collection scheme in October 2022.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report and highlighted the new “Bin It 1:2:3” scheme. Very comprehensive information was available and FAQ’s with answers were on the website. Households had been written to. The overall intention was to reduce the carbon footprint, increase what is recycled and reduce residual waste, which would also make a saving of circa £160k per year. There would be initial costs but there would be savings down the line. The new scheme was planned to start on 10th October 2022.

Consideration was given to:

- The ‘modest’ increase in costs initially the regarding the bins, ancillary costs, education and enforcement.
- Were seagull sacks the best alternative to bins? It was confirmed that the team would be liaising with local residents regarding this.
- More information was needed about recycling rates so as to inform the budgetary process in the autumn. This should also include a cost/benefit analysis.

RESOLVED to note the report but also requested that a more in depth report on recycling be brought back to the Cabinet before December including consideration of

how recycling was working in neighbouring local authorities. This would help to inform the Cabinet during budgetary considerations for next year.

(Proposed by Cllr R Chesterton and seconded by Cllr C Eginton)

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

42. **FINANCIAL MONITORING (01:42:00)**

The Council had before it a report * from the Deputy Chief Executive 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 with reference to the following:

- This set the scene for the Council's annual financial forecasting based on the first quarter of 2022/23. In summary it showed a projected General Fund overspend of £258k and Housing Rev Account underspend of £217k. Clearly the cost-of-living situation, notably the headline CPI rate of 9.4%, was now having a material impact on the Council's performance, especially with regard to fuel and utility expenditure. As secondary effect of falling collection rates for both Council Tax and Business Rates was occurring as financial pressures grow on residents and businesses.
- Performance was also being impacted by staffing recruitment and retention issues, further exacerbated by the current ongoing pay negotiations. On this point, this report included an average salary increase from a budgeted 2% to possible 3% whilst the unions were considering an initial £1,925 fixed sum pay offer which would be an average slightly higher percentage. Overall, given all the inflationary pressures in play, the Council had done well to achieve the projected outturns.
- Officers would continue to monitor all of the prevailing budget issues with regular updates provided. These would inform the MTFP and presented to a Cabinet meeting in October, and were also being reflected in early calculations for the 2023/24 Budget.
- Agenda Item 13 – 3RDL Annual Report
This is the Annual Report for 3RDL up to the end of Mar 22. The year saw the completion of the Halberton project at a profit, continuation of the St George's Court project where overall performance had remained on track, and the start of the Bampton project. As with any business, 3RDL had faced a number of risks and issues over the year but the most significant change was revised Treasury rules placing limits on where the business may operate. There had also been delays in some important projects being ready to start for reasons beyond the business's control. These hampered progress in the year and the impacts continued to be felt.
- The annual report provided an opportunity to consider whether the business remained a sound investment for the Council. Of itself, whilst still making a loss in 21/22, Council returns are steady and the business stable. Risks and

issues were not unusual but importantly prospects remain positive for profitable projects, particularly given the buoyant state of the housing market. However, development companies must be innovative and agile in a competitive market and in the face of labour and cost pressures. The Council looks forward to the revised Business Plan which is in preparation to be considered by the Cabinet and then consolidated into the Council's 2023/24 draft budget position where this outlook will be further examined.

A brief discussion took place regarding the completion date for the St Georges Court development. It was stated that construction work should be complete by the end of the year. Construction at the Bampton site was progressing well but there had been labour issues, however, it was hoped this would be complete by the end of the financial year.

RESOLVED to:

- a) Note the financial monitoring information for the income and expenditure for the three months to 30 June 2022 and the projected outturn position.
- b) Approve the Deliverable Capital Budget for 2022/23, including the request to bring forward £2,925k of expenditure relating to Salix funded decarbonisation schemes and £56k of S106 expenditure from later years, noting the remainder of the Overall Capital Programme is planned to be spent in 2023/24 to 2026/27.
- c) Note the use of Waivers for the Procurement of goods and services as included in Section 10;

(Proposed by Cllr A Moore and seconded by Cllr D J Knowles)

Reason for the decision - Regular financial monitoring information mitigates the risk of unforeseen over or underspends at year end and allows the Council to direct its resources to key corporate priorities.

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

43. PERFORMANCE AND RISK (01:50:00)

The Cabinet had before it, and NOTED, a report * from the Corporate Manager for People, Performance & Waste providing it with an update on performance against the Corporate Plan and local service targets for 2022-23 as well as providing an update on the key business risks.

A brief discussion took place regarding carbon footprint assessments and when the Cabinet would be receiving the 2021-2022 data. The Cabinet Member for the Environment and Climate Change stated that this query had been forwarded to the Climate Change Officer and a response was awaited.

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

44. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (01:51:00)**

The Cabinet Member for Continuous Improvement provided a verbal update on the work in her area. This included the following:

- She continued to work positively with officers by helping to resolve issues raised to help drive 'continuous improvement'. Working directly with members of the Corporate Management Team was proving very effective.
- A new enforcement contractor had been allocated historic cases to clear over the next 6 months.
- A draft of the Local Enforcement plan with a view of setting up a working group to review and amend was underway.
- The number of cases outstanding was 334 of which 174 were pre-2022, these were being worked on. Many were not high priority and could be cleared.
- **Abandoned Vehicles** - There had been 48 outstanding abandoned vehicle enforcements resolved in the last six months. Since the end of June the Council had received a further 16 reports regarding abandoned vehicles of which 9 had received 7 day removal notices (final checks to be completed 1 August). FPN's would be issued to those vehicles not removed so the Council could remove them.
- **Parking and Litter Enforcement** - Evening patrols of town centre car parks and streets had started. This had uncovered significant issues in relation to overnight parking and appropriate steps had been taken regarding the follow up action to be taken. This had meant that a considerable high number of PCN's had been issued in June and July 22.
- Litter patrols were also being conducted in the District with a particular focus on Crediton, Cullompton and Tiverton town centres. 38 patrols were carried out in the first quarter of 22/23 compared to 8 that were conducted in 21/22. A new policy will be brought forward for consideration to the September Environment PDG regarding the Council's litter enforcement practice and how this is managed appropriately.
- **Street Cleansing (including inspections)** – The Council had completed a full cleansing inspection (this assesses the cleanliness of our roads and streets) in Tiverton and would be completed soon in Crediton. This assessment leads to a grading between A and D (A no litter or refuse present, D heavy littering present with significant culmination). In Tiverton most of the gradings were A and B with Crediton seeing the majority of assessments also of an A and B standard.
- The Council aimed to complete the cleansing inspections of all three towns (including Cullompton) by the end of September 2022 with a view to recommencing further inspections to be carried out in quarter 3 to be completed by the end of quarter 4. This would allow the two sets of results to be compared and improvements or areas of deterioration identified. This would also allow the Council to proactively evaluate the impact of the introduction of 3 weekly bin collections on the 10 October 2022 in the District.

- The Council recently applied to Keep Britain Tidy to obtain funding for the removal of gum (chewing) residue. This resulted in the Council receiving £15K to fund industry specific gum removal machinery that would aid the removal of gum residue.
- **District Officers Wearing Body Cameras** -Steps had been taken to allow body cams to be worn by District Officers to protect their health and safety from this autumn 22. This had been reported in the local media.
- **Housing Voids** -There would be an in-depth review seeing Cllrs working with Officers, Directors and relevant CMT officers.
- **Complaints**- The Cabinet Member would be looking at the process to better understand the nature of complaints and why some take so long to reply to. She understood that complaints have gone down in the last quarter.
- **Council Tax Energy Scheme** – She congratulated those involved in Mid Devon’s performance which was in the top 5% in the County.

Discussion took place regarding:

- The Council did not have the resources available to ‘police’ each planning application. The public were encouraged to complete the online form if they had specific concerns.
- The importance of keeping Ward Members up to date with issues in the areas.
- A revised Enforcement Policy would be going to the Scrutiny Committee for discussion in the near future.
- It was confirmed that the Cabinet Member for Continuous Improvement had full visibility of the ‘tracker’. This could be accessed by specified senior officers for updating purposes.

45. **NOTIFICATION OF KEY DECISIONS (02:16:00)**

The Cabinet had before it, and **NOTED**, its rolling plan * for August 2022 containing future key decisions.

It was confirmed by the clerk that there had been no movement in the Forward Plan since the publication of the agenda for the meeting.

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

(The meeting ended at 12.17 pm)

CHAIRMAN