

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 29 November 2022 at 10.00 am

Present

Councillors

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

Also Present

Councillors

R Dolley, B Holdman

Also Present

Officers:

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance) and Darren Beer (Operations Manager for Street Scene)

85. APOLOGIES

There were none.

86. PUBLIC QUESTION TIME

There were none.

87. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

None declared.

88. MINUTES OF THE PREVIOUS MEETING

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

89. Q2 FINANCIAL MONITORING

The Cabinet were presented a financial update in respect of the income and expenditure so far in the year.

The following was highlighted:

- As at Quarter 2 it was projected that the general fund would be £504,000 overspent, however, this should be reduced when Government payments would be received. In addition, the HRA to be £122,000 underspent.
- The Capital Programme had a variance of £3.67m against the 2022/23 deliverable budget.
- The full agreed pay award was now included within the budget.
- Agency expenditure continued to be high.
- Leisure had shown signs of recovery but remained lower than budgeted, car parking was ahead of budget with planning and waste expected to exceed expectations.
- The overspend within the Capital Programme related to Shapland Place, this was due to increased costs.

- The majority of the slippage related to 3 Rivers Development Ltd future projects as they complete on the live projects of St Georges and Bampton.

The following was discussed:

- The £504,000 had no provision for the energy rebate scheme.

RESOLVED: That the report be noted.

90. PERFORMANCE AND RISK

Cabinet were provided an update on performance against the corporate plan and local service targets for quarter 2 (2022/23) and had been updated on strategic risks.

RESOLVED: That the report be noted.

91. 3 RIVERS DEVELOPMENT LTD - VERBAL UPDATE

The Leader of the Council gave a verbal update on 3 Rivers Development Ltd, which highlighted that 3 Rivers Development Ltd were to produce a 5 year business plan for consideration and approval by Cabinet each autumn with a recommendation sent from Cabinet to Full Council as part of the annual budgetary process. Due diligence exercises had taken place with the necessary departments within the council as well as external auditors. The business plan was also presented to the Audit and Scrutiny Committee, the business plan would be presented to Cabinet at the next meeting due to take place on 3 January 2023.

RESOLVED: That the verbal update be noted.

92. MID YEAR TREASURY MANAGEMENT REPORT

A report was presented to inform the Cabinet of the treasury performance during the first six months of 2022/23, to agree the ongoing deposit strategy for the remainder of 2022/23 and a review of compliance with Treasury and Prudential Limits for 2022/23.

The following was highlighted:

- The forecasted treasury outturn had shown a better return compared to what had been budgeted, due to a higher return from temporary investments and a reduction in forecasted borrowing costs.
- The position had evolved over the course of the year as interest rates increased.
- Returns on investments had exceeded expectations.

The following was discussed:

- In regards to the schedule of short term investment deposits, more information would be provided to Cabinet.

RESOLVED to RECOMMEND:

1. That Cabinet recommends to Council that a continuation of the current policy outlined at paragraphs 6.0 – 6.2 be agreed.
2. That Cabinet recommends that Council approves the changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 4.4 – 4.5.

(Proposed by Cllr R M Deed, seconded by Cllr D J Knowles)

Reason for decision – as set out in the report.

93. NW CULLOMPTON MASTERPLAN SPD

A report was presented to inform Cabinet of the outcome of the public consultation and the draft masterplan that had subsequently been produced taking these comments into account and to seek a recommendation to Council to adopt the revised North West Masterplan Supplementary Planning Document (SPD).

The following was highlighted:

- A public consultation had taken place between 27 June and 8 August 2022. Details of the consultation are set out in the report.
- Following the public consultation, a number of revisions were made to the Masterplan.
- The revised draft Masterplan included as Appendix 2 was taken to Planning Policy Advisory Group on 7 November 2022, with no recommended changes proposed.

RESOLVED:

- That Members note the comments received at the Stage 2 public consultation (Appendix 1) and proposed changes as a result.
- That the Cabinet recommend to Council that the Masterplan Supplementary Planning Document for North West Cullompton (Appendix 2) is adopted.

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

Reason for decision – as set out in the report.

94. TIVERTON NEIGHBOURHOOD PLAN - DECISION TO ADOPT (SUBJECT TO REFERENDUM RESULT)

A report was presented which recommended to make (adopt) the Tiverton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

The following was highlighted:

- 84.55% voted in favour of the Tiverton Neighbourhood Plan which had given the plan the same legal status as a local plan.
- The Council must now formally adopt the plan as soon as reasonably practicable. Unless the Council thought breach EU obligations or human rights obligations.
- There were 9 conservation areas not 2, however this had affected the policies within the neighbourhood plan.

The following was discussed:

- A lot of hard work had been put into the neighbourhood plan. The factual error was disappointing but had been rectified.
- The turnout could have been better and that the communications could have been improved, however there may have been voting fatigue. Press releases were undertaken through various channels.

RESOLVED to Recommend:

To Council that:

1. The Tiverton Neighbourhood Plan (Appendix 1) is 'made' (adopted) and brought into force as part of the statutory development plan for the Tiverton area.
2. The Tiverton Neighbourhood Plan Adoption Decision Statement (Appendix 2) is published to meet the publicity requirements in the Regulations.
3. Officers notify Tiverton Town Council of the factual error in relation to the number of Conservation Areas referred to in the Neighbourhood Plan to allow the Town Council to clarify this matter alongside the final document.

95. CLIMATE CHANGE ACTION PLAN UPDATE

The Cabinet were present a report which provided an update on the Climate Action Plan (CAP) and the wider Climate and Sustainability Programme.

The following was discussed:

- If a carpool hire scheme would be progressed. This had been reviewed and an updated would be provided to the Environment PDG in due course.

RESOLVED:

1. That the team with delegated authority (13 May 2021 Cabinet decision) lead next steps with regard to Environment PDG input regarding options for green travel hire schemes.
2. That Environment PDG consult with Corporate Management Team (CMT) to formulate a method for a Climate and Sustainability Statement that can be consistently applied to all business cases. Feedback to inform a Recommendation to Cabinet.
3. That Environment PDG and Net Zero Advisory Group (NZAG) consult with CMT and the C&S Specialist to devise a consistent approach to climate change impact statements noted on committee reports. Feedback to inform a Recommendation to Cabinet.

(Proposed by Cllr C Slade, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

96. INFRASTRUCTURE FUNDING STATEMENT

The Cabinet were presented a report which sought approval for the list of Infrastructure items, with affordable housing to be included in the Council's Infrastructure Funding Statement, which was required to be published on the Council's website by 31 December 2022.

The following was highlighted:

- There was a legal requirement for Council to publish the infrastructure funding statement by the end of 2022.

- The preparation of a new Local Plan for Mid Devon ('Plan Mid Devon') would provide an opportunity for the infrastructure needed to support new development where this is planned across the district to be reviewed.
- The Planning Policy Advisory Group had consulted on the Infrastructure List.
- This list would continue to be reviewed.

RESOLVED:

1. The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and the future spending priorities on these
2. The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31st December 2022.

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

Reason for decision – as set out in the report.

97. CREDITON SHOPFRONT SCHEME

Cabinet were presented a report which informed Members about the new Crediton Shopfront Enhancement Scheme launching in December 2022 and to request approval for the revised Scheme.

The following was highlighted:

- Reserves were earmarked to fund a new Shopfront Enhancement Scheme in Crediton that will mirror the Scheme launching in Tiverton.
- The scheme offered a single grant up to £2,500 with the requirement for 50% match-funding of the total project costs.
- There would be an open-application approach with no set deadlines throughout the year, meaning applications would be determined on their own eligibility and merit on first-come, first-served basis.
- This provided all our three market towns in the district with a shopfront enhancement scheme available to the businesses within their highstreets.

The following was discussed:

- That the scheme would be beneficial for Crediton.

RESOLVED:

That the new Crediton Shopfront Enhancement Scheme be approved by the Cabinet and three Crediton Ward Members are nominated to be part of the Funding Panel for the Scheme.

(Proposed by Cllr R Chesterton, seconded by Cllr S Penny)

Reason for decision – as set out in the report.

98. HRA CCTV POLICY

The Cabinet were presented a new draft policy that had set out the conditions associated with the granting of permission for tenants to install closed circuit television systems (CCTV) and camera doorbells in or on their property. This had been developed on the basis that such a policy would provide greater clarity to stakeholders and ensured that those tenants fitting such systems were doing so lawfully, recognising the obligations on tenants to ensure compliance.

The following was highlighted:

- There was no conflict between this policy and Mid Devon District Council's corporate policy on CCTV.
- This policy was to provide a mechanism to manage requests for installations and ensure tenants are aware of the requirement to comply with the relevant legislation especially regarding data protection.

The following was discussed:

- This policy reflected modern life and the Council must be seen to be complying with the law and well as supporting vulnerable tenants.
- If existing systems in place would be reviewed. All current installations would be reviewed and those systems already installed would need to comply with this policy.
- Enforcement of this policy would be a challenge however the policy provides a clear reference point for decision-making.

RESOLVED to RECOMMEND:

That Cabinet recommend to Council the adoption of the Tenant CCTV and Camera Doorbell Policy attached in Annex 1.

(Proposed by Cllr S Penny, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

99. HRA FEES AND CHARGES

The Cabinet were presented a report which provided Members with the revised fees and charges for the discretionary functions provided under the HRA. The Council had not increased the fees and charges for these services for some years and they required updating.

The following was highlighted:

- The fees should be reviewed more frequently, however recommendation 2 provides for annualised updates to the fees based on inflation
- Land registry search fee reduced.

RESOLVED:

1. That Cabinet approve the revised discretionary fees and charges for 2022/23 as set out in Annexes 1, 2 and 3.
2. That Cabinet approve an annual Consumer Prices Index (CPI) inflation adjustment (within the range 2 – 10%) for discretionary fees and charges to be applied on the 1st

April every year (in addition to the in-year recommendations set out in Annexes 1, 2 and 3)

(Proposed by Cllr S Penny, seconded by Cllr C Daw)

Reason for decision – as set out in the report.

100. PRIVATE SECTOR HOUSING FEES AND CHARGES

The Cabinet were presented a report which provided Members with the revised fees and charges for locally-set Private Sector Housing statutory functions delivered by the Public Health and Housing Options Service. The report also outlined the fees and charges for non-locally set fees in the same service area which were not subject to change but for which an updated policy on financial penalties applies in some areas as set out.

The following was highlighted:

- Though there were increases in charges there was no profiting element to these charges.

RESOLVED:

1. That Cabinet approve the revised locally-set fees and charges as set out in Annexes 1 and 2.
2. That the Homes PDG recommends that Cabinet approve the revised Policy on the Use of Financial Penalties in Annex 4.

(Proposed by Cllr S Penny, seconded by Cllr D J Knowles)

Reason for decision – as set out in the report.

101. RECYCLING OPTIONS PAPER

Cabinet were presented a report which outlined the recycling options following the delivery of three weekly residual waste collections, which commenced in the District on the 10 October 2022. This report reviewed the need to increase recycling in the District in line with government guidelines to recycle 65% of household waste by 2035 and Devon's proposed 60% target rate by 2025. This report described possible future weekly recycling collection arrangements and their implications.

The following was highlighted:

- A weekly recycling schedule would put Mid Devon District Council in line with other districts across the county. However, there were cost implications which would result in an additional £1.4m cost.
- A move to a larger depot would be required with an increased investment in additional staff and vehicles.
- A trial would be needed and this was expected to cost circa £30,000.
- There was an awareness of the current financial situation.

The following was discussed:

- This was welcomed and had shown that this matter had been taken seriously.
- The storage of recycling had proven to be problematic.
- A trial would be sensible and welcomed.

RESOLVED:

1. That Cabinet reviewed the information in this report along with any potential future implementation of weekly recycling and the subsequent implications that would arise from such a change.
2. That Cabinet agreed that a trial takes place within the financial year 23/24 and when cabinet deemed appropriate.

(Proposed by Cllr C Slade, seconded by Cllr C Eginton)

Reason for decision – as set out in the report.

102. ECONOMIC RECOVERY PLAN

The Cabinet were presented a report which sought approval for the submission of an 'Addendum' to the Shared Prosperity Fund Investment Plan for Mid Devon in order to draw down the Rural England Prosperity Fund allocation.

The following was highlighted:

- The Rural England Prosperity Fund was an additional sum of Government funding which had been offered as a top-up to rural districts 'to build on and complement the Shared Prosperity Fund' (SPF).
- Mid Devon has been allocated £817,000 on top of the £1,064,000 already allocated under the SPF, to be used as capital funding in years 23-24 and 24-25 of the scheme.
- It was suggested that the funding be divided across the following priority areas: business innovation & technology grants; local food initiatives; market area enhancements; development of a business innovation centre; sustainable tourism and grants that supported community businesses and community infrastructure, including community energy companies.
- Rural stakeholders have been consulted on the proposed interventions and their feedback has been incorporated into the bid.

RESOLVED: That Cabinet

1. Approves the investment priorities set out in the Rural England Prosperity Fund Addendum and the level of proposed investment in each priority area.
2. Delegated authority be given to the Director of Place (in consultation with the Portfolio holder for Planning and Economic Regeneration) to finalise the funding priorities and submit the bid on behalf of the Council.

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

Reason for decision – as set out in the report.

103. NOTIFICATION OF KEY DECISIONS

RESOLVED: That the notification of Key Decisions be noted.

104. **BUDGET 23/24**

The Cabinet were presented a report which provided Member's the updated 2023/24 Budget position and discuss further options for cost savings or income generation.

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)

Members then reviewed the options included within the Part 2 appendices and made Decisions on the options preferred.

(Proposed by the Chairman)

Reason for decision – as set out in the report.

(The meeting ended at 12.50 pm)

CHAIRMAN