

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 February 2023 at 10.00 am

Present

Councillors C J Eginton (Vice Chairman, in the Chair), R J Chesterton, Mrs C P Daw, D J Knowles, S J Penny and C R Slade

Apologies

Councillor(s) R M Deed

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Richard Marsh (Director of Place), Maria De Leburne (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Fiona Keyes (Operations Manager for Revenues Benefits & Recovery), James Hamblin (Operations Manager for Human Resources) and Andrew Seaman (Member Services Manager)

122. **APOLOGIES**

Apologies were received from Cllr R Deed.

123. **PUBLIC QUESTION TIME (0:3.29)**

The following questions were received from members of the public:

Paul Elstone:

Question 1

Page 16 of your papers Section 5.2 shows a 3 Rivers overspend of four hundred and one thousand pounds (£401,000) on the knowle lane Development. 3 Rivers do not even have outline planning on this site, so what exactly was this overspend for?

Question 2

On page 17 there is an overspend on the Shapland Place zed pod Modular development of four hundred and sixty seven thousand pounds (£467,000) mostly for planning. Planning changes that have increased the modular unit project budgeted amount by about 25%. Given these planning changes reduce the modular unit foot print by 1.5 meters surely the build cost should go down and not massively up. The MDDC chosen developer is not on the approved South West Procurement Alliance list for constructing enhanced energy performance homes yet their main competitor who is on the list was not asked to bid. Will the Cabinet Member for Housing please implement a comprehensive external audit on the Contract Awards and all costs for the Modular Homes at both the Shapland Place and Cullompton sites?

Question 3

On Page 18 Section 7 covers interest and loan repayments from 3 Rivers. Have 3 Rivers always met their interest and loan payment obligations on all project loans and at the due time?

Question 4

My last question covers Agenda Items 6, 7, 8 and 9 which all deal with lending to 3 Rivers. I was at the last Cabinet Meeting on 31 January and witnessed the public resignation of the 3 Rivers Finance Director. As he left he told me and one other that he was resigning because of the lack of competency of MDDC Officers and Cabinet Members. He is an experienced Commercial Director and I took him seriously and was concerned. Will the Leader of the Council arrange an external investigation into whether there is any basis for this statement?

The Deputy Leader thanked Mr Elstone for their questions and noted that any unanswered questions would be given a written response.

In regards to question 3, the Deputy Chief Executive confirmed that all payments with 2022/23 had been paid promptly with nothing outstanding.

124. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:6.26)**

Councillor C J Eginton declared a non-pecuniary interest in that he owned a business that was based in Tiverton under item 17.

125. **MINUTES OF THE PREVIOUS MEETING (0:6.44)**

The minutes of the previous meeting from 3 January 2023 and 31 January were approved as a correct record and signed by the Deputy Leader, acting as Chair.

126. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (0:13.54)**

This item was deferred to the next ordinary Cabinet meeting.

127. **QTR. 3 BUDGET MONITORING (0:15:16)**

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

The following was discussed:

- Clarification was sought regarding the £467k cost for the Shapland modular housing. It was explained by the Corporate Manager for Public Health, Regulation & Housing that there had been additional costs due to the planning process as well as required design changes due to the nature of the site. It was added that a breakdown of the costs could be provided.

RESOLVED: That Cabinet

- a) Note the financial monitoring information for the income and expenditure for the nine months to 31 December 2022 and the projected outturn position;
- b) Note the use of Waivers for the Procurement of goods and services as included in Section 10.0;

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

128. **2023/24 BUDGET (0:24.50)**

The Cabinet were presented a report* which provided the proposed budgets for the General Fund and the Housing Revenue Account for the year 2023/24 and recommends the Band D Council Tax charge for 2023/24.

It was noted that in table 5.1 a typo would be amended to read “assumptions for fuel, 3-weekly black sack waste”.

RESOLVED: That Cabinet recommend to Council the following:

1. A Council Tax Requirement of £6,724,350 calculated using a Council Tax of £225.40 for a Band D property, an increase of £6.56 or 2.99% from 2022/23 and a Tax Base of 29,832.98, in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, after the relevant adjustments in respect of the Council tax support scheme approved by Cabinet on 3 January 2023;
2. The overall budgeted Cost of Services within the General Fund of £16,720,364 for 2023/24 is approved as detailed across Appendices 1 – 2 and inclusive of the adjustments included within Table 1 in paragraph 5.1;
3. The 2023/24 budget requires no transfer from the General Fund Balance and a further temporary transfer of £57,657 from the New Homes Bonus EMR in order to balance and agree all of the transfers to and from Earmarked Reserves as detailed in Appendix 3;
4. HRA budget for 2023/24 be approved – Appendix 4;
5. HRA fees/charges are approved based on the attached Appendix 5;
6. Work on strategic planning for delivering a balanced budget for 2024/25 is commenced immediately.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

129. **2023/24 CAPITAL STRATEGY (0:33:24)**

The Cabinet were presented a report* which proposed the 2023/24 Capital Strategy which also sought approval of the 2023/24 Capital Programme and requested the Cabinet noted the indicative Capital Programmes for 2024/25 to 2027/28.

The following was discussed:

- It was confirmed that the proposed lending to 3 Rivers Developments Ltd was included within the figures in recommendation 3 of the capital strategy.

RESOLVED: That Cabinet recommend to Council the following:

1. That the proposed 2023/24 Capital Strategy is approved.
2. To approve in principal the current estimated amounts of Slippage of £6,201k from the 2022/23 Deliverable Capital Programme and £33,231k of 2022/23 Capital Programme expenditure profiled over the life of the MTFP. This will be finalised and formal approval sought as part of 2022/23 Outturn report.
3. The overall Capital Programme for projects commencing in 2023/24 of £98,375k be approved and the indicative Capital Programmes across the four remaining years of this Medium Term Financial Plan covering 2024/25 to 2027/28 be noted.
4. To approve the 2023/24 Deliverable Budget based on the forecast spend profile of £64,826, this will include elements of amounts detailed in recommendations 2 & 3 above and will form the budget to monitor against in 2023/24, subject to any changes referred to in recommendation 2 at Outturn.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

130. **2023/24 TREASURY MANAGEMENT STRATEGY (0:39:16)**

The Cabinet were presented a report* which presented the Treasury Management Strategy and Annual Investment Strategy for 2023/24.

The following was discussed:

- This report provided the outcomes of the capital programme and had shown that the Council were under borrowed, using internal balances where possible.

RESOLVED: That Cabinet recommends to Full Council

That the proposed Treasury Management Strategy and Annual Investment Strategy for 2023/24, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 1), be approved.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

131. 2023/24 – 2026/27 PROCUREMENT STRATEGY (0:43.46)

The Cabinet received a report* which introduced the draft new Procurement Strategy covering the period 2023/24 to 2027/28.

The following was discussed:

- Partnership with Devon County Council in order to support Mid Devon District Council's procurement arrangements and had made strategies more aligned.
- Asked if other authorities were involved, it was confirmed that East Devon District Council and the national parks of Exmoor and Dartmoor.

RESOLVED:

That Cabinet approve the attached Procurement Strategy.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

132. THE COUNCIL TAX REDUCTION SCHEME & EXCEPTIONAL HARDSHIP POLICY (0:48.20)

The Cabinet were presented a report* which sought to amend the current scheme in order to expand the assistance for customers.

The following was discussed:

- Was important to help those in need during this cost of living crisis.
- This would come at a cost to the Council, circa £50k for Mid Devon District Council.

RESOLVED:

1. To increase the maximum reduction from 85% to 100%.
2. Disregard the housing element of universal credit in the calculation.
3. Increase the income bands by inflation each year.
4. Any income from welfare provision to be disregarded.
5. That this policy is adopted by Mid Devon District Council Cabinet.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

133. **PAY POLICY (0:55.43)**

The Cabinet were presented the annual pay policy report* which complied with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.

The following was discussed:

- For 2022/23 Mid Devon District Council employees received a cost of living wage rise. With talks for 2023/24 expected to commence significantly earlier, this would hopefully help with the retention and recruitment of staff.

RESOLVED: That Cabinet recommend to Council the Pay Policy 2023.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

134. **ESTABLISHMENT (0:58.54)**

Cabinet were presented a report* which provided an update on both the Establishment of the Council together with its performance. It was noted that this report should be read in conjunction with the functions of individual officers highlighted in the Constitution. This built upon information shared in February 2022 and September 2022.

The following was discussed:

- In June 2022 Mid Devon District Council received the Petroc Employer of the Year award.
- The Council had experienced higher levels of sickness absence with Covid-19 being a factor.
- Turnover for the start of 2022/23 had seen an upward track however this had dropped off since September.
- Digital exit interviews had been launched.
- Asked why staff were not attending exit interviews, it was explained that a digital exit interview format had been launched which should mitigate this.
- It was noted that some employees may not want to leave comments and it would be reasonable for an exit interview to not be carried out.

RESOLVED: That Cabinet recommends to Council the contents of the report.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

135. NATIONAL NON DOMESTIC RATES (NNDR1) (1:07.05)

The Cabinet were presented a report* which provided an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon. The report sought to approve the NNDR1 (estimated income to be generated in 2023/24 from business rates). There was a statutory deadline for notifying Precepting Authorities and the Government by 31 January 2023 of their appropriate shares in accordance with the Non Domestic Rating (Rates Retention) Regulations 2013 Regulation 2(b). The Government return had been submitted and Preceptors informed of the estimated income.

RESOLVED: The Cabinet is asked to recommend to Council the contents of the report.

1. That the calculation of the NNDR1 net yield of £16,921,552 from 3,519 Business Rated properties is noted for 2023/24;
2. That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
3. That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing various reliefs under section 47

(Proposed by from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

136. SHARED PROSPERITY FUND AND THE RURAL PROSPERITY FUND (1:13.22)

The Cabinet received a report* which provided an update on the proposed delivery plan for the UK Shared Prosperity Fund (SPF), the report sought approval for the year 1 spend (2022/23) and delegated authority to the Director of Place, in conjunction with Cabinet Members, to approve the detailed SPF Policy and any accompanying guidance materials.

The following was discussed:

- That MDDC had received funding on the 31 January 2023.
- There had been positive engagement with local businesses.

RESOLVED That Cabinet:

1. Approve the UKSPF expenditure & Delivery Plan for Year One (2022/23) as outlined throughout the report.
2. Approve delegated authority to the Director of Place, in conjunction with the Cabinet Member for Finance, to finalise the detailed SPF Policy & grant arrangements;

3. Approve delegated authority to the Director of Place, in conjunction with the Cabinet Member for Planning and Economic Regeneration, to approve variations to the Delivery Plan, Investment Plan and/or grant scheme criteria;

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

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

137. **CULLOMPTON TOWN CENTRE MASTERPLAN (1:21.25)**

The Cabinet were presented a report* which sought approval for the Draft Cullompton Town Centre Masterplan Supplementary Planning Document (SPD) and Delivery Plan.

RESOLVED:

1. That Members note the comments received at the Stage 2 public consultation (Appendix 1 and 2) and the proposed changes as set out in Appendix 2;
2. That the Cabinet recommend to Council that:
 - i) Subject to the updates, detailed in Appendix 2, that the Cullompton Town Centre Masterplan Supplementary Planning Document (Appendix 3) and Delivery Plan (Appendices 4 & 5) be adopted; and
 - ii) Delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration prior to publication to make any typographical, grammatical, imagery and formatting changes to the Cullompton Town Centre Masterplan Supplementary Planning Document; and
 - iii) That Cabinet note the Strategic Environmental Screening Report (Appendix 6) and the Habitats Regulations Assessment Screening Report (Appendix 7).

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

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

138. **TIVERTON TOWN CENTRE MASTERPLAN (1:26.52)**

The Cabinet were presented a report* which updated Members with recommendations in association with work undertaken by the Coastal and Market Towns Initiative, Shared Prosperity Fund and Rural England Prosperity Fund.

RESOLVED:

1. That the report is noted;
2. That:

- i) A budget of up to £60k is set aside from the Brown Field Register Fund (up to £35k) and Custom and Self Build Burdens Fund (up to £25k) for the completion of the Draft Masterplan SPD and accompanying Delivery Plan;
- ii) That Officer's commence the process to engage consultants to complete the Tiverton Town Centre Masterplan SPD and Delivery Plan process including commissioning assessments as required; and that
- iii) The timetable for the adoption of the Tiverton Town Centre Masterplan and Delivery Plan be agreed.

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

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

139. **EAST CULLOMPTON (CULM GARDEN VILLAGE) MASTERPLAN SPD (1:31.07)**

Members were presented a report* which informed Members of the outcome of the public consultation and asked Cabinet to consider the draft masterplan that has subsequently been produced taking these comments into account, the report also sought the a recommendation be made to Council to adopt the revised East Cullompton Masterplan Supplementary Planning Document (SPD).

RESOLVED:

1. That Members note the comments received at the Stage 2 public consultation (Appendix 1) and proposed changes set out in Appendix 2.
2. That the Cabinet recommend to Council that the Masterplan Supplementary Planning Document for East Cullompton (Appendix 3), which incorporates changes made following the Stage 2 public consultation, be adopted.
3. That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to amend and finalise the document to reflect any agreed changes following Planning Policy Advisory Group and Cabinet meetings.

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

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

140. **HOUSING ASSISTANCE POLICY (1:35.44)**

The Cabinet were presented a report* which provided a revised Housing Assistance Policy under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, following a review of the current Housing Assistance Policy 2019-22.

RESOLVED:

1. That Cabinet approve the revised Housing Assistance Policy 2022-2025 attached in Annex A.
2. That delegated authority is given to the Corporate Manager for Public Health, Regulation and Housing, in consultation with the Cabinet Member for Housing, to make minor adjustments to the policy based on demand and local priorities.
3. That delegated authority is given to the Corporate Manager for Public Health, Regulation and Housing, in consultation with the Cabinet Member for Housing, to suspend some or all non-mandatory parts of the revised Housing Assistance Policy attached in Annex A (all elements of the Policy other than Section 4 Mandatory Disabled Facilities Grants) if adequate funding is not available.

(Proposed by Cllr S Penny and seconded by Cllr Mrs C Daw)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

141. **REPLACEMENT ROOFING 2023 – 2026, AWARD REPORT (1:39.38)**

The Cabinet were presented a report* which advised on the results for the tendering of the Replacement Roofing Programme 2023 – 2026.

RESOLVED:

1. That the new three year Replacement Roofing Contract be awarded to Contractor 1.
2. Delegated authority be granted to the S151 Officer (in consultation with the Cabinet Member for Housing and Property Services) to complete the associated Replacement Roofing Contract.

(Proposed by Cllr S Penny and seconded by Cllr D J Knowles)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

142. **POLICY FRAMEWORK (1:42.02)**

The Cabinet were presented a report* which sought that Cabinet recommend to Council that the Policy Framework be adopted. This was an annual report that defined the policy framework for Mid Devon District Council.

RESOLVED:

That Cabinet recommend to Full Council that the Policy Framework be adopted.

(Proposed from the Chair)
Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

143. SCHEDULE OF MEETINGS 2023-2024 (1:43.50)

The Cabinet were presented the schedule of meetings* for the next municipal year (2023/24).

RESOLVED:

That Cabinet recommend the schedule of meetings to Full Council. With an amendment that the 4 October 2023 Economy PDG meeting should be 5 October 2023 and that the 17 November 2023 Economy PDG meeting should be 16 November 2023.

(Proposed from the Chair)

Reason for Decision: As stated in the report.

Note: *report previously circulated and attached to the minutes

144. NOTIFICATION OF KEY DECISIONS (1:44.50)

The notification of key decisions were noted.

(The meeting ended at 11.50 am)

CHAIRMAN