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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 April 2023 at 10.00 am

Present

Councillors B G J Warren (Leader), G Barnell, Mrs C P Daw, D J Knowles, A Wilce and Mrs N Woollatt

Also Present

Councillor(s) B. Holdman, R. Dolley, S. Clist

Also Present

Officer(s): Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing) and Matthew Page (Corporate Manager for People, Governance and Waste), Luke Howard (Environment and Enforcement Manager), Dr Stephen Carr (Corporate Performance & Improvement Manager), Andrew Seaman (Member Services Manager) and Sarah Lees (Member Services Officer)

162. APOLOGIES (0:03:30)

No apologies were given.

163. PUBLIC QUESTION TIME (0:03:44)

Ros Nichols

Good Morning, I'm Ros Nichols a local Tiverton resident, business owner and an accountant by profession. Accountancy and budgeting is all about double entry and balancing the books, I have 2 points to make relating to the increasing charges in the pay and display carpark and raising money.

Previous Cabinet Members and Councillors removed the half hour car parking charges in some of the most used car parks. These quick turnaround times encourage people to pop into town, grab what they need without having to pay £1.25 for an hours stay. Can the Cabinet consider amending the current proposals of the Economy Policy Development Group to reintroduce these at Tiverton Market and at Becks Square and at the Crediton and Cullompton equivalents?

For example, one of my friends recently needed to collect a prescription for an elderly relative from the Pharmacy. She drove around the town twice to try and get a free half an hour space on street. But to no avail, all the spaces were full. Williams Street Car Park that still has the half hour free stay was full of parents picking up their children from school. So she parked in the car park very close to the pharmacy and considered not paying the £1.25 minimum fee as she was literally going to be 3 minutes maybe 5 minutes at most.

Now if she considered that now, how many folk are going to do that when the minimum fee is £2 for an hour, because they only want to stay 5 minutes or because

they can't afford to add £2 to their shopping bill. Not everyone wants to stay for an hour, if they just want to pop to the post office, one of our remaining banks or even to buy a dozen eggs in the market. The half hour on street parking in Bampton Street is constantly busy, with folk fighting for a space so that they don't have to pay in the car park.

William Street Car Park is also busy as it still offers half hour for 50p. Wouldn't it be better to charge a nominal 50p for half an hour and have all the car parks constantly busy rather than drive people to risk it and not pay at all? Please take on board the reasons why people use the car parks. Yes there are those that come to town who want to have a mooch in the shops, grab a coffee and that's fine for a reasonable hours charge but not to the detriment of people who want to grab and go.

Finally, an idea that was put forward at a previous meeting to fill the gap in the budget, why not offer members of Mid Devon District Council Staff and Councillors who use the multi-story carpark a discounted permit? Even if this was at 50% of the day rate, in my calculations 100 people at 50% would fill a £23,000 hole. Take it from their monthly pay and they are still getting a better deal than the members of the public. If they worked anywhere else in town they would have to pay full price for a permit. If you can't amend existing contracts make it clear for new members of staff that car parking is not a perk for working at the council, because like everyone else you as an employer as well as a local authority are trying to balance the books.

Nick Quinn

Firstly, concerning Item 5: Financial Monitoring, paragraph 1.2 states that "the purpose of this report is to provide a high level update on any material changes since the last report – Quarter 3 presented to February Cabinet. In the Q3 Report, it was stated that a £467,000 overspend on the Modular Housing development at Shapland Place was "largely due to additional planning requirements".

Since that report was issued it has become apparent, from written replies to Public Questions at the last Cabinet meeting regarding this development, that £332,000 of the overspend (70%) stems from Contract Inflation Rises – not from Additional Planning Requirements. It is clear that Cabinet were misinformed on the cause of this overspend, which is concerning, as the costs of other Modular Home developments may also be affected - but Cabinet have not been forewarned.

Q1. Why were Cabinet given incorrect information in this Q3 financial monitoring report?

Q2. Do other Modular Housing contracts have similar inflation bombs?

Secondly concerning Item 8: Car Parking and Permit Tariffs. The sole basis for the proposed increases in tariffs is given as a cumulative rise in inflation. There is nothing in the reports about the actual costs of the operation of the service or the appropriateness of the recharges being allocated to it. As the result of written replies to Public Questions, it is now apparent that the Premises cost set in the 2023/24 budget at £381,650 has increased greatly from the 2022/23 actual figure of only £221,115. An increase of 73%.

Q3: Why have the actual costs of the service, and the appropriateness of the recharges, not been considered and addressed in this report?

Q4: What is the basis for the very significant rise in the premises cost?

The Leader explained that questions 3 and 4 would be answered at the appropriate agenda item through the Cabinet's discussion.

The Corporate Manager for Public Health, Regulation & Housing provided an answer to questions 1 and 2 and would be attached to the minutes.

The Corporate Manager for People, Governance & Waste responded to questions 3 and 4 by explaining that the cost of this service was considered when the inflationary uplift was calculated, with recharges regularly reviewed within the agreed budget. The Council had suffered from rising utility costs which was due to the cost of living climate. Electricity usage was high for this service as this included powering, for example, ticket machines and lighting as well as other provisions. This was also timed with the coming of a previous fixed price tariff and that maintenance costs would vary year to year. The maintenance schedule would be provided in writing.

Kate Clayton-White

Good morning. In February we faced a very real prospect of 115% rise in the cost of our allocated space rental. It has been encouraging to note that through representations at subsequent Council meetings, Councillors seemed to have listened to us and amended their fee proposals for allocated spaces for which we thank you. We appreciate that the current Cabinet membership seems to be more open and upfront about their proposals than previous incumbents who sought to hide their outrageous proposals in private part 2 minutes.

We were very pleased to hear the amendment the S151 officer put forward by the Economy PDG on the 16 March, which suggested an increase from £425 to £460 which is much fairer and in line with inflation. Your amendment kicked into touch the other totally unjustifiable suggestion of implementing a backdated increase over the last 7 years when the council had chosen not to increase our fees.

These amendments regarding the allocated spaces were unanimously agreed by the Economy PDG committee and we urge you to accept those. Car parking issues are very important to the people in Tiverton, a major problem at this time has been terrible communication and lack of engagement with the public. Many people don't read the gazette because it's so expensive and your website is not the easiest to navigate. So in future, please try to find a better way of communication and let us know where and when car parking increases are to be discussed.

You already use email to tell us when our fees are due, maybe start a Council car parking Facebook page and put up an old fashioned large public information board. Maybe on the wall next to the market toilets. Something for people who do not use social media, then give us time to respond. I'm sure you fulfilled some sort of minimum statutory obligation by posting a tiny little chart of fees in the local paper. But as has been said before, there is a difference between statutory obligation and best practice.

Affordable car parking fees are essential to Tiverton's economy, affecting everybody and should only ever increase in line with current inflation and no more. They should certainly never be used to raise money to subsidise holes from the budget from

unrelated questionable activities. It was for this reason, in February I asked, what was so commercially sensitive about raising car parking charges that the decision making process had to take place under private part 2 rules, i.e. in secret. You did not actually answer my question, you replied that it was because fees and charges were considered by Cabinet, how does that explain the commercial sensitivity and the need for secrecy? We are, however, very pleased to hear that future reviews of the car parking fees will take place in normal part 1 sessions. So my question remains, what was so commercially sensitive about raising car parking charges that the decision making process had to take place in secret?

Sophia Beard

I am Chair of the Tiverton Town Centre Partnership representing the businesses in Town, I am a local resident also. Again, as Jo has said, I think that quite a lot of the points have been quite elegantly put out over the last few meetings and indeed today by the colleagues that have spoken before, but I do have 4 questions that I would like to just bring to the focus again, also this is obviously on a car parking issue.

In discussion over those previous meetings one of the things that was stated by the finance officer was that notification of the car park charge options had been sent out with the council tax bundle last year. My question is, why if you made these decisions, again these are comments pulled from the previous meeting, so if these decisions were made to balance the budget in October, why there was nothing in the pack that was sent out to all residents regarding the council tax this year and all this sort of advertising leaflets that come in that envelope. There was nothing about the car parking charges and the options that people have this year. So the previous comments about how that is being communicated to the wider public, I would really like some justification on that.

The second question, is that again due to comments made, by the finance officer in previous meetings. There is serious concern that whilst at the previous meeting of the Economy PDG said that they would pass across the responsibility of the annual review to the officers to make sure that it is going to be happening on that basis and the comment made said that it was going to be difficult to apply inflation increases on a fractional percentage basis and if that kind of maths is beyond the scope of the officers in charge of the budgeting for the Council. I would suggest that there are some really good primary schools around here that would be able to help them out with that extra learning.

Because that is not a justification for waiting until inflation rises at 10% or indeed waiting 7 years to actually look at the bottom line of what is coming in. That is unacceptable, So I would like some clarification in that if it is on an increased percentage base on each year if the officer are able to do that maths.

The third question, alludes largely to what has also been said here, the last minute statutory deadlines which is largely what has caused the issues and the furore around this, is not acceptable in terms of consultation with the public. Where there is a duty to deliver a clear customer service. Therefore, I want to ask that the Cabinet and the Council look to give more than the statutory minimum in terms of consultation.

And my final question is would the Cabinet agree today to take the recommendations of the Economy PDG as a starting point in their discussions today as it has

addressed some of the immediate needs of residents, but has not addressed those of the businesses and visitors of the town centre as Tiverton still needs to be competitive compared to Taunton and Exeter. And for example, there are 30 minute wait times, from the Economy PDG that was put forward for the evening tariff and we do need that through the day to support the town businesses.

The Leader explained that the points raised by public questioners would be answered at the appropriate agenda item through the Cabinet's discussion.

164. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0:26:15)

Cllr Mrs N Woollatt declared a personal interest in relation to item 6 as Cllr Mrs N Woollatt works for Exeter Community Energy.

Members were reminded to make declarations of interest where appropriate.

165. MINUTES OF THE PREVIOUS MEETING (0:26:50)

The minutes of the previous meeting from 7 March 2023 were approved as a correct record and signed by the Leader.

166. FINANCIAL MONITORING (0:27:28)

The Cabinet were presented with, and **NOTED** a report* which provided a financial update in respect of the income and expenditure so far in the year. The following was highlighted:

- There was a continued overspend towards circa £400k due to cost pressures.
- His Majesty's Revenue and Customs (HMRC) had changed their stance on charging Councils VAT on leisure service income.
- Under the New Burdens guidance, the Council was due to receive circa £150k for the energy rebate works undertaken as well for the business relief rates provided by the Council, it was noted that this almost covered the total costs.
- There were new energy scheme payments due to residents.
- The Council was now able to keep "right to buy" receipts for the 2022/2023 financial year as well as the 2023/2024 financial year, which would benefit social housing development plans.

The following was discussed:

- Asked for an update on New Burdens Funding, the Deputy Chief Executive explained that the Council was still waiting for a final claim made during the Covid-19 Pandemic and that an energy rebate scheme had been received.
- Whether the Council could claim back further than 2011 in relation to the VAT charges on leisure service income. The Deputy Chief Executive explained that the Council would make claims prior to 2011 if the appropriate information was available.
- It was asked if Mid Devon District Council had the resources and could manage planning guarantees reduced from 26 weeks to 16 weeks. The Deputy Chief Executive explained that this was at a consultation stage and there might be a need to add resources to fulfil this.

- Regarding energy schemes, it was asked whether the Government payback covered the incurred costs. The Deputy Chief Executive explained that the Council was circa 20% short, however, both the Local Government Association (LGA) and individual Councils had made strong representations about the delivery of these schemes and expected lobbying would continue.

Note: *report previously circulated and attached to the minutes

167. **PERFORMANCE UPDATE (0:42:55)**

The Cabinet received and **NOTED** a report* which provided Members with an update on performance against the Corporate Plan and local service targets for quarter 3 (2022/23). It was highlighted that the performance and risk update had been split into two separate updates because it allowed greater accessibility to the information presented and were structured to align with the Corporate Plan with Key Performance Indicators (KPIs) provided.

The following was discussed:

- There was a preference for numbers alongside Key Performance Indicators (KPIs) rather than percentages only. Officers reassured Members that the way KPIs were presented would be altered so that needs were met.
- Clarification was sought for why sickness rates had increased. The Corporate Manager for People, Governance, and Waste highlighted that this was the first winter without Covid-19 restrictions and was due to Covid-19 and other infections. The Council had offered free flu jabs and encouraged good hygiene practice. Compared to other authorities, this Council had been one of the first to track sickness.
- Regarding regular traders at Tiverton's Pannier Market, it was mentioned that this KPI would be renamed so that it highlighted the occupancy rate of stalls at the market.
- It was noted that the Council had failed to meet their tree planting targets, however an officer explained that Mid Devon District Council had planted circa 1,192 trees, which in fact exceeded targets. This was achieved at a recent tree planting event, but it was emphasised that with no budget for tree planting grants were heavily relied upon for this to be achieved.
- It was raised that the report had a lot of detail from the previous year, to which Officers confirmed that this would be reviewed.
- A hydro project update was due to take place.
- Whether staff turnover was expected to increase. The Corporate Manager for People, Governance, and Waste explained that the Council was in a challenging situation with public service wages, a high level of vacancies and organisations being able to be more competitive due to hybrid working.
- Regarding housing delivery, it was raised there was an absence of information, with no information for delivery of affordable homes and council homes. It was noted that priority should be given to these KPIs. The Corporate Manager for Public Health, Regulation and Housing explained that there was a housing strategy which sets ambitions for the next 4 years. Progress on strategy delivery had been provided to the Homes Policy Development Group (PDG) and a review was also scheduled in the forward plan for a future PDG under the new administration. Several schemes were in progress with a number of further schemes also planned where even more council homes

could be provided. The Medium Term Financial Plan (MTFP) sets out budget proposals for around 500 council houses to be delivered over the next five-years. It was also highlighted by the Deputy Chief Executive that it had proven difficult to build council houses as it had been unaffordable for the Council, however, with recent changes it was now a more deliverable metric.

- Homelessness was raised and whether the Council could cope with the upward trend. It was explained by the Corporate Manager for Public Health, Regulation and Housing that the cost of living was a factor but the team was now fully staffed. Also, the Government Rough Sleeper Initiative funding for homelessness prevention work is now in place so the team is in the best position it could be, but demand continued to grow and this will be under continued review.
- Clarification was sought over the percentages that related to the House of Multiple Occupancy (HMO) investigations. The Corporate Manager for Public Health, Regulation and Housing explained the team did not have control over the number of properties requiring investigation and important consideration was that all required investigations were undertaken. Nonetheless, the Deputy Chief Executive reassured that the percentages for these targets could be supplemented with totals.
- It was raised that the Hydro-dam would be unlikely to be delivered due to the nature of the river.
- In relation to Tiverton's Pannier Market it was asked whether more support could be given to Tiverton's Pannier Market. The Deputy Chief Executive explained that support was given.

Note: *report previously circulated and attached to the minutes

168. **CORPORATE RISK UPDATE (1:22:58)**

Cabinet received and **NOTED** a report* which provided Members with an update on Corporate risk for quarter 3 (2022/23).

The following was discussed:

- Culm Garden Village was raised and it was asked whether the delivery of a relief road should be considered a risk. The Corporate Performance and Improvement Manager, explained that this would be raised with the risk owner.
- At risk that the net zero target would not be met and that there should be more focus on our climate change targets. The Deputy Chief Executive explained that it was likely that most Councils were struggling to meet targets, but the Council was working hard to meet those targets set.

Note: *report previously circulated and attached to the minutes

169. **CAR PARKING AND PERMIT TARIFFS: REVIEW AND WAY FORWARD (1:30:45)**

Cabinet received a report* which provided Members with Economy PDG recommendations for pay and display charges as well as permit tariffs for consideration. Cabinet to approve or reject these recommendations with awareness of the assumed additional income included within the agreed 2023/24 budget and there is an implementation timetable of 21 calendar days from time of public advert.

The following was highlighted:

- The Leader acknowledged the petitions received that related to the rise in car parking charges from members of the public and noted that these had been considered. In addition, this report had been reviewed and recommended by the Economy PDG.
- The fees and charges had been more appropriately tailored and that future improvements would be applied. For example, a consultation group would be formed to be part of the consultation process.

The following was discussed:

- That Day Permits should be removed because it would have been more expensive than the day/night permit.
- That a 5 hour tariff should be aligned with other car parks at £4.
- That the 30 minutes free parking should be raised during a future consultation.
- There were additional challenges when adding new tariffs and this required a longer consultation period.
- The possibility of monthly payments.
- Whether there should be a 30 minute tariff and should be considered during a future consultation.
- An officer explained that monthly payments would mean a heavy administrative burden and the need for additional resources.
- That local businesses should also be consulted during a future consultation that related to fees and charges.

Cllr Mrs N Woollatt **PROPOSED** an **AMENDMENT**, seconded by Cllr A Wilce that:

That we remove completely the Rover permits.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**

Cllr Mrs N Woollatt **PROPOSED** an **AMENDMENT**, seconded by Cllr Mrs C Daw that:

In addition to permits being available to purchase annually, half yearly at 55% of the annual cost, quarterly at 30% of the annual cost. That they should also be available to purchase an annual permit payable by monthly direct debit at a monthly cost of 10% of the annual tariff.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**

Cllr Mrs N Woollatt **PROPOSED** an **AMENDMENT**, seconded by Cllr D J Knowles that:

That during a consultation we add a 5 hour tariff at £4 at Station Road Carpark and that consideration be given to reviewing half hour parking and the potential for introducing a half hour tariff at 50% of the hourly rate.

Upon a vote being taken the **AMENDMENT** was declared to have been **CARRIED**

RESOLVED:

That Cabinet agree the Economy PDG recommendations (16 March 2023) regarding pay and display and permit tariffs (Appendix 1) with the following amendments:

- That we remove completely the Rover permits.
- In addition to permits being available to purchase annually, half yearly at 55% of the annual cost, quarterly at 30% of the annual cost. That they should also be available to purchase an annual permit payable by monthly direct debit at a monthly cost of 10% of the annual tariff.
- That during a consultation we add a 5 hour tariff at £4 at Station Road Carpark and that consideration be given to reviewing half hour parking and the potential for introducing a half hour tariff at 50% of the hourly rate.

(Moved from the Chair)

Reason for Decision: There was a need for new fee and charges to be reviewed.

Note: *report previously circulated and attached to the minutes

170. AIR QUALITY SPD (2:12:18)

Cabinet received a report* which provided information on the air quality supplementary planning document (SPD).

The following was highlighted:

- The document outlined how air quality would be imposed for developers and those who wished to make planning applications. It adopted the local plan and provided direction on policies within the local plan on air quality procedures.
- 12 responses had been received during the consultation which had been considered, the Planning Policy Advisory Group (PPAG) were also consulted.

RESOLVED:

- 1) The Mid Devon Air Quality Supplementary Planning Document (Appendix 1 to this report) is adopted and this is published on the Council's website together with its Strategic Environmental Assessment screening report (Appendix 2), Habitats Regulation Assessment Screening report (Appendix 3), Air Quality Supplementary Planning Document Summary Guide (Appendix 4) and Air Quality Supplementary Planning Document Consultation Statement (Appendix 5) and its Adoption Statement (Appendix 6).
- 2) The existing Supplementary Planning Document on Air Quality and Development (May 2008) is revoked, removed from the Council's website and

is no longer made publicly available, in accordance with the local planning regulations.

(Proposed by Cllr G Barnell, seconded by Cllr Mrs N Woollatt)

Reason for Decision: So that the Air Quality SPD could be adopted and published on the Council's website.

Note: *report previously circulated and attached to the minutes

171. COMMUNICATION AND ENGAGEMENT STRATEGY (2:17:15)

Cabinet received a report* which provided Members with the revised Communication and Engagement Strategy and accompanying Media and Social Media Policy.

The following was discussed:

- It was felt that more emphasis on public engagement was needed within the report and that the report could be improved with more information that covered rights and accountability. The Corporate Manager for Digital Transformation & Customer Engagement, Digital Services explained that the report was made deliberately light, however reassured the Cabinet that the report could be revisited.
- The Deputy Chief Executive highlighted that communications had improved according to a recent survey however, there was still room for improvement.

RESOLVED:

That the Communication and Engagement Strategy be deferred.

(Proposed by Cllr D J Knowles, seconded by Cllr A Wilce)

Reason for Decision: So that a revised version of this report that considered the Cabinet's feedback could be presented back to Cabinet.

Note: *report previously circulated and attached to the minutes

172. REGULATION OF INVESTIGATORY POWERS (2:27:36)

The Cabinet received and **NOTED** a verbal update from the District Solicitor and Monitoring Officer who highlighted that no applications had been received under the Regulation of Investigatory Powers Act.

173. SINGLE EQUALITIES POLICY AND EQUALITY OBJECTIVES (2:28:26)

Cabinet received a report* which provided Members with an update on action taken to help meet the Council's statutory duties under the Equality Act 2010.

The following was highlighted:

- This policy outlined how the Council would work towards the implementation of equality duties placed on the Council.

- The documents had been reviewed and updated, this included a review conducted by the Equality, Diversity and Inclusion Group.
- Section 3 of the policy had been updated which included the equality profile of Mid Devon.
- There were no proposed changes to the policy's objectives.
- Further work towards an action plan to meet objectives would be conducted by the Equality, Diversity and Inclusion Group.

RESOLVED:

That the Single Equality Scheme together with the Equality Objectives for 2023/24 be approved.

(Moved from the Chair)

Reason for Decision: To comply with the Equality Act 2010.

Note: *report previously circulated and attached to the minutes

174. NOTIFICATION OF KEY DECISIONS (2:31:14)

The Cabinet had before it, and **NOTED**, the notification of *Key Decisions

It was raised that the Forward Plan template had not yet been updated, it was explained that the new version was under development and would be ready for the next Cabinet Meeting.

Note: *Key Decisions previously circulated and attached to the minutes

(The meeting ended at 12.42 pm)

CHAIRMAN

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