

# Mid Devon District Council

## Cabinet

Thursday, 5 February 2015 at 2.15 pm  
Phoenix House

Next ordinary meeting  
Thursday, 5 March 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

## Membership

Cllr C J Eginton	Leader
Cllr R J Chesterton	Planning and Economic Regeneration
Cllr N V Davey	Environment
Cllr C R Slade	Community Well Being
Cllr P H D Hare-Scott	Finance
Cllr Mrs B M Hull	Working Environment and Support Services
Cllr R L Stanley	Housing

## A G E N D A

*Members are reminded of the need to make declarations of interest prior to any discussion which may take place*

- 1. Apologies**  
To receive any apologies for absence.
- 2. Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3. Minutes of the Previous Meeting** (*Pages 7 - 12*)  
To receive the minutes of the meeting of 8<sup>th</sup> January 2015(attached).
- 4. The Anti-Social Behaviour, Crime and Policing Act 2014** (*Pages 13 - 18*)  
Arising from a report of the Head of Housing and Property Services and a recommendation from the Community Well-Being Policy Development Group regarding new legislation, the PDG had recommended that: the Anti-Social Behaviour, Crime and Policing Act 2014 be adopted and that delegated authority be given to Chief Executive for the appointment of Officers under the Act and to coordinate a consistent level of fines across all Devon authorities.

5. **Open Spaces and Play Area Strategy** (Pages 19 - 22)  
Arising from a report of the Head of Housing and Property Services and a recommendation from the Managing the Environment Policy Development Group regarding a review of the strategy, the PDG had recommended that the Cabinet adopt the Open Spaces and Play Area Policy subject to part 2 of the document (area profiles) being made available to Parish Councils and Ward Members for ratification.
6. **HRA budget 2015/16** (Pages 23 - 30)  
Arising from a report of the Head of Finance and Head of Housing and Property Services and a recommendation from the Decent & Affordable Homes Policy Development Group, the PDG had recommended that the Cabinet approve:
- The HRA budget proposals within the report
  - The property rent increases proposed
  - An increase of £35 to garage ground rents
  - No increase in garage rents
  - Investigations into the feasibility of creating a Special Purpose Vehicle
7. **Harlequin Valet** (Pages 31 - 54)  
Arising from a report of the Head of Planning and Regeneration, the Scrutiny Committee had made the following recommendations:
- Following the initial assessment and any remedial action to make a dangerous structure safe, the structures shall (unless fully demolished or fully repaired) if instructed by the Council, be monitored every two months (employing a structural Engineer where necessary) to ensure any further decay is identified as early as possible. A detailed record of those inspections and any actions requested to be kept.
  - Ward Members, the Media, the website and Town and Parish Councils to be notified following inspections of the findings and any proposed action, ensuring maximum publicity.
  - A leaflet to be published on the Council's website identifying the powers the Council has with regard to dangerous structures and the actions the Council may pursue where public safety is being put at risk where no action is taken by the owner. The proposed policies are set out below.
  - Information should also be displayed on the Council's website, of the risks that poorly maintained cob structures can create and owner responsibility regarding dangerous structures.
  - Delegated authority be given to Building Control officers to take

action under Section 77 and 78 of the Building Act, as deemed necessary, and that expenditure incurred in those cases be agreed by the Cabinet Member for Planning and the Head of Finance as an expenditure outside of set budgets on a case by case basis. (The Council will always seek to recover its costs in such circumstances but recovery cannot be guaranteed).

- When proposals for enforcement action are taken to Planning Committee regarding dangerous structures the report to include a risk assessment on the building.
- The Council will set out the following policies (subject to Cabinet and Council approval) on its website for dealing with dangerous structures as follows:-
  - a) In an **EMERGENCY** situation the Council shall, if reasonably practical to do so give notice to the owner of their intention to take action. The Council will employ a contractor to do the minimum amount of work necessary to remove the danger. The owner, if not previously informed, will later be notified of the action and the fact that he/she is liable for the Council's full costs.
  - b) Where a dangerous structure is identified **BUT IS NOT AN EMERGENCY**, the Council will attempt to obtain a verbal commitment from the owner to remove the danger immediately. If not achieved, formal notice will be sought and served on the owner via the Magistrates Court under section 77 of the Building Act, requiring that the danger is removed. If the owner fails to comply, the Council will employ a contractor to do the minimum amount of work necessary to remove the danger.

8. **Reorganisation and Redundancies within the Council**

The Scrutiny Committee had recommended that the Chairman of the Scrutiny Committee be consulted, along with the Leader, when the Chief Executive proposed to use reserves to make payments for redundancies.

9. **Scrutiny Committee - Draft Budget 2015/16**  
**Draft Budget 2015/16**

Arising from a report of the Head of Finance, the Scrutiny Committee had recommended to the Cabinet that the draft budget for 2015/16 be approved.

10. **Authority's Monitoring Report (Pages 55 - 114)**

Report of the Head of Planning and Regeneration presenting the

Authority's Monitoring Report for the period 1 April 2013 – 31 March 2014.

11. **Financial Monitoring** (*Pages 115 - 120*)  
Report of the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.
12. **Budget** (*Pages 121 - 134*)  
To receive a report of the Head of Finance proposing the budget for 2015/16 for consideration by Council.
13. **Capital Programme 2015/16 - 2018/19** (*Pages 135 - 144*)  
To receive a report of the Head of Finance seeking approval for the 2015/16 Capital Programme and the draft 2016/17, 2017/18 and 2018/19 programmes.
14. **Treasury Management Strategy and Annual Investment Strategy** (*Pages 145 - 160*)  
To receive a report of the Head of Finance outlining the proposed Treasury Management Strategy and Annual Investment Strategy for 2015/16
15. **National Non-Domestic Rates 2015/16** (*Pages 161 - 172*)  
To receive a report of the Head of Finance regarding the calculation for the NNDR for 2015/16.
16. **Policy Framework Document 2015/16** (*Pages 173 - 188*)  
Report of the Chief Executive outlining the necessary steps to provide the Policy Framework for the year.
17. **Notification of Key Decisions** (*Pages 189 - 192*)  
To note the rolling plan containing key decisions.

**Kevin Finan**  
Chief Executive  
Wednesday, 28 January 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

Fax:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.