

MINUTES of a **MEETING** of the **CABINET** held on 9 July 2024 at 5.15 pm

**Present
Councillors**

L Taylor, S J Clist, J Lock,
J Buczkowski, S Keable and D Wulff

**Apologies
Councillor(s)**

G Duchesne and J Wright

**Also Present
Councillor(s)**

D Broom, E Buczkowski, C Harrower, R Roberts and
S Robinson

**Also Present
Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett
(Deputy Chief Executive (S151)), Maria De Leiburne
(Director of Legal, HR & Governance (Monitoring Officer)),
Simon Newcombe (Head of Housing & Health), Matthew
Page (Head of People, Performance & Waste), Luke
Howard (Environment and Enforcement Manager), Dr
Stephen Carr (Corporate Performance & Improvement
Manager), Laura Woon (Democratic Services Manager),
and David Parker (Democratic Services & Policy Research
Officer)

**Councillors
Online**

N Bradshaw, G Czapiewski and A Glover

Officers Online

Dean Emery, Lisa Lewis, Carole Oliphant and S Richards

19. APOLOGIES (00:04:22)

Apologies received from Cllr G DuChesne and Cllr J Wright.

20. PUBLIC QUESTION TIME (00:04:40)

Goff Welchman

"I have previously asked questions about 3 Rivers and been highly dissatisfied with the responses received, which I consider to be either evasive or inaccurate.

Question 1:

Now that I am no longer allowed to question such responses, which avenues now remain open, for the public to challenge those replies? Without any appropriate avenue, responders will be able to say whatever they like, whether truthful or not.

Response from the Leader of the Council:

Mr Welchman, there is no item on the agenda related to 3 Rivers. However on your general point about questions, the public can ask questions relating to any item on the agenda for that meeting. If a question is more general in nature, or if members of the public are unsure at which committee it should be asked, they can either ask officers in Democratic Services to check in advance, or ask their question at full council – where questions relating to any council matter will be allowed.

Question 2:

In view of this block on challenging responses, will the chair of the meeting, at which the replies are minuted, take full responsibility for their accuracy and veracity?"

Response from the Leader of the Council:

I note that you remain dissatisfied. However, responses to public questions are not an item for debate. The minutes agreed by each committee are to reflect an accurate record of the committee's debate, discussion and decisions at each meeting, ensuring the public record openly and transparently reflects members' considerations.

Nick Quinn

I see that the Planning Enforcement- Enforcement Policy Update, which was scheduled to come to this meeting of the Cabinet, has been put back. It is now listed as "Not before 15th Oct 2024"

Question 1:

What is the reason for the delay in presenting this very important Policy?

Question 2:

What is the significance of the 15th of October 2024 - why can the policy not come to Cabinet before that date?

Question 3:

It is a long time since the public saw the initial draft policy at Scrutiny Committee in February 2024, where it came in for considerable criticism by both Members of Scrutiny Committee and the public. Will the revised draft policy be circulated for public comment, and input, before it comes to Cabinet?

21. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:09:18)

No interests were declared under this item.

Members were reminded of the need to make declarations of interest where appropriate.

22. **MINUTES OF THE PREVIOUS MEETING (00:09:30)**

The minutes of the previous meeting held on 4th June 2024 were **APPROVED** as a correct record and **SIGNED** by the Leader.

23. **TOWN AND PARISH CHARTER REPORT (00:11:45)**

The Cabinet had before it, a report * from the Chief Executive Officer on the Town and Parish Charter report.

This was the latest step of the Councils renewed and energised approach to engage with our local councils on the basis of mutual appreciation and a shared understanding of each other's strengths.

The Town and Parish Charter was a partnership between Mid Devon District Council and the Towns and Parishes within its district and had been in existence since 2012.

The Charter had not been reviewed for some years, and grateful that so many local Councils felt able to input to this document.

The Charter and associated planning document would be used to improve how the Council and its Towns and Parishes work together, for the benefit of our collective communities.

The Community PDG considered the Charter and the process for renewing it, at the meeting in January 2024, and approved a decision to send the Charter to the Towns and Parishes for review. It was then shared with local councils across Mid Devon who were given three months in which to respond in order that it would fit into their respective meeting cycles.

The Council received 24 responses (out of 50 Towns and Parishes), with the majority accepting the proposed changes and only one not accepting the revised document. Consulted with Devon Association of Local Councils (DALC), who represent the interest of local councils across Devon. Many of the suggestions that the Councils had made, have now been incorporated into the revised Charter documents. The Charter has also been reformatted to show that the District Council and the Towns and Parishes have mutual responsibility to recognise, understand and respect the role that the other plays in delivering for our communities.

The Council had listened and worked with every parish and town that was prepared to respond, and would continue to work to understand and promote better communication and engagement. If the Cabinet member were here she would be giving her absolute commitment to continuing to strengthen these relationships, alongside moving the recommendation to adopt the Charter, which she had asked the Leader to do on her behalf when the time comes.

The Leader recommended the following amendments to be made:

1. At paragraph 1, to add the following words to the end of the final sentence: "masts and infrastructure".

2. At paragraph 2, change “Parish and Town Clerks” to “Town and Parish Clerks” this was a small change which provided continuity with the rest of the document - Towns are followed by Parishes in all the other wording.

It was also an example of where that as part of the engagement and had picked up and incorporated suggestions around continuity and made amendments suggested by Towns and Parishes.

3. The second paragraph of paragraph 6 needs its own number which would mean that the remaining paragraph numbers (7 to 21) would all increase by 1.

This was just a small edit, the numbering of that paragraph had been overlooked, and on review it was picked up and amended.

That Cabinet **ADOPTED** the Town and Parish Charter.

(Proposed by the Leader of the Council)

Note: * Report previously circulated.

24. **PUBLIC SPACES PROTECTION ORDER (00:18:05)**

Cabinet had before it a report * from the Environment and Enforcement Manager and the Head of People, Performance and Waste seeking an extension to the period that the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 was in force for in addition to its variation.

The Environment and Enforcement Manager outlined the contents of the report with particular reference to the following:

- The report reviewed the decision taken on 7 October 2021 regarding the Council’s Dog Control Public Spaces Protection Order.
- It also took into consideration amendments requested by town and parish councils.

Discussion took place regarding:

- The response percentages from the Town and Parishes.

RESOLVED that:

Cabinet **APPROVED** as recommendation by the Service Delivery and Continuous Improvement PDG:

1. On being satisfied that the statutory grounds for extending and varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (“the Dog Control PSPO”) are met, as detailed in the Report, to allow Officers to commence statutory consultation for the following:
 - a) To extend the period the Dog Control PSPO is in force by a further period of three years.

b) To vary the Dog Control PSPO by:

- Designating the Playing Area known as Jacks Acre in Cheriton Fitzpaine (as shown on the plan at Appendix 1) as an area where dogs are not allowed;
- Designating the Playing Field at the top of Wood Lane Morchard Bishop as an area where dogs must be on a lead (as shown on the plan at Appendix 2);
- Removing from the Dog Control PSPO the existing plan of the Recreation Ground at Oakford as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Recreation Ground to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 3); and
- Removing from the Dog Control PSPO the existing plan of the Play Area Amory Park Tiverton as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Amory Park to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 4).

2. Delegated Authority granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the Orders extending and varying the Dog Control PSPO to go out to consultation.
3. In the event that there are no material objections to the extension and variation as determined by the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Service Delivery and Continuous Improvement, to grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to make the Orders extending and varying the Dog Control PSPO as recommended in the Report.
4. In the event that the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Service Delivery and Continuous Improvement, determine that objections by the owners of any land which is subject to the Dog Control PSPO should be up held, to then grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to vary the Dog Control PSPO by removing any land for which an objection(s) has been upheld.

(Proposed by the Leader of the Council)

Note: * Report previously circulated.

25. **DELEGATED DECISIONS FOR MID DEVON HOUSING MINOR POLICY AMENDMENTS (00:24:30)**

Cabinet had before it a report * from the Head of Housing and Health on Delegated Decisions for Mid Devon Housing Minor Policy amendments.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- Due to legal requirements including the new consumer regulation regime for social housing providers, the Mid Devon Housing policies framework was one of the most extensive in the Council. The new regulatory regime means policies must be under an accelerated period of review to reflect the current legal position.

Discussion took place regarding:

- What would be a minor change necessary for delegated authority for the Head of Housing and Health and what safeguards would be in place for this?
- Chair of the Homes PDG commented on the importance of being transparent.

RESOLVED that:

1. Cabinet **APPROVED** that Head of Housing and Health was given delegated authority to make minor amendments to current MDH Policies as listed in Annex A in consultation with the Cabinet Member for Housing, Assets & Property Services) as required by legislative changes, formal guidance or local operational considerations as recommended by Homes PDG.
2. Cabinet **APPROVED** that Head of Housing and Health was given delegated authority to make minor amendments to new MDH Policies as listed in Annex A or developed in due course following first adoption, in consultation with the Cabinet Member for Housing, Assets & Property Services) as required by legislative changes, formal guidance or local operational considerations as recommended by Homes PDG.

(Proposed by Cllr S Clist and seconded by Cllr J Buczkowski)

Note: * Report previously circulated.

26. **HOME SAFETY POLICY (00:32:50)**

Cabinet had before it a report * from the Head of Housing and Health on Homes Safety Policy.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- The Mid Devon Housing (MDH) Homes Safety Policy was adopted by Council on 21st February 2024 after recommendation by Homes PDG and Cabinet. There was now a requirement to add a further clause to the Policy that states Bioethanol fires/space heaters are not permitted to be used in MDH stock.
- Furthermore, since the Policy was drafted, the Government White Paper on regulatory reform in the sector had also been implemented with new legislation where it was beneficial to reflect this with an additional Policy amendment. Internal structure changes and job titles relevant to overarching health and safety duty under the new housing legislation had been confirmed which should also be reflected in an amendment to the Policy.

Discussion took place regarding:

- Concerns of the residents of those in poverty and if those are prohibited from using Bioethanol Fires and space heaters. What would the Council provide and what support would be given to those residents.

RESOLVED that:

1. Cabinet **ADOPTED** the amended Policy as set out in section 1.6, 1.10 and 1.15 within the report as recommended by the Homes PDG.

(Proposed by Cllr S Clist and seconded by Cllr D Wulff)

Note: * Report previously circulated.

27. **TENURE REFORM WORKING GROUP REPORT (00:39:30)**

Cabinet had before it a report * from the Head of Housing and Health on Tenure Reform Working Group report.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- The Homes PDG tasked the Tenure Reform Working Group to investigate the continued use of Flexible tenancies for all properties and whether this type of tenure is beneficial for Mid Devon Housing (MDH) and tenants. The Working Group were asked to consider whether a change to the current tenure offerings required updating and if so what types of tenure should be offered to tenants in the future.

Discussion took place regarding:

- The risk that were identified and the impact on the tenants.
- The recommendation came from the homes PDG.

RESOLVED that:

1. The use of flexible tenancies be halted
2. All current flexible tenancies are moved to secure tenancies

(Proposed by Cllr S Clist and seconded by Cllr S Keable)

Note: * Report previously circulated.

28. **INCOME MANAGEMENT POLICY (00:40:00)**

Cabinet had before it a report * from the Head of Housing and Health on Income Management Policy.

The Cabinet Member for Housing, Assets and Property and Deputy Leader outlined the contents of the report with particular reference to the following:

- The policy set out the principles and the overall approach that Mid Devon Housing (MDH) takes to collect rent, service charges and other payments, prevent arrears, manage arrears and ensure that effective and appropriate action was taken to sustain tenancies and maximise income/reduce debt. The policy applies to all properties owned and managed by MDH, including properties let on tenancies, licenses and leases.

RESOLVED that:

1. Cabinet **ADOPTED** the updated MDH Income Management Policy and Equality Impact Assessment contained in Annexes A and B respectively as recommended by Home PDG.

(Proposed by Cllr S Clist and seconded by Cllr J Buczkowski)

Note: * Report previously circulated.

29. **ANNUAL PERFORMANCE REPORT (00:53:55)**

Cabinet had before it a report * from the Chief Executive and Corporate Performance and Improvement Manager on the Annual Performance report.

The Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

- The Performance Outturn Report for financial year 2023/24 was the final performance report on the council's Corporate Plan which was adopted in February 2020.
- The Annual Performance report was structured according to the four themes of the outgoing Corporate Plan: Homes, Environment, Economy, and Community, with climate change being a cross cutting theme.
- Performance information on a wide range of corporate performance indicators was also detailed at Appendix 5.
- At Section Two of the covering report additional analysis on several of the performance indicators was provided

Discussion took place regarding:

- The homeless performance indicators.
- The household recycling rates for 2023/2024.

RESOLVED that:

1. Cabinet Members reviewed and scrutinised the Performance Indicators and information detailed in this report.

(Proposed by the Leader of the Council)

Note:*Report previously circulated

30. **CORPORATE RISK Q4 (01:02:00)**

Cabinet had before it a report * from the Chief Executive and Corporate Performance and Improvement Manager on the Corporate Risk Quarter 4.

The Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

- The council's current corporate risks. These were the risks which had been identified that may be most likely to impact the council meeting their objectives.
- The quarterly report was presented to Cabinet Members for scrutiny, comment and feedback.
- Members to note that in the covering report risks were presented with their current risk rating and, in brackets, a target risk rating. The target rating had been determined by officers and was the risk rating that was expected once all identified mitigating actions had been completed.
- A risk matrix or heat map was presented at Appendix 1 shows the relative position of the 18 corporate risks.
- Then at Appendix 2 of the report, further details are provided for each risk in a standard template.
- Any significant changes to the risk register since it was last reported to committee are listed in the covering report, at paragraph 2.3.

Discussion took place regarding:

- The risk target ratings and in the future to have the trends alongside those.
- Updates on the corporate Risk were relatively out of date. This relates to the need to prepare the report, present it to Audit Committee, and the delayed Cabinet meeting. Quarter 4 report was late as the Council would be working on the Quarter 2.
- Cullompton Town Centre relief road risk rating in comparison to the others.
- The high risk targets and the level of control that officers have to help with the mitigation and measurements for these.
- The Cyber security risk and the Council patch Wednesdays that take place and the importance of this taking place.

RESOLVED that:

1. Cabinet Members reviewed the Corporate Risk Register and feedback any areas of concern.

(Proposed by the Leader of the Council)

Note:*Report previously circulated

31. **PERFORMANCE DASHBOARD Q4 2023/2024 (01:12:20)**

Cabinet had before it and **NOTED** the Performance Dashboard from the Chief Executive and Corporate Performance and Improvement Manager on the Performance Dashboard Q4.

The Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

This was the Corporate Performance Dashboard Quarter 4. The aims to give an "at a glance" understanding of how corporate services are performing in terms of performance, finance, and risk.

The indicators are presented with their current performance, the annual target, and a RAG rating to indicate whether there on track to meet the annual target.

Overall performance was presented in a pie chart and combines the RAG ratings from both the performance and finance measures. Also included was a pie chart showing performance from the previous quarter.

Sickness Absence (Red) reflects the national picture - relatively high levels of absence.

Staff turnover. (Red) an increase in the staff turnover in Q4. On reflection, the yearend figure is lower than in 2021/22 (21.3%) and 2022/23 (19.5%) Target for the new financial year has been set at 17%.

Council tax and Non domestic rates paid by Direct Debit (Both at Amber) - These are both just behind target at the end of Q4. Collection rates were very high overall.

Cabinet Services outturn (Red): related to corporate costs the £300k corporate staffing savings target was included here, but the savings are included within the relevant service. Also includes £1m of 3Rivers revenue loan impairment due to decision to soft close.

The number of Procurement Waivers required (Amber) with two used in the quarter.

Agency Spend 'v' Budget (Red) – relates to covering vacancies in finance and legal against a target of £0.

In terms of the future development of the Performance Dashboard, it is being reviewed by officers in light of the council drafting a new corporate plan and restructuring the PDGs. Any changes will be reflected in the performance dashboard for Quarter 1.

Note: The Performance Dashboard previously circulated

32. **CORPORATE PLAN 2024-2028 (01:15:15)**

Cabinet had before it a report * from the Chief Executive and Corporate Performance and Improvement Manager on the Corporate Plan 2024-2028.

Latest draft plan with all the policy development groups, Cabinet to consider and guide members and majority to propose are acceptable and continue to review within your pack.

The Corporate Performance and Improvement Manager outlined the contents of the report with particular reference to the following:

A Corporate Plan was a strategy that documents, communicates and provides a framework for the delivery of strategic priorities.

The draft Plan had been under development since January this year and a draft version was reviewed by Cabinet in June. Following that meeting, the draft Plan had been reviewed by all of the Policy Development Groups, and Members from across the Council have provided their feedback. This was attached at Appendix 2 for Cabinet to consider.

Alongside this, officers have continued to review and add contextual information to the performance indicators included within the Plan against each of the five thematic areas.

A final draft was due to be considered for approval at Full Council on the 17th July. After which a final version would be created by the Council's graphic designer.

Discussion took place regarding:

- To revisit the Service Delivery and Continuous Improvement introduction statement.
- The figures within the Corporate Plan and to continue the work on the progress.
- The complaint resolved within the target timescale of 85% and this to be higher at 90% to challenge the Council. If the timescale was a regulatory requirement why would the target not be 100%.
- Context about the new statutory Complaints Handling Code and proposed target of 85% on the complaints resolved within target timescale where this compares to other Local Authorities.
- A review of the appendix 2 amendments proposed by the Policy Development Groups.

The Leader of the Council **MOVED** that the performance target related to complaints resolved target timescales to 85% to remain at 85% as in appendix 2.

Upon a vote being taken declared to have been **CARRIED**

Note: * Cllr J Buczkowski voted against.

Cabinet **RESOLVED** that:

1. Cabinet reviewed the draft Corporate Plan 2024-28, Appendix 1, and **RECOMMENDED** any alterations before it is presented to Council on 17 July 2024;
2. Considered alterations proposed by Members through the Policy Development Groups, Appendix 2.

(Proposed by the Leader of the Council)

Note: * Appendix 2 recommendation from Cabinet attached to the minutes.

Note: * Report previously circulated.

33. **NOTIFICATION OF KEY DECISIONS (02:14:30)**

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

The Democratic Services Manager had added the following:

- Cullompton Cricket club relocation
- Climate Strategy Action Plan
- Destination Management Plan
- Air Quality Action Plan
- HRA Asset Management Strategy
- Data Policy for MDH
- Safeguarding Policy for MDH
- Future Waste and Recycling Options
- Tenant Involvement Strategy
- National Assistance Burial Procedures
- Community Safety Partnership Policy
- Single Equalities Policy and Equality Objectives
- Safeguarding Children and Adults at Risk Policy.

Note: * Notification of Key Decisions previously circulated.

34. **THE NEXT SCHEDULED MEETING DATE**

Cabinet **NOTED** the next scheduled meeting of Cabinet was 30th July 2024 at the Boniface Centre, Crediton at 5.15pm.

(The meeting ended a 7.33pm)

CHAIR