

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 5 January 2017 at 2.15 pm

### **Present**

**Councillors** C J Eginton (Leader)  
R J Chesterton, P H D Hare-Scott,  
C R Slade, Mrs M E Squires and  
R L Stanley

### **Apologies**

**Councillor(s)** K Busch

### **Also Present**

**Councillor(s)** F J Rosamond

### **Also Present**

**Officer(s):** Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning and Regeneration), Simon Johnson (Legal Services Manager), Catherine Marlow (Conservation Officer), Nick Sanderson (Head of Housing and Property Services), Chris Shears (Economic Development Officer), Mike Tucker (Building Control Manager) and Sally Gabriel (Member Services Manager)

## **111. APOLOGIES**

Apologies were received from Cllr K I Busch.

## **112. MINUTES OF THE PREVIOUS MEETING (00-00-58)**

The minutes of the meeting held on 1 December 2016 were approved as a true record and signed by the Chairman.

## **113. JOINT EXETER AND HEART OF DEVON (EHOD) ECONOMIC DEVELOPMENT STRATEGY (00-01-54)**

Arising from a report \* of the Economic Development Officer, the Economy Policy Development Group had recommended that the Joint Exeter and Heart of Devon Economic Development Strategy be adopted.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report informing the meeting that the District Council had been working collaboratively with neighbouring authorities Exeter, East Devon and Teignbridge to develop a joint economic strategy that set out the collective growth ambitions, priorities and approach that would be required to support economic growth and development for the Greater Exeter area. Each authority would lead on a specific theme with Mid Devon leading on business transformation.

Consideration was given to:

- broadband issues in the rural parts of Mid Devon
- the need for more work to take place with regard to higher education in the district
- The contribution payable and any return.

**RESOLVED** that the recommendation be approved.

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

Note: \*Report previously circulated, copy attached to minutes.

**114. PUBLIC QUESTION TIME (00-16-04)**

The Chairman recognised the late arrival of Miss Coffin who wished to ask a question/make a statement:

Referring to Item 7 (Local Enforcement Plan) she stated that:

Enforcement is only a tool to ensure that properly considered planning decisions are operated and completed in accordance with the permission granted.

It is not a means to undo a dubious approval or to undo erroneously worded mitigating conditions that have been applied.

The Planning approval should only be given after diligent identification of any potential cumulative and detrimental damage that could occur to local environment, character and communities with all relevant reasonable and enforceable mitigating conditions correctly worded and in place.

Therefore I respectfully ask with the recent past history to learn from that the Planning Department is made aware of the necessity for setting the applicable verification criteria required to enable any meaningful enforcement policy. This is of extreme importance if any enforcement policy is to restore the trust of the public in the planning system.

You cannot enforce what you cannot prove has been breached.

**115. REGULATION OF INVESTIGATORY POWERS (00-18-00)**

Arising from a report \* of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that the updated RIPA policy be approved and that the fact that the Council had not used its powers under RIPA since March 2014 be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that a few minor changes had been made to the policy following the restructure. She explained amendments made to the legislation which only allow covert surveillance to take place if it applied to a matter that would involve

a 6 month custodial sentence and the process required which would involve the authorisation of a magistrate.

Consideration was given to:

- Any costs to the authority having to go through a magistrate – of which there were none.
- The possible use of covert surveillance with regard to fly tipping
- Whether other local authorities used covert surveillance for prosecution purposes specifically with regard to fly tipping.

**RESOLVED** that the recommendations of the Policy Development Group be approved.

(Proposed by Cllr Mrs M E Squires and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes.

116. **BUILDING CONTROL PARTNERSHIP BETWEEN MID DEVON DISTRICT COUNCIL AND NORTH DEVON DISTRICT COUNCIL (00-23-00)**

The Cabinet had before it a \* report of the Head of Planning and Regeneration seeking to enable the establishment of the shared services joint committee to facilitate the delivery of the Building Control Service in partnership with North Devon Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report highlighting the proposed governance and financial arrangements, the pooled budget and trading account, the support services and ICT provision all outlined within the legal documents. There would be no change to the terms and conditions of the staff. The joint service would provide greater resilience and form a better way of working for both authorities.

Consideration was given to:

- The pooled budget
- The balance of resources
- The provision of a resilient responsive service
- Comparable salaries

**RECOMMENDED** that:

- a) A shared services joint committee be established and that the building control function reserved to Mid Devon District Council be delegated to it, such delegation of the building control function to the joint committee being limited to no more than enabling the joint committee to:
  - i) Oversee the joint building control team; and
  - ii) Formulate the budget, including any fees and charges, for the joint building control team as a recommendation for approval by each partner authority to the shared services joint committee.

b) The Head of Planning and Regeneration be given delegated authority to place officers within the Building Control team at the disposal of North Devon Council in accordance with section 113 Local Government Act 1972.

c) Delegated authority be given to the Monitoring Officer, in consultation with the Leader, to:

- i) Enter into appropriate legal agreements to bring about the shared services joint committee and the joint Building Control team; and
- ii) Vary the Constitution to provide and record the appropriate delegated authority as set out at 2 above to the Head of Planning and Regeneration.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

**RESOLVED** that subject to the above being approved by Council: that the Cabinet Member for Planning and Regeneration and the Leader of the Council be appointed to the joint services committee.

(Proposed by Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

Note: \*Report previously circulated, copy attached to minutes.

#### 117. **LOCAL ENFORCEMENT PLAN (00-42-58)**

The Cabinet had before it a \* report of the Head of Planning and Regeneration seeking approval of the Local Enforcement Plan for consultation purposes.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Chief Executive had been requested by the Scrutiny Committee to investigate the efficacy and effectiveness of the Planning Services, with particular reference to the way that enforcement was carried out and how Members were engaged with the work of the Council in this service area. The National Planning Policy Framework (NPPF) stated that the Local Planning Authority should consider a Local Enforcement Plan to manage enforcement appropriately; Members had before them a draft plan for consultation. He highlighted the work of the Planning Policy Advisory Group (PPAG) with regard to their input into the plan as outlined in the report.

The Head of Planning and Regeneration responded to Miss Coffin's statement and requested that this form part of the consultation process. The PPAG had requested that investigation take place with regard to the role of Town and Parish Councils and Members with regard to enforcement matters and the possibility of creating an automated list of conditions following determination of planning applications, this was being looked into.

Consideration was given to:

- The positive work taking place by current Enforcement Officers
- The involvement of local Parish Councils

- Whether there was the capacity for all the processes within the report to be achieved
- Retrospective planning applications and the wording within the NPPF and national planning guidance
- The need to resolve issues quickly

**RESOLVED** that: the Local Enforcement Plan be approved for public consultation purposes.

(Proposed by the Chairman)

Note: \*Report previously circulated, copy attached to minutes

#### 118. **LOCAL PLAN REVIEW 2013 - 2033 - CULLOMPTON MAPPING (1-08-55)**

The Cabinet had before it and **NOTED** a \* report of the Head of Planning and Regeneration highlighting the amendment to the Cullompton map within the Local Plan Review 2013-2033 made under delegated authority.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that comprehensive reports on the Local Plan Review were presented to Cabinet and Council on 22 November and 1 December 2016 respectively, those reports highlighted the changes proposed to be made to the plan, this included under Policy CU1 North West Cullompton. However following the 2015 proposed submission document the map for this allocation was updated to reflect the boundaries between the development areas and green infrastructure within the approved masterplan and reinserted land to the west owned by Mr Brunt into the allocation, it had recently come to light that the map presented as part of report omitted two parcels of land. The policy was correct; it was just a drafting error which omitted the two parcels of land with the map which had been amended.

Note: \*Report previously circulated, copy attached to minutes

#### 119. **PROPOSED GREATER EXETER STRATEGIC PLAN (1-11-37)**

The Cabinet had before it a \* report of the Head of Planning and Regeneration making further recommendations on various aspects of the Greater Exeter Strategic Plan to be prepared jointly with the Councils of Mid Devon, East Devon, Exeter City and Teignbridge in partnership with Devon County Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the four Local Planning Authorities of East Devon, Exeter, Mid Devon and Teignbridge had confirmed that they would prepare a joint plan to cover strategic matters for their area and had agreed the general funding arrangements and that this work would be in partnership with Devon County Council. Decisions were taken by full council meetings of each on 27 July, 26 July, 31 August and 26 September respectively. It was therefore proposed that further consideration be now given to:

- Subject matter and scope.
- GESP timetable
- Mid Devon Local Plan Review timetable

- Local Development Scheme
- Governance
- Issues Report consultation
- Statement of Community Involvement consultation
- Housing and Employment Land Call for Sites
- Dealing with inconsistencies between councils
- Staffing arrangements

Consideration was given to:

- The strategic approach with other neighbouring authorities
- The fact that each authority would make individual decisions with regard to the strategic plan
- The need to include “minor” prior to inconsistencies in recommendation 9 to limit the amendment risk and that the Cabinet Member’s title be added.

**RECOMMENDED** to Council that:

1. The subject matter of the Greater Exeter Strategic Plan is agreed, subject to review as the plan is prepared.
2. The timetable for the Greater Exeter Strategic Plan is agreed.
3. The Local Development Scheme attached as Appendix 1 is to have effect from 22<sup>nd</sup> February 2017.
4. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee (thereby retaining sign off of key plan stages by individual councils).
5. A Member Steering Group is set up with a representative from each of the five councils, to which the Cabinet Member for Planning and Regeneration is appointed, with the Leader as his deputy.
6. A joint informal advisory reference forum is set up consisting of 5 councillors each from Mid Devon, Devon, East Devon, Exeter and Teignbridge to consider and make comments on draft plan proposals before they are formally considered by each council.
7. The “Issues” document attached as Appendix 2 to this report is agreed for consultation.
8. The draft Greater Exeter Statement of Community Involvement attached as Appendix 3 is agreed for consultation.
9. Resolving any minor inconsistencies arising from the decisions of individual councils is delegated to the relevant Chief Executive in consultation with their Cabinet Member for Planning and Economic Regeneration.
10. Delegated authority to agree minor modifications (which do not go to the heart of the documents’ meanings) is granted to the Head of Planning and Regeneration

in consultation with the Cabinet Member for Planning and Economic Regeneration.

11. The staffing proposal is approved with additional funding of £30,000 in order to ensure Mid Devon is represented.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley)

Note: \*Report previously circulated, copy attached to minutes

## 120. **SPECIAL PURPOSE VEHICLE (PROPERTY) (1-22-57)**

The Director of Finance, Assets and Resources informed the meeting of the progress made with regard to the Special Purpose Vehicle, meetings had been arranged with other local authorities who were already operating this system and advice had been sought from legal and financial advisors. He hoped that this issue could be progressed further when the additional information had been received.

## 121. **FINANCIAL MONITORING (1-25-10)**

The Cabinet had before it and **NOTED** a\* report of the Director of Finance, Assets and Resources presenting a financial update in respect of the income and expenditure so far in the year and discussing further investment in the CCLA Commercial Property Fund.

The Cabinet Member for Finance outlined the contents of the report stating that the General Fund now showed a proposed deficit of £52k and he highlighted the significant movements within the month including a Non Domestic Rates 15/16 Devon pooling gain of £50k. He highlighted the well managed HRA, with rental income good and arrears low, he praised the work of the Housing Service. The Capital budget had some slippage but that was mostly on housing projects.

Consideration was given to the increasing the holding of an additional £1m in the CCLA Commercial Property Fund.

Note: \*Report previously circulated, copy attached to minutes.

## 122. **BUDGET UPDATE**

The Cabinet had before it a \*report of the Director of Finance, Assets and Resources outlining options available in order for the Council to move towards a balanced budget for 2017/18.

The Cabinet Member for Finance outlined the contents of the report stating that although a significant amount of work was still continuing in order to set a balanced budget there was still a gap of £231k at the present time. There was a possibility that the New Homes Bonus would be required to balance the budget but that this could not be relied on in future years.

The Cabinet recorded their appreciation of the work taking place within the Finance service.

**RESOLVED** that the updated budget proposals for 2017/18 outlined in appendix 1 of the report be approved.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr Mrs M E Squires)

Note: \*Report previously circulated, copy attached to minutes.

#### 123. **NOTIFICATION OF KEY DECISIONS (1-30-35)**

The Cabinet had before it and **NOTED**, its rolling \*plan for February 2017 containing future key decisions.

Note: \*Plan previously circulated, copy attached to minutes.

#### 124. **ACCESS TO INFORMATION ACT - EXCLUSION OF PRESS AND PUBLIC (1-31-41)**

Prior to considering Item 15 on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

**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)

#### 125. **OPTIONS FOR THE TOWN HALL TIVERTON**

The Cabinet had before it a \* report of the Head of Housing and Property Services considering the outcomes of the negotiations for the disposal of Tiverton Town Hall.

The Cabinet Member for Housing outlined the contents of the report.

**RESOLVED** that the recommendations within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

Notes:

(i) Cllr C R Slade declared a personal interest as Chairman of the Finance and General Purposes Committee and Deputy Mayor for Tiverton Town Council, he informed the meeting that he would abstain from voting with regard to this item.

(ii) \*Report, previously circulated.

(The meeting ended at 4.20 pm)

**CHAIRMAN**