

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 9 June 2016 at 2.15 pm

Present

Councillors

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

Also Present

Councillor(s)

F J Rosamond and Mrs E J Slade

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning and Regeneration), Liz Reeves (Head of Customer Services), John Bodley-Scott (Community Development and Regeneration Manager) and Sally Gabriel (Member Services Manager)

13. APOLOGIES

There were no apologies.

14. PUBLIC QUESTION TIME

There were no members of the public present.

15. MINUTES OF THE PREVIOUS MEETING (00-00-44)

The minutes of the previous meeting held on 12 May 2016 were approved as a true record and signed by the Chairman.

16. NATIONAL ASSISTED BURIALS (00-01-29)

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that subject to minor amendments to the report regarding contact names and numbers, that the National Assistance Burial Procedure be recommended to Council.

The Cabinet Member for the Environment outlined the contents of the report stating National Assistance Burials had been arranged efficiently by the Bereavement Services section over a number of years without a written procedure, with the increase of requests for funerals and with consideration of budgetary restriction it was considered prudent to formalise the current procedure.

Consideration was given to how costs could be recovered if there were funds available in the deceased's estate.

RECOMMENDED to Council that the National Assistance Burial Procedure be approved.

(Proposed by the Chairman)

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

17. TREE POLICY (00-06-33)

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that the revised Tree Policy be approved.

The Cabinet Member for the Environment outlined the contents of the report stating that the policy had been reviewed in line with the council's protocol and only covered the management of District Council's trees and woodland and how the Council would deal with subjects such as tree maintenance, tree pruning, tree removal, planting and subsidence.

RESOLVED that the revised policy be approved.

(Proposed by the Chairman)

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

18. TENANCY CHANGES POLICY (00-07-19)

Arising from a report of the Head of Housing and Property Services, the Managing the Decent and Affordable Homes Development Group had recommended that the revised Tenancy Changes Policy be approved

The Cabinet Member for Housing outlined the contents of the report stating that the policy had been updated and set out how the Council would deal effectively with tenancy changes, such as successions, assignments in accordance with a Court Order, mutual exchange or assignment to a person qualified to succeed to a tenancy; or a joint tenancy request. The policy contained a new section which explained how the tenant may seek written consent to change their tenancy to either sole or joint tenancy; any requests were at the discretion of the Housing Service.

RESOLVED that the revised policy be approved.

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

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

19. CULLOMPTON TOWNSCAPE HERITAGE INITIATIVE (00-09-12)

Arising from a report of the Head of Communities and Governance with regard to an application to the Heritage Lottery Fund's Townscape Heritage Initiative, the Economy Policy Development Group had made the following recommendation:

(a) MDDC to act as the accountable and lead body for this project;

- (b) In principal, MDDC to allocate staff and councillor time to the project over 6 years – to include Chairing and sitting on the Steering Group, managing and employing/contracting a project officer and input into the project work;
- (c) MDDC to allocate some funds (in the order of £12.5K initially with the option of further funding from MDDC or finding alternative funding in subsequent years) to the project in order to draw down potentially in the region of £1 million (tbc). The exact figure is dependent on the final structure of the bid, and whether other funding can be drawn down to offset it in future. HLF has indicated that without some cash input from the principle authorities the application will not succeed.
- (d) MDDC to corporately investigate drawing down other funds to contribute to this project e.g. Empty Homes bonus, S106 related to development of Cullompton, property portfolio.
- (e) MDDC to consider what it can do to facilitate the development of the gap site on the former Harlequin Valet site in Cullompton which continues to be an eyesore in the Higher Bull Ring and problem for neighbouring properties. The Higher Bull Ring is the heart of Cullompton town centre and this key site could be beneficial to the economy of the town and to the appearance of the Conservation Area.
- (f) MDDC to integrate the aims of the scheme into all relevant strategic documents relevant to forward planning, empty homes and property in Cullompton
- (g) MDDC to obtain indications of support from Devon County Council, Cullompton Town Council, Cullompton Town Team, Culm Valley in Business and the Cullompton Neighbourhood Plan Group.

The Cabinet Member for Planning and Economic Regeneration stated that Cullompton Conservation Area has been designated as “at risk” with a wide range of properties that were poorly repaired, redundant or under-used. The local authority had an opportunity to apply for funding from the Heritage Lottery Fund under the “Townscape Heritage Initiative” which if successful could provide over £1 million investment in Cullompton’s historic built environment.

Consideration was given to:

- The degree of matched funding required and whether this could be set
- The involvement of landlords
- Partners in the project and the makeup of the Steering Group
- Other possible sources of funding

RESOLVED that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs M E Squires)

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

20. **PLANNING AND ENFORCEMENT IMPROVEMENT - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-16-22)**

Arising from a report of the Chief Executive, the Scrutiny Committee had made the following recommendation: that the following be **NOTED**:

- a) The Head of Planning & Regeneration bring forward the Local Enforcement Plan for Cabinet to consider as a matter of priority to set the framework for enforcement activity at MDDC.
- b) The Head of Planning & Regeneration ensures that staff within the enforcement service are invested in through additional training to help provide them with the necessary confidence about sharing information with members (with reference to Data Protection Act constraints).
- c) The Head of Planning & Regeneration take steps to appoint additional resource specifically into the enforcement team to clear any real or perceived backlog, and that consideration be given to the merits of operating this service as a discrete entity to share knowledge, expertise and resource (as opposed to the current area-based model).
- d) The Head of Planning & Regeneration ensures that 'Part II' reports were only ever brought as an exception in order to maintain transparency as far as Data Protection rules allow.
- e) The Chief Executive, in conjunction with the Head of Planning & Regeneration and the Head of Communities & Governance, consider setting a target for the processing and completion of S106 agreements.
- f) The Head of Communities & Governance considers reviewing (in conjunction with the Head of Planning & Regeneration) whether the current legal expertise available in-house was appropriate to process planning matters swiftly, and to take steps to re-provision this as opportunity permits.
- g) The Cabinet Member for Planning & Regeneration considers a report investigating the introduction of S106 Monitoring Fees in order to adequately resource the level of required activity.
- h) The Chief Executive considers the value of instructing Internal Audit to look at this area before the end of 2016/17 in order to explore further opportunities for service improvement and efficiency.
- i) That local performance indicators for the enforcement service were set and were reported quarterly to the Planning Committee.
- j) That Members were provided with a suite of reports on planning enforcement cases on a monthly basis, and were reported to Planning Committee quarterly.
- k) That the Planning Committee considers the level of delegation that exists in relation to enforcement activity.

- l) Officers investigate the possibility of finding a way of updating residents and town/parish councils in relation to complaints regarding enforcement and report back to this Committee within 4 months.

The Chief Executive explained that he had been asked by the Scrutiny Committee to investigate the efficacy and effectiveness of the Planning Service with particular reference to the way in which enforcement was carried out and how Members were engaged with the work of the Council in this area.

The Chairman of Scrutiny stated that the report had been welcomed by the Committee.

Reference was made to the need for Ward Members to be kept involved with regard to enforcement cases.

RESOLVED that the recommendations from the Scrutiny Committee be **NOTED**.

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

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

21. **REVIEWING THE COST OF EFFICIENCIES - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-21-10)**

Arising from a report of the Scrutiny Committee Working Group (Reviewing the Cost of Efficiencies), the Scrutiny Committee had recommended that:

- a) Areas of land for sale should be promoted by Members at Parish Council Meetings.
- b) A pricing structure for services that could be sold, for example to town and parish councils, local charities and small businesses be put together and actively promoted.
- c) Assets such as the Town Halls (Tiverton and Crediton) to be used to maximise income, either by sale, rent or by joint development as they are assets that could generate income.
- d) Conditions of service to be reviewed to consider amending terms and conditions regarding sickness benefits for new employees.
- e) Management information to show long and short term sickness figures.
- f) That staff be incentivised to put forward business ideas and suggestions that could be taken forward to generate income and that some form of reward scheme be put in place.
- g) That the authority becomes less risk adverse and encourage new ventures.

- h) That the Scrutiny Committee undertake a review on the effect of price rises on the Leisure Service, based on appendix 1 of the report.

Consideration was given to each of the recommendations in order:

- a) It was felt that the promotion of areas of land for sale should be promoted by professionals so that Members could continue to be approached by local people and that Members could identify parcels of land rather than promote. It was also felt that the Capital Strategy and Asset Management Group (CSAG) had a robust procedure in place.

RESOLVED that the recommendation (a) not be supported.

(Proposed by the Chairman)

- b) Concern was raised about the effect on small businesses in the local area if in-house services were to be sold, however working in partnership with other local businesses may be the way forward. It was felt that further research was required and therefore it was:

RESOLVED that a pricing structure for services that could be sold, for example to Town and Parish councils, local charities and small business be researched and that a feasibility report be submitted to the Economy Policy Development Group.

(Proposed by Cllr C R Slade and seconded by Cllr N V Davey)

- c) It was generally felt that this was already taking place but that the buildings should not be specified, it was therefore:

RESOLVED that: buildings and other assets be used to maximise income, either by sale, rent or by joint development as they were assets that could generate income.

(Proposed by Cllr N V Davey and seconded by Cllr C R Slade)

Note: Cllr N V Davey declared a personal interest as a Member of Tiverton Town Council.

- d) It was generally felt that this was an operational issue and therefore it was:

RESOLVED that the recommendation be **NOTED** and referred to the Chief Executive for consideration.

(Proposed by the Chairman)

- e) With regard to management information to show long and short term sickness figures, it was

RESOLVED that the recommendation be **NOTED** as the issue had already been addressed.

(Proposed by the Chairman)

f) It was felt that this scheme had been used in the past and therefore it was :

RESOLVED that this be referred to the Chief Executive for him to deal with accordingly.

(Proposed by the Chairman)

g) It was felt that that new ventures should be encouraged but that risk assessments must take place, it was therefore:

RESOLVED that the Local Authority encourage new ventures and seeks new business opportunities.

(Proposed by Cllr C R Slade and seconded by Mrs M E Squires)

h) It was agreed that a review on the effect of price rises within the leisure service was already taking place and therefore it was:

RESOLVED that this matter continue to be reviewed by the Community Well-Being Policy Development Group.

(Proposed by the Chairman)

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

22. **PLANNING POLICY DOCUMENTS FOR CONSIDERATION BY PLANNING POLICY ADVISORY GROUP, CABINET AND THE COUNCIL (00-53-11)**

The Cabinet had before it a report of the Head of Planning and Regeneration seeking to amend which planning policy documents would be considered by the Planning Policy Advisory Group (PPAG), Cabinet and Council, providing further detail and clarity pertinent to the Scheme of Delegation within the Council's Constitution.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need to clarify the pathway for planning policy documents, therefore the table in the report removed any misunderstanding and misinterpretation of the decision making level.

RESOLVED that the following table be approved:

Type of Policy Document	Planning Policy Advisory Group	Cabinet	Council for approval of submission document or adoption	Requires separate meeting of Cabinet in each of the main towns
Local Development Scheme	No	Yes	No	No
Statement of Community Involvement (SCI)	Yes	Yes	Yes	No

Local Plans	Yes	Yes	Yes	No (unless it includes reference to strategic site allocations)
Community Infrastructure Levy (CIL) Charging Schedule	Yes	Yes	Yes	No
Supplementary Planning Documents (SPD)	Yes	Yes	No (except Masterplans)	No
Introduction of new Conservation Areas	Yes	Yes	Yes	No
Conservation Area Appraisals (Changes to Conservation Area Boundaries Proposed)	Yes	Yes	Yes	No
Conservation Area Appraisals (Technical assessments with no boundary changes proposed)	Yes	Delegated approval by the Head of Planning, Ward Member(s) & Cabinet Member (P&R).	No	No
Article 4 Directions	Yes	Yes	Yes	No
Neighbourhood Plans	Yes	Yes	Yes	No
Neighbourhood Plan Area Designations	If approved and the proposed areas adhere to parish boundaries then decisions made by the Head of Planning in consultation with the Cabinet Member (P&R). If not approved, or does not follow Parish Boundaries, then decision referred to Cabinet.			
Area of Special Control for Advertisements	Yes	Yes	Yes	No
Annual Monitoring Report	No	No	No	No

(Proposed by Cllr R J Chesterton and seconded by Cllr P H D Hare-Scott)

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

23. **LOCALLY LED GARDEN VILLAGES, TOWNS AND CITIES (00-55-15)**

The Cabinet had before it a * report the Head of Planning and Regeneration requesting Members to consider a bid for DCLG support to deliver East Cullompton as a Locally Led Garden Village.

The Cabinet Member for Planning and Regeneration outlined the contents of the report stating that in March 2016 the Department for Communities and Local Government (DCLG) published a prospectus titled 'Locally-led Garden Villages, Towns and Cities' which aimed to deliver accelerated housing supply through the support of high quality locally-led schemes that would realise a new generation of garden villages, towns and cities. An offer of support was made for ambitious locally led proposals for garden communities at a smaller scale of 'villages' 1,500 – 10,000 homes as well as larger 'towns' of more than 10,000 homes. The prospectus invited expressions of interest for Government support by 31st July 2016.

The Local Plan Review identified land to the east of Cullompton as a suitable location for strategic growth and included a draft policy for the allocation of mixed use development which included 2100 dwellings which could be put forward for Government support under the local led garden village scheme.

Consideration was given to:

- the funding that may be available under the scheme along with enabling support, brokerage, assistance in overcoming barriers and the ability to work alongside stakeholders to bring the development forward.
- The support of Cullompton Town Council and the Neighbourhood Plan Steering Group of the scheme.

RESOLVED that:

- 1) the submission of an expression of interest to the Government for support under the Homes and Communities Agency (HCA) prospectus 'Locally-led Garden Villages, Towns and Cities' be approved; and
- 2) Delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to compile and submit the expression of interest documentation.

(Proposed by Cllr R J Chesterton and seconded by Cllr N V Davey)

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

24. **DELIVERY OF STARTER HOMES (1-00-17)**

The Cabinet had before it a * report of the Head of Planning and Regeneration regarding a bid for funding for the delivery of starter homes.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the proposed bid: partnerships with the HCA were to be used to acquire, assemble and de-risk land for starter home developments which could be built out by 2020. A list of 35 sites within the district had been identified with the

potential to provide 725 dwellings (364 starter homes) and that this list would require some refinement as not all sites were suitable for development, there was a need to establish likely build rates and assemble a portfolio of priority sites for further discussion; the input of Ward Members would be very important in the selection process.

Consideration was given to the need for local Ward Members to be involved in discussions at an early stage.

RESOLVED that:

- 1) The Expression of Interest made to the Homes and Communities Agency (HCA) under the prospectus “Starter Homes: Unlocking the Land Fund” be ratified; and
- 2) Delegated authority be given to the Heads of Housing and Planning & Regeneration in consultation with the Cabinet Members for Housing and Planning and relevant Ward Members to refine and prioritise a list of sites suitable for starter homes and seek a partnership with the HCA to deliver these.

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

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

25. **S106 MONITORING FEES (1-04-22)**

The Cabinet had before it a *report of the Chief Executive requesting consideration of the introduction of a monitoring fee within future legal agreements made pursuant to S106 of the Town and Country Planning Act 1990.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a lot of time was spent monitoring Section 106 agreements and that there was a need to incorporate an administration fee into the S106 agreements to recover the cost of monitoring the provisions of planning agreements from applicants.

Consideration was given to:

- The types of planning obligations
- The monitoring activity that took place
- How the Planning Obligations Monitoring Officer was fed information
- The fact that the charge could not exceed the cost of the provision of the service

RESOLVED that the introduction of a planning obligation monitoring fee be approved and that delegated authority be given to the Head of Planning and Regeneration in conjunction with the Cabinet Member for Planning and Economic Regeneration to set the fees and any future review of fees.

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

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

26. **LANDSCAPE IMPLICATIONS OF SOLAR ENERGY PROPOSALS SUPPLEMENTARY PLANNING DOCUMENT (1-13-06)**

The Cabinet had before it a *report of the Head of Planning and Regeneration requesting Members approval of the Solar PV Developments in the Landscape Supplementary Planning Document (SPD).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Solar PV Developments in the Landscape SPD provided guidance on key landscape issues associated with solar photovoltaic (PV) developments. It provided guidance on the relative landscape sensitivities of different areas within Mid Devon to solar developments and offered advice with regard to the good siting and design of solar PV schemes including guidance on how potential impacts could be minimised.

It was generally felt that the document be welcomed and approved for use as a tool by Planning Officers.

RESOLVED that the Solar PV Developments in the Landscape Supplementary Planning Document be approved.

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

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

27. **LAND AT ISABELLA ROAD, TIVERTON (1-16-03)**

The Cabinet had before it a *report of the Head of Housing and Property Services seeking authorisation to appropriate a parcel of land for planning purposes.

The Cabinet Member for Housing outlined the contents of the report stating that the land had not been used as public open space following the completion of the Pinnex Moor Development and having become surplus to the Council's requirements it had been decided to dispose of it. Planning permission had been granted in 2011, he highlighted the legal process that had to take place if a third party made a claim to have required by prescription a right of way over part of the land.

Consideration was given to the Ward Member's view in that development of the parcel of land would tidy up the area.

RESOLVED that the appropriation of the land shown edged in red on the plan ("the Land") for planning purposes in accordance with section 122 of the Local Government Act 1972 be approved.

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

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

28. **PERFORMANCE AND RISK Q4 OUTTURN FOR 2015/16 (1-19-28)**

The Cabinet had before it and **NOTED** a *report of the Head of Communities and Governance providing it with an update on performance against the corporate plan and local service targets for 2015-16 as well as providing an update on the key business risks.

The Internal Audit Team Leader walked Members through the report and Cabinet Members were invited to highlight any issues within their portfolios.

Discussion followed with regard to:

- Brown bins and the new composting scheme
- The reduction of carbon footprint in our offices and public buildings
- The percentage of food premises inspected
- The percentage of leisure members retained
- Major planning applications
- Satisfaction with front line services

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

29. **NOTIFICATION OF KEY DECISIONS (1-26-00)**

The Cabinet had before it, and **NOTED**, its rolling plan * for June 2016 containing future key decisions.

Note: * Plan previously circulated; copy attached to the signed Minutes

(The meeting ended at 3.43 pm)

CHAIRMAN