

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 10 May 2018 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

### **Also Present**

#### **Councillor(s)**

F W Letch, Mrs J Roach and 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), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Andrew Pritchard (Director of Operations), Jane Lewis (Communications and Engagement Manager), Tristan Peat (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

## **1. APOLOGIES**

There were no apologies.

## **2. PUBLIC QUESTION TIME**

There were no members of the public present.

## **3. MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting were approved as a correct record and signed by the Chairman.

## **4. CORPORATE HEALTH AND SAFETY POLICY (00-00-22)**

Arising from a report of the Health and Safety Officer, the Community Policy Development Group had recommended that the Cabinet note that the Health and Safety Policy was approved by the JNCC on 07 December 2017, following review by the Health and Safety Committee and Unison.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the policy was reviewed annually and that the Council was committed to ensuring high standards of health, safety and welfare of its officers and of the public. She highlighted the various responsibilities of officers (to reflect the updated structure) within the policy along with arrangements, risk assessments and the safe use of plant and equipment.

Consideration was given to the need for the policy to be sensible and workable.

**RESOLVED** that the recommendation of the Community Policy Development Group be noted.

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

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

5. **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - POLICY AND PROCEDURES (00-09-45)**

Arising from a report of the Director of Corporate Affairs and Business Transformation, the Community Policy Development Group had recommended that:

- a) Cabinet be advised that the Council's existing RIPA Policy did not require updating or amending at the current time.
- b) Cabinet note that the Council had not used its powers under RIPA since March 2014.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that although the policy was reviewed annually, no amendments had been made, she also informed the meeting that the Council had not used its powers under RIPA since 2014. She explained that the policy set out the purposes for which covert surveillance could be used.

Consideration was given to the overt surveillance that did take place with the use of CCTV cameras.

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

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

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

6. **LOCAL DEVELOPMENT SCHEME (MID DEVON AND THE GREATER EXETER STRATEGIC PARTNERSHIP) (00-17-44)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration requesting the Cabinet to approve a revised timetable (Local Development Scheme) for the preparation of the Mid Devon Local Plan Review and the Greater Exeter Strategic Plan.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Local Planning Authorities were required to prepare and keep up to date a development plan for their area. It was important that the development plan was kept up to date to ensure that it reflected recent changes in the planning system, the Council's current corporate objectives and provided a sound basis for decision making. Therefore a project plan needed to be put in place to

ensure that the review was completed efficiently. The purpose of the report was to present a revised version of the LDS which took account of the adjournment of examination hearings for the Mid Devon Local Plan Review that was scheduled to commence in September 2017, and additional time required for the preparation of the Greater Exeter Strategic Plan to reach the Draft Plan Consultation Stage. He explained that work on the Greater Exeter Strategic Plan was in conjunction with 3 other local planning authorities and outlined the work that had taken place to date, the timetable for consultation, publication and proposed submissions and that the plan would require approval by each authority.

Consideration was given to:

- How the Greater Exeter Strategic Plan could supersede our own Local Plan
- The timetable for the Strategic Plan with the District elections in May 2019
- The timetable for the Local Plan Review which was now in the hands of the Inspector

**RESOLVED** that the new Local Development Scheme (LDS) which will have effect from 18<sup>th</sup> May 2018 be approved and published on the Council's website.

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

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

## 7. **KITCHEN SUPPLY CONTRACT 2018-2022 (00-31-27)**

The Cabinet had before it a report\* of the Director of Operations providing the outcome of the recent procurement process for the supply of Kitchens for the Modernisation of Council Homes 2018 – 2019 and Kitchen Supply Only Contract 2018- 2022 and confirmation of the intention to award the contract.

The Cabinet Member for Housing outlined the contents of the report explaining that the procurement procedure was a compliant direct award process via a kitchen materials supply framework. The Council had set out its requirements and these had been matched to companies within the framework, he added that only one company had met the preferred criteria.

Consideration was given to:

- The framework process
- How 8 companies could tender but that only one had met the criteria
- The number of kitchens to be provided and the replacement programme

**RESOLVED** that the Kitchen Supply Contract be awarded to **Supplier C** with an approximate forecast annual cost of:

2018 – 2019	£ 70,000
2019 – 2020	£126,000
2020 – 2021	£126,000
2021 – 2022	£126,000

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

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

8. **SUPPLY OF BOILERS (00-44-44)**

The Cabinet had before it a report of the of the Director of Operations providing information on the outcome of the recent procurement exercise for the direct award, via a procurement framework, for the supply of Boilers for the capital boiler replacement programme and confirmation of the intention to award the contract.

The Cabinet Member for Housing outlined the contents of the report explaining that that the procurement procedure was a compliant direct award process via a boiler supply framework. The Council had set out its requirements and these were matched to companies within the framework.

Consideration was given as to whether the use of a framework process would be used for future replacement programmes

**RESOLVED** that the Boiler Supply Contract be awarded to **Supplier B** with an approximate forecast annual cost of £144,000.

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

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

9. **NOTIFICATION OF KEY DECISIONS (00-46-00)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for May 2018 containing future key decisions.

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

10. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-47-25)**

Prior to considering the following item 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 15 15.02(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)

## 11. THE FUTURE OF CREDITON OFFICE

The Cabinet had before it a report \* of the Director of Finance, Assets and Resources, outlining options for the disposal and/or future management of the freehold premises at Market Street, Crediton.

The Cabinet Member for Housing outlined the contents of the report and a full discussion took place.

Returning to open session the Cabinet:

**RESOLVED** that: subject to contract, to dispose of the Crediton office building to Buyer 2 on the terms set out in paragraph 3.5 of the report, because:

- (a) The offer from Buyer 2 is the best offer put forward during the marketing period and it is a clear indication of the best consideration which can be reasonably obtained;
- (b) The offer from Buyer 2, although below the most recent unrestricted valuation, would not require vacant possession and thus save time and money in securing the transfer;
- (c) The Council realises a significant capital receipt and gives up future liability for an asset which is surplus to the Council's requirements.
- (d) The offer from Crediton Town Council would result in disposal of the office for a capital receipt which was less than 50% of the restricted value.

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

Note: \*Report previously circulated.

(The meeting ended at 3.35 pm)

**CHAIRMAN**