

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 27 September 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)

K Busch, R F Radford, F J Rosamond and N A Way

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jenny Clifford (Head of Planning, Economy and Regeneration), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

68. APOLOGIES

There were no apologies.

69. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

Members were reminded of the need to declare any interests when appropriate.

70. PUBLIC QUESTION TIME (00-01-02)

Honorary Alderman David Nation referring to Item 9 (Local Improvement Schemes) on the agenda stated that he recalled that the Leader had switched political parties as you were so disgusted with the County Council's closure of Chawleigh Primary School because it was too small to be financially and economically viable. How can you then justify selling the Crediton Office on the open market for financial reasons when it is clear that this is contrary to the expressed wishes of residents in the Crediton area and contrary to the Council's policies on improving and regenerating town centres as it is with working with Town and Parish Councils.

The Leader stated that he would answer the question when the other public questions had been given.

Mrs Judy Tucker also referring to Item 9 on the agenda stated that further signatures had been added to the petition and this would now take it to well above the required 1500 signatures needed to trigger a debate at Full Council. I would like this Council

to assure us that no contracts will be exchanged or definite legal commitments made to sell our building until that debate has taken place.

Mr Joe Ward again referring to item 9 on the agenda stated that he had listened to the PM last night and it had struck him how there were strong parallels between her Cabinet and the Council's Cabinet in the sense that all over the country people were increasingly angry that councils were implementing policies against the clear wishes of the majority of their electorate and full Council and that this is leading to campaigns to change the system. Here in Mid Devon not many more signatures need to be collected to prompt a referendum for the Council to abandon this system in favour of a more democratic one.

The Leader stated that he would answer the first question and then hand over to the legal officer to address the second and third question.

The Leader responding to Honorary Alderman David Nation stated that in 2007 the Liberal Democrat Devon County Council closed Chawleigh Primary school much against local wishes. Chawleigh now had no primary school in the village. If Crediton Town Council move out of this building there will still be a Crediton Town Council. That will remain in position (Honorary Alderman Nation: 'Homeless') He then referred to and quoted from the minutes of the Town Council meeting on 17 July 2018 where it was stated in minute 1807/074..... "To consider available office space for the Town Council to relocate to and agree a course of action. An options report prepared by the Clerk had been issued with the agenda and was considered by Members. It was unanimously agreed to proceed with Option 1, with a new lease commencing on 1 October 2018 and the Town Council to terminate its existing tenancy on 31 October 2018, which will allow a one month overlap to facilitate an effective and efficient move. Proposed by Cllr Piercy, due to the confidential of this item no further information can be disclosed at this time." That was signed as a true record by the Mayor, Cllr Frank Letch, on the 18 September 2018.

Honorary Alderman Nation responded stating that action had to be taken because they knew that you were intending to go ahead with the sale of the building. Obviously they had to make other arrangements that being the case but the reality is that even if that happens smoothly, as we all hope it will, should you proceed with this ridiculous policy, the fact is that they have got to have somewhere but it won't be owned by the public so there will be no security of tenure. We thought people in the Crediton area, being part of Mid Devon District and because we knew you wanted to do the best for your parishes etc. that we could rely upon you to look after the building that was given to you upon local government reorganisation in 1974 and that it could continue to be used as a public building. It is entirely different when the Town Council, and for that matter Crediton Hamlets, has to go off and rent somewhere else which may or may not continue to be available to them. We were obviously mistaken so far as your loyalty to the Crediton area was concerned if you continue with this policy.

The Leader responded by stating that he was referring to the fact that Honorary Alderman had used the word 'Homeless' and I am stating that that was not the case because of the minutes of that Crediton Town Council meeting. He continued by stating that Honorary Alderman Nation had referred to Crediton Town Hamlets Council who he believed were in a position, if they so wished, to remain in that building just as Crediton Town Council could. That is the situation as I understand it

with the proposed purchaser. Whether we know the terms or not the offer has been made, it's as simple as that.

With regard to Mrs Tucker's question the Monitoring Officer stated that asset disposal was for the Cabinet to decide, it was not a matter reserved to full Council. It is for the Cabinet to decide to proceed with the sale, (as it had done), full Council could not intervene with this decision even if there is to be a debate following receipt of a full petition with the requisite number of signatures. The Council can debate the issue but cannot overturn it. She referred to Cllr Letch's motion to Council which was to 'urge' the Cabinet and not to 'direct' it.

With regard to a further petition with regard to Governance arrangements, the Leader was not aware that anything had been presented to the Council within the last 12 months.

71. MINUTES OF THE PREVIOUS MEETING (00-10-25)

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

72. EXE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY (00-11-38)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration previously considered by the Environment and Economy Policy Development Groups regarding the feasibility of obtaining Area of Outstanding Natural Beauty (AONB) status for the Exe Valley.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Council recognised the natural beauty of the Exe Valley and how the environmental quality of the area could be protected. There was a need to look at the process of designating such an area, the financial implications and maintenance costs. He outlined the 4 options that had been considered by the Environment and Economy Policy Development Groups (PDG) and reported that both groups had come to very different conclusions. In May of this year the Environment Secretary had sought a review of National Parks and AONBs to see how best designation could be achieved, the outcome of the review was expected from DEFRA in 2019.

The Leader read a letter from the Chairman of the Economy PDG which outlined the views of the Group which included:

- The possibly inflationary effect on house prices in the area
- Whether the whole of the area warranted such a designation
- Cost implications for the project
- The possible effect on agriculture

The Chairman of the Environment Policy Development Group was invited to address the meeting, he stated that the vote in favour of option 1 was not unanimous, he did not support the option as he felt that although the Exe Valley was a lovely area it was not under threat and the cost in terms of project development had not been budgeted for; he would therefore urge the Cabinet not to proceed with such a designation. Discussion took place regarding:

- The proposed review of National Parks and AONBs and whether it would be worthwhile to wait for the outcome of the review
- The beauty of the area and whether such a designation would increase tourism
- Financial implications and the lack of an agreed budget for the project
- Whether AONB protection would be beneficial to the area
- The proposed area to be designated and whether it was too vast
- The possibility of extending the Exmoor National Park to take in some of the proposed area
- Whether another AONB in the area would impact on contributions made to the Blackdown Hills AONB

RESOLVED that in the light of views from the Council's policy development groups for the Environment and Economy being substantially different, that officers be asked to bring back a revised options paper once the Government's review of National Parks and AONBs has concluded, in order to reconsider the options in light of any recommendations or changes that arise from this.

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

Notes:

- i) Cllr R L Stanley requested that his vote against the decision be recorded;
- ii) *Report previously circulated, copy attached to minutes.

73. REVIEW OF BUILDING SERVICES RECHARGES POLICY (00-34-58)

Arising from a report of the Group Manager for Building Services, the Homes Policy Development Group had recommended that the revised Recharges Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the repairs service invoiced tenants for rechargeable repairs to property often caused by damage or neglect, the revised policy identified how those recharges could be recovered.

Consideration was given to the excellent performance of the Housing Service and the need to recover costs.

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

Proposed by Cllr R L Stanley and seconded by Cllr PH D Hare-Scott)

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

74. REVIEW OF BUILDING SERVICES GAS SAFETY POLICY (00-37-46)

Arising from a report of the Group Manager for Building Services, the Homes Policy Development Group had recommended that the revised Gas Safety Policy be approved subject to the following amendments providing legal clarification:

- a) Section 9.2 – remove the words ‘No mutual exchange is to take place’ from the second sentence.
- b) Section 13.1 – Amend the penultimate sentence to read: After court action and we receive the Injunction Notice, where a tenant does not provide access, we will seek to commit the tenant to prison for contempt of Court. Remove the following words from the same sentence ‘...if necessary force entry into the property to carry out the safety check and leave the property secure.’
- c) Section 13.2 – amend the wording of this section to read: ‘In addition to an injunction Mid Devon District Council may also seek possession of the property, which will run concurrently with the injunction.
- d) Section 13.3 – Is an additional paragraph and reads: ‘The Council, provided it is in its interests to do so, will continue with the legal proceeding(s) to reach a successful conclusion.’
- e) New Section 13.4 – insert new wording to state: ‘Under these circumstances it is the intention to ensure that a new LGSR is issued no longer than four months after the existing certificate has expired.’
- f) The previous Section 13.4 to now become Section 13.5 and all numbers to follow thereafter as before.

The Cabinet Member for Housing outlined the contents of the report stating that the proposal for the policy was now better aligned with the Recharges Policy. There had been a significant amendment to the Gas safety (Installation and Use) (Amendment) Regulations 2018 (Regulation 36) which related to the requirement for an inspection to be completed. There was now a need for strict adherence to the policy which would enable access to properties for gas safety testing (even against the will of the tenant). He outlined the process for dealing with refused access before legal involvement. He added that the authority was at the present time 99.9% compliant with the regulations.

Consideration was given to who would be responsible if a gas incident occurred in a property and access had been refused.

RESOLVED that the recommendation of the Policy Development Group 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.

75. **NEIGHBOURHOOD MANAGEMENT POLICY (00-42-21)**

Arising from a report of the Group Manager for Building Services, the Homes Policy Development Group had recommended that the revised Neighbourhood Management Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the revised policy contained changes with regard to the distribution of communal keys, the use of communal gardens and responsibility for the maintenance of gardens associated with tenancies. The revised policy would assist officers in their work with tenants.

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

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

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

76. **HISTORIC LOCAL IMPROVEMENT SCHEMES - RECOMMENDATION FROM THE SCRUTINY COMMITTEE (00-44-21)**

Arising from a report of the Group Manager for Corporate Property and Commercial Assets, the Scrutiny Committee had made the following recommendation: that the work procedure detailed in paragraph 4 of the report be implemented.

The Cabinet Member for Housing outlined the contents of the report stating that the Ward Member for Silverton had raised the issue of maintenance to historic local improvement schemes and in particular a lit walkway in Silverton. The walkway in Silverton along with many of the other schemes were not in the ownership of the District Council and it was now necessary to review the list of historic schemes to determine what actions may be required, as per the recommendation. He informed the meeting that the issue at Silverton had been addressed.

Consideration was given to the work procedure outlined within the report.

RESOLVED that the recommendation of the Scrutiny Committee 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.

77. **CUSTOMER CARE POLICY (00-47-21)**

Arising from a report of the Group Manager for Business Transformation and Customer Engagement, the Community Policy Development Group had recommended that the content of the revised Customer Care Policy be approved subject to:

Page 4 of the policy – Item 6, first bullet point to read:

- An office that is open 39½ hours a week - 9am – 5pm (Mon-Thu) and 9am – 4.30pm (Fri)

Page 6 - Appendix 1 – Telephone to Call Centre - Agreed Targets to read: 85% answered, the contact centre is staffed from 8.30am to 5.00pm, calls are put into a queue.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the key requirements of the policy remained unchanged, it set out the level of customer service that customers expected when using the contact method of their choice. She highlighted the following information with regard to contact from the public:

Face to Face	30,202
Telephone	373,000 +
Emails	over 1 million
Web Forms Submitted	48,781

She stated that the policy would help to underpin the Channel Access and Community Engagement Strategies which were both being reviewed.

Consideration was given to:

- The customer service target and in particular the response times of individual services within the authority
- Performance data that was considered by the Audit Committee

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

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

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

78. **CHANNEL ACCESS STRATEGY (00-54-46)**

The Cabinet had before it a *report of the Group Manager for Business Transformation and Customer Engagement providing a revised Channel Access Strategy.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the authority was required to continue to provide appropriate access to services for customers and to do so in the most efficient and cost effective way in light of restricted budgets. She highlighted the digital transformation programme, the transformation priorities and change programme outlined within the report.

Consideration was given to the positive strategy and that the shift in the way that people contacted the authority was in line with the business transformation programme.

RESOLVED that the revised Channel Access Strategy be approved.

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

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

79. **FINANCIAL MONITORING (00-59-22)**

The Cabinet Member for Finance informed the meeting that there had been very little change from the previous month's report, there had been a further decrease in income from the Planning Service which was now at £100k, there had also been a decrease in income from parking charges. He reported that the Housing Revenue

Fund was in good order and that the Finance Team were now working on the Medium Term Financial Plan and the draft budget for 2019/20.

80. **PERFORMANCE AND RISK (1-02)**

The Cabinet had before it and **NOTED** a *report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

The Group Manager for Performance, Governance and Data Security outlined the contents of the report stating that there were no particular areas that required attention and sought questions from Members.

Consideration was given to:

- The Homes portfolio and the dates of completion of council houses
- Freedom of Information requests and performance against targets. Although the performance was good it was slightly missing its targets but in line with the performance of other local authorities
- Whether thefts of stocks and stores required such a high risk marker – it was suggested that following the move of the Grounds Maintenance Team to Carlu Close the risk could be revised

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

81. **CABINET MEMBER DECISION (1-08-34)**

The Cabinet **NOTED** the following decision made by the Cabinet Member for Planning and Economic Regeneration.

That the Authority's Monitoring Report for 2017 be approved for publication.

82. **NOTIFICATION OF KEY DECISIONS (1-09-15)**

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

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

(The meeting ended at 3.25 pm)

CHAIRMAN