

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 5 February 2015 at 2.15 pm

### **Present**

**Councillors** C J Eginton (Chairman)  
R J Chesterton, N V Davey, C R Slade,  
P H D Hare-Scott and R L Stanley

### **Apologies**

**Councillors** Mrs B M Hull

### **Also Present**

**Councillors** M A Lucas, Mrs J Roach and F R Rosamond

### **Also Present**

**Officers:** Kevin Finan (Chief Executive), Jonathan Guscott (Head of Planning and Regeneration), Andrew Jarrett (Head of Finance), Jill May (Head of HR and Development), Nick Sanderson (Head of Housing and Property Services), Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Sally Gabriel (Principal Member Services Officer)

#### 97. **APOLOGIES**

Apologies were received from Cllr Mrs B M Hull.

#### 98. **PUBLIC QUESTION TIME**

There were no members of the public present.

#### 99. **MINUTES OF THE PREVIOUS MEETING (00-00-56)**

The minutes of the meeting of 8 January 2015 were approved as a correct record and **SIGNED** by the Chairman.

#### 100. **THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (00-01-45)**

Arising from a report of the Head of Housing and Property Services and a recommendation from the Community Well-Being Policy Development Group regarding new legislation, the PDG had recommended that: the Anti-Social Behaviour, Crime and Policing Act 2014 be adopted and that delegated authority be given to Chief Executive for the appointment of Officers under the Act and to coordinate a consistent level of fines across all Devon authorities.

The Cabinet Member for Community Well-Being requested that the recommendations of the PDG be adopted to reflect current legislation.

**RESOLVED** that the recommendation be approved.

(Proposed by the Chairman)

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

#### 101. **OPEN SPACES AND PLAY AREA STRATEGY**

Arising from a report of the Head of Housing and Property Services and a recommendation from the Managing the Environment Policy Development Group regarding a review of the strategy, the PDG had recommended that the Cabinet adopt the Open Spaces and Play Area Policy subject to part 2 of the document (area profiles) being made available to Parish Councils and Ward Members for ratification.

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

Discussion followed with regard to:

- The need for Parishes to correspond with the District Council
- Concerns that decommissioned play areas would be sold off for development: it was ascertained that discussion would always take place with the Town and Parish Council prior to any consideration of selling off a site.
- The need to monitor the provision of open space as continued development takes place.

**RESOLVED** that the recommendations be approved.

(Proposed by the Chairman)

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

#### 102. **HRA BUDGET 2015/16 (00-14-36)**

Arising from a report of the Head of Finance and Head of Housing and Property Services and a recommendation from the Decent & Affordable Homes Policy Development Group, the PDG had recommended that the Cabinet approve:

- The HRA budget proposals within the report
- The property rent increases proposed
- An increase of £35 to garage ground rents
- No increase in garage rents
- Investigations into the feasibility of creating a Special Purpose Vehicle

The Cabinet Member for Housing outlined the contents of the report highlighting the recommendations of the PDG and requesting that an additional recommendation be added that of no increase in the charge for community alarms.

**RESOLVED** that the recommendations be **NOTED** and further considered during discussions on the budget later in the meeting.

(Proposed by the Chairman)

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

### 103. HARLEQUIN VALET (00-23-26)

Arising from a report of the Head of Planning and Regeneration, the Scrutiny Committee had made the following recommendations:

- Following the initial assessment and any remedial action to make a dangerous structure safe, the structures shall (unless fully demolished or fully repaired) if instructed by the Council, be monitored every two months (employing a structural Engineer where necessary) to ensure any further decay is identified as early as possible. A detailed record of those inspections and any actions requested to be kept.
- Ward Members, the Media, the website and Town and Parish Councils to be notified following inspections of the findings and any proposed action, ensuring maximum publicity.
- A leaflet to be published on the Council's website identifying the powers the Council has with regard to dangerous structures and the actions the Council may pursue where public safety is being put at risk where no action is taken by the owner. The proposed policies are set out below.
- Information should also be displayed on the Council's website, of the risks that poorly maintained cob structures can create and owner responsibility regarding dangerous structures.
- Delegated authority be given to Building Control officers to take action under Section 77 and 78 of the Building Act, as deemed necessary, and that expenditure incurred in those cases be agreed by the Cabinet Member for Planning and the Head of Finance as an expenditure outside of set budgets on a case by case basis. (The Council will always seek to recover its costs in such circumstances but recovery cannot be guaranteed).
- When proposals for enforcement action are taken to Planning Committee regarding dangerous structures the report to include a risk assessment on the building.
- The Council will set out the following policies (subject to Cabinet and Council approval) on its website for dealing with dangerous structures as follows:-
  - a) In an **EMERGENCY** situation the Council shall, if reasonably practical to do so give notice to the owner of their intention to take action. The Council will employ a contractor to do the minimum amount of work necessary to remove the danger. The owner, if not previously informed, will later be

notified of the action and the fact that he/she is liable for the Council's full costs.

- b) Where a dangerous structure is identified **BUT IS NOT AN EMERGENCY**, the Council will attempt to obtain a verbal commitment from the owner to remove the danger immediately. If not achieved, formal notice will be sought and served on the owner via the Magistrates Court under section 77 of the Building Act, requiring that the danger is removed. If the owner fails to comply, the Council will employ a contractor to do the minimum amount of work necessary to remove the danger.

The Cabinet Member for Planning and Economic Regeneration stated that the Cabinet was well aware of the history of the site and the lessons learnt, the recommendation from the Scrutiny Committee was welcomed and had set out how the authority would deal with such issues in the future.

The Chairman read correspondence received from a Cullompton Ward Member which urged the Cabinet to support the recommendations and suggesting whether other dangerous buildings which were the subject of monitoring could be listed on the website so that the public were aware. It was suggested that legal advice be sought due to data protection issues.

It was therefore

**RESOLVED** that the recommendations of the Scrutiny Committee be approved subject to amendment to bullet points 1 and 2 to read:

- Following the initial assessment and any remedial action to make a dangerous structure safe, the structures shall (unless fully demolished or fully repaired) if instructed by the Council, be monitored *not less than* every two months (employing a structural Engineer where necessary) to ensure any further decay is identified as early as possible. A detailed record of those inspections and any actions requested to be kept.
- Ward Members, the Media, the website and Town and Parish Councils to be notified following inspections of the findings and any proposed action, ensuring maximum publicity *including featuring on the Council's website if possible and where appropriate*.

(Proposed by the Chairman)

Note: Report previously circulated copy attached to signed minutes.

#### 104. REORGANISATION AND REDUNDANCIES WITHIN THE COUNCIL (00-35-28)

The Scrutiny Committee had recommended that the Chairman of the Scrutiny Committee be consulted, along with the Leader, when the Chief Executive proposed to use reserves to make payments for redundancies.

The Chief Executive outlined the delegated authority given to him by Council to deal with personnel issues which included reorganisation and redundancy. He stated that

he had abided by the constitution and had involved the Leader in any decisions made. He felt that the involvement of the Chairman of the Scrutiny Committee would blur the role of the Cabinet and Scrutiny.

The Chairman of the Scrutiny Committee stated that the issue was not about the involvement of the Chairman of Scrutiny in decision-making but about who gave authority to use reserves to fund redundancies. She felt that the redundancy costs were a key decision and should have been dealt with as such.

Discussion took place regarding openness and transparency, the publication of spends over £500, financial monitoring reports that were published, the policy on redundancies and the scheme of delegation within the constitution.

It was therefore

**RESOLVED** that the recommendation of the Scrutiny Committee be rejected.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr N V Davey)

#### 105. **SCRUTINY COMMITTEE - DRAFT BUDGET 2015/16 (00-48-56)**

Arising from a report of the Head of Finance, the Scrutiny Committee had recommended to the Cabinet that the draft budget for 2015/16 be approved.

The Cabinet Member for Finance thanked the Scrutiny Committee for supporting the draft budget.

Discussion took place regarding Neighbourhood Plans and that any Government money would be earmarked and used to staff or provide resources for the towns and villages with Neighbourhood Plans and the fact that specific monies had been claimed but not received.

The Head of Planning and Regeneration reported that resources would be available to help with Neighbourhood Plans once the Local Plan process had been completed.

Further discussion took place regarding Manager's Service Plans which were published annually, these Managers were available to appear before the Scrutiny Committee.

The recommendation from the Scrutiny Committee was **NOTED**.

#### 106. **AUTHORITY'S MONITORING REPORT (01-00-20)**

The Cabinet had before it a report\* of the Head of Planning and Regeneration presenting the Authority's Monitoring Report for the period 1 April 2013 – 31 March 2014.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the monitoring data and performance information provided covered a range of subjects including changes in population, the delivery of sustainable development and management of climate change, local distinctiveness

(e.g. impacts on local character and the environment), housing, economic development and infrastructure.

**RESOLVED** that:

- a) the AMR 2013/14 be approved;
- b) Delegated authority be given to Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning and Economic Development to make minor editorial changes to the text before the AMR is published on the Monitoring webpage.

(Proposed by the Chairman)

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

#### 107. **FINANCIAL MONITORING (1-01-59)**

The Cabinet had before it and **NOTED** a report \* of the Head of Finance presenting a financial update in respect of the income and expenditure so far in the year.

The Cabinet Member for Finance reported that the accounts showed an overspend of £216k which included the restructuring costs of £174k, he suggested that there would be an overspend on the General Fund of £54k for the year which he stated would be clawed back by the end of the financial year. He highlighted the significant movements detailed in the report.

Note: \* Report previously circulated; copy attached to the Minutes.

#### 108. **BUDGET**

The Cabinet had before it a report \* of the Head of Finance proposing the budget for 2015/16 for consideration by Council.

The Cabinet Member for Finance was able to confirm that a balanced budget had been produced for recommendation to Council. He reported that greater efficiencies and further savings would be required in future years which may impact on service provision.

Consideration was given to:

- The ongoing cut in formula grant
- The need to use the New Homes Bonus to support capital expenditure and to consider other areas of funding.

**RECOMMENDED** that

- a) Council Tax is frozen at the 2014/15 level - £182.15.
- b) General Fund budget for 2015/16 is approved (which includes the acceptance of the Council Tax freeze grant – shown in Appendix 1
- c) The 2015/16 budget requires no transfer from the General Fund Balance.
- d) HRA budget for 2015/16 be approved – Appendix 3.
- e) HRA rents to be increased by an average of 3.4%.

- f) Other HRA fees/charges are approved based on the attached schedule shown as Appendix 4.
- g) That work on strategic planning for delivering balanced budgets in the future be commenced with a new Corporate Plan once the new Council is formed after the District elections in May.

(Proposed by the Chairman)

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

#### 109. **CAPITAL PROGRAMME 2015/16 - 2018/19 (1-16-18)**

The Cabinet had before it a report\* of the Head of Finance seeking approval for the 2015/16 Capital Programme and the draft 2016/17, 2017/18 and 2018/19 programmes.

The Cabinet Member for Finance outlined the contents of the report stating that no funds were being transferred to the General Fund and that the New Homes Bonus was earmarked to fund the capital programme.

Discussion followed with regard to the proposed work at the Pannier market and the Multi-Storey Car Park. A comprehensive report regarding town centre enhancement would be brought before the Cabinet in April.

**RECOMMENDED** that:

- a) The detailed Capital Programme for 2015/16 be approved and the estimated amounts for 2016/17, 2017/18 & 2018/19 be noted.
- b) The earmarking of the New Homes Bonus (NHB) monies of £1,878k to support the 2015/16 Capital Programme be agreed.

(Proposed by the Chairman)

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

#### 110. **TREASURY MANAGEMENT STRATEGY AND ANNUAL INVESTMENT STRATEGY (1-24-09)**

The Cabinet had before it a report of the Head of Finance outlining the proposed Treasury Management Strategy and Annual Investment Strategy for 2015/16

The Cabinet Member for Finance outlined the contents of the report stating that the strategy proposed was to continue in the current mode and that any business/investment opportunities should be taken advantage of. He highlighted the fact that any money on deposit must be secure.

**RESOLVED** that

- a) The proposed Treasury Management Strategy and the Annual Investment Strategy for 2015/16, see paragraph 15.4, including the prudential indicators

for the next 3 years and the Minimum Revenue Provision Statement (Appendix 4), be approved;

- b) In addition to a continuation of the current investment strategy, the Council consider the options outlined in paragraph 15.5 of the report;
- c) the increase to the 2014/15 Authorised Limit, as detailed in paragraph 7.3 be approved
- d) the Council using the Municipal Bond Agency for future loans, outlined in paragraph 13.1 be agreed.

(Proposed by the Chairman)

Notes:

- (i) Cllrs C J Eginton declared a personal interest as he received a pension from Lloyds Bank;
- (ii) Cllr N V Davey declared a personal interest as he received a pension from the Royal Bank of Scotland;
- (iii) \*Report previously circulated; copy attached to the signed Minutes.

**111. NATIONAL NON-DOMESTIC RATES 2015/16 (1-26-27)**

The Cabinet had before it a report\* of the Head of Finance providing it with an update of the income generation and financial implications of the number of business Rate properties in Mid Devon and requesting it to approve the NNDR1 (estimated income to be generated in 2015/16 from business rates).

The Cabinet Member for Finance outlined the contents of the report stating that prior to 1 April 2013; all billing authorities collected the business rates in their area and passed this money onto a central government pool. The pool was then redistributed to local authorities throughout the country based on their needs, resources and services they provide to their community. From 1 April 2013, central government changed the way this financing was distributed. Each billing authority now had to forecast the amount of revenue it would generate from business rates and then redistribute that income between central government, the county council, the fire authority and itself, based on a centrally prescribed formula. The Business Rates Retention Scheme as it was now known, also allowed the billing authority to keep a share of the increase in revenue it generated, therefore encouraging billing authorities to encourage business growth in its area.

**RESOLVED** that:

- a) The calculation of the NNDR1 net yield be noted and approved for 2015/16;
- b) That the proportions distributed to the respective authorities and central government be allocated as per the statutory regulations; and

- c) Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing further reliefs was noted and approved

(Proposed by the Chairman)

Note: \*Report previously circulated; copy attached to the signed Minutes.

#### 112. **POLICY FRAMEWORK DOCUMENT 2015/16 (1-30-06)**

The Cabinet had before it a report of the Chief Executive requesting it to endorse the Policy Framework for the year.

The Cabinet considered the policies and the review dates.

**RECOMMENDED** that the Policy Framework be adopted subject to:

- a) The Town and Parish Charter and the Regulatory Investigatory Powers Act be considered by the Community Well-Being Policy Development Group.
- b) The Corporate Plan to be considered in October 2015 rather than May 2015 and thereafter on a 4 yearly basis.
- c) The Social Media Policy be considered by the new Council in June 2015 rather than September 2015

(Proposed by the Chairman)

Note: \*Report previously circulated; copy attached to the signed Minutes.

#### 113. **NOTIFICATION OF KEY DECISIONS (1-38-15)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for February 2015 containing future key decisions subject to the following amendments:

- The Asset Management Plan being considered in June 2015
- The transfer of public toilets being considered on 2 April 2015
- The Workforce Plan being considered in July 2015
- The inclusion of a report on the enhancement of Tiverton Town Centre on 2 April 2015

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

(The meeting ended at 4.00 pm)

**CHAIRMAN**

