

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 April 2019 at 2.15 pm

Present

Councillors

C J Eginton (Leader)
R J Chesterton, P H D Hare-Scott,
C R Slade and R L Stanley

Apologies

Councillor(s)

Mrs M E Squires

Also Present

Councillor(s)

F W Letch and F J Rosamond

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Jane Lewis (Communications and Engagement Manager), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), John Bodley-Scott (Economic Development Team Leader) and Sally Gabriel (Member Services Manager)

173. **APOLOGIES**

Apologies were received from Cllr Mrs M E Squires.

174. **PUBLIC QUESTION TIME**

There were no members of the public present.

175. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-00-56)**

The following interests were declared:

Councillor	Interest	Reason
C R Slade	Personal	Item 8, as Chairman of the Grand Western canal Joint Advisory Committee
C R Slade	Personal	Item 8, as he had been a Member of the Devon and Exeter Rail Project
C R Slade	Personal	Item 15, as Ward Member who attends meetings of the Moorhayes Community

176. MINUTES OF THE PREVIOUS MEETING (00-01-36)

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

177. ELECTRIC CAR CHARGING POINTS (00-02-25)

Arising from a *report of the Group Manager for Corporate Property and Commercial Assets, the Environment Policy Development Group had recommended that the Council considers the provision of home electric car charging points in all new developments across the district for all new properties.

The Cabinet Member for Housing outlined the contents of the report stating that the report detailed the background in terms of Central Government Policy and incentives for Ultra Low Emission Vehicles (ULEVs) and the types of ULEVs available and targets to 2040. He added that the majority of ULEV car owners recharge their vehicles at their homes overnight and do not make use of public recharging points. Research showed that most of the journeys taken were for short distances within the range of a single charge for the vehicle. There were currently 3 main charging options available and the Council had a rapid charging system at the 3 leisure centres in Mid Devon; site performance statistics were available in the report.

RESOLVED that the recommendation of the PDG be acknowledged and that the Head of Planning, Economy and Regeneration be requested to produce a report outlining how the provision of home electric car charging points in all new developments across the district for all new properties may be achieved through the planning policy process.

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

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

178. PRIVATE SECTOR HOUSING FEES AND CHARGES 2019/20

Arising from a report of the Group Manager for Public Health and Regulatory Services, the Homes Policy Development Group had made the following recommendations:

- a) The revised fees and charges as set out in Annex 1 be approved.
- b) That Public Health and Regulatory Services be authorised to enforce The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 as amended 2016.
- c) That a charge is made for providing copies of the Mandatory HMO Licensing Public Register when requested.

The Cabinet Member for Housing outlined the contents of the report stating that Private Sector Housing had a duty to ensure that private accommodation met minimum standards. In particular there were regulations for the licensing, management and use of houses in multiple occupation (HMO), carbon monoxide detectors and smoke alarms, and hazards within the home. All enforcement activities and relevant fees and charges within the report were set out in compliance with the legislation and the Public Health Services Enforcement Policy adopted in August 2016 and the draft Operations Directorate Enforcement Policy 2019. He explained the changes to the fees and charges outlined in annex 1 of the report and the penalties for Housing Act offences.

Consideration was given to how offences would be enforced.

RESOLVED that the recommendations 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.

179. **HOUSING ASSISTANCE POLICY, DEVON WIDE (00-13-03)**

Arising from a report of the Group Manager for Public Health and Regulatory Services, the Homes Policy Development Group had recommended that:

- a) The revised Housing Assistance Policy 2019-22 attached in Annex 1 be approved.
- b) The ECO Flex Statement of Intent (SOI) attached in Annex 4 associated with the revised Housing Assistance Policy be approved.
- c) Delegated authority be given to the Group Manager for Public Health and Regulatory Services in consultation with the Cabinet Member for Housing to make minor adjustments to the policy based on demand and local priorities.
- d) Delegated authority be given to the Group Manager for Public Health and Regulatory Services in consultation with the Cabinet Member for Housing to suspend some or all non-mandatory parts of the revised Housing Assistance Policy attached in Annex 1 (all elements of the Policy other than section 4.1 Disabled Facilities Grants) if adequate funding is not available.

The Cabinet Member for Housing outlined the contents of the report stating that the Better Care Fund intentionally provided more funding to Devon than was currently required to meet the demand for mandatory Disabled Facility Grants only. A wider policy was required to allow the Devon councils to spend the Better Care Fund on assistance that helped a wider range of households and met the broader Better Care Fund objectives.

The policy agreed in February 2018 substantially updated and replaced the previous Mid Devon Private Sector Housing Renewal Policy adopted in 2012. The Policy presented had been updated based on the experience of delivering the new policy over the past year.

In addition there had been changes to the ECO flex fund and therefore this needed to be reflected in the statement of intent (SOI). The SOI was a mandatory requirement setting out the specific terms for accessing the funding locally. This would allow the Council to continue to provide assistance to local residents to improve the energy efficiency of their homes and reduce their fuel bills. He outlined the main scope of the policy and the assistance contained within the policy.

RESOLVED that the recommendations 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.

180. **GRAND WESTERN CANAL & EXE RAIL PARTNERSHIP (00-16-57)**

Arising from a report of the Group Manager for Growth, Economy and Delivery, the Economy Policy Development Group had made the following recommendations:

- a) That the contribution to the Devon & Exeter Rail Project be reviewed following formation of a new Rail Forum.
- b) That the Council continues to offer an annual grant of £45,000 for 2019/20 to the Grand Western Canal to support its maintenance.
- c) That an assessment be undertaken, in liaison with Devon County Council, prior to the financial year 2020/21 to inform decision making with regard to the level of future grant support for the Canal.

The Leader read an email from the Chairman of Holcombe Rogus Parish Council which highlighted the original funding arrangements and joint obligations for the Grand Western Canal.

The Cabinet Member for Planning and Economic Regeneration referring to the Devon and Exeter Rail Project stated that following changes to personnel, DCC had decided that it could no longer administer the group and it was decided to change the working group into a forum aligned to the Devon and Cornwall Rail Partnership with wider community involvement. The District Council had been contributing £3,500 annually to the Devon & Exeter Rail Project for a number of years, however, with the change of structure it seemed appropriate to review future funding arrangements.

With regard to the Grand Western Canal, he reported that the Council currently provided £45k as an annual grant towards the running of the canal which was well received by the County Council. He highlighted the breach incident in 2012 and the resolution of Council to offer a contribution towards the emergency works; however, the money had not been drawn down. With regard to the email from the Chairman of Holcombe Rogus Parish Council, at no stage had the County Council complained about the current level of funding and were happy to take part in the review

Consideration was given to the level of funding and the process for review.

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

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

Notes:

- i) Cllr C R Slade declared a personal interest as Chairman of the Grand Western Canal Joint Advisory Committee and he had been a member of the Devon and Exeter Rail Project;
- ii) *Report previously circulated, copy attached to minutes.

181. **ENVIRONMENTAL HEALTH FEES AND CHARGES 2019/20 (00-24-14)**

Arising from a report of the Group Manager for Public Health and Regulatory Services, the Community Policy Development Group had made the following recommendations: to approve the Environmental Health Fees and Charges for 2019/2020 and that the missed appointment charge to be in line with the missed appointment charge within the extant Housing Policy used by the Building and Housing Services.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that a review of fees and charges was necessary to offset or cover the costs incurred by the authority in carrying out its duties. He highlighted the current and proposed charges in respect of the environmental health functions along with the statutory and discretionary services provided and explained that a benchmarking exercise had taken place with other local authorities details of which were available at annex 2 of the report.

Consideration was given to the range of services and the proposed charges.

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

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

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

182. **OPERATIONS DIRECTORATE ENFORCEMENT POLICY (00-29-22)**

Arising from a report of the Group Manager for Public Health and Regulatory Services, a joint meeting of the Community, Environment and Homes Policy Development Groups had made the following recommendation: that Cabinet recommend to Full Council that the Operations Directorate Enforcement Policy be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report stating the Operations Directorate was responsible for several different enforcement functions across a number of services and teams; that of Public Health and Regulatory Services, Housing Services and Street Scene. The policy was very much

a reference guide for officers and decision makers and the appendices to the report contained the details of how each area across the Directorate would comply with relevant information.

RECOMMENDED to Council that the recommendation of the Policy Development Groups be approved.

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

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

183. **FINANCIAL MONITORING (00-31-20)**

The Cabinet Member for Finance provided a verbal report stating that the authority was £11k adrift of balancing the budget, this he felt was a tremendous achievement in a £40 million business. The improvement in the budget gap had been identified as repairs to a leisure centre being delayed and staff vacancies within Revenues and Benefits. He reported that the Housing Revenue Account was underspent and that rent arrears were better than last year despite the introduction of Universal Credit. There was no overspend on the Capital Programme but some slippage in the programme would occur.

184. **PERFORMANCE AND RISK (00-33-05)**

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 and took the Cabinet through each of the appendices.

Consideration was given to:

- The Homes Portfolio and Corporate Plan aim to build more council houses, the 4 units at Birchen Lane were complete, the 6 units at Burlescombe were almost complete and the handover of the 26 dwellings at Palmerston Park would take place on completion.
- The occupancy rate at Market Walk and empty units.

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

185. **NOTIFICATION OF KEY DECISIONS (00-39-07)**

The Cabinet had before it, and **NOTED**, its rolling plan * for May 2019 containing future key decisions.

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

186. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (00-39-27)**

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)

187. **MOORHAYES COMMUNITY CENTRE, TIVERTON**

The Cabinet had before it a report * of the Group Manager for Corporate Property and Commercial Assets outlining options for the disposal of an asset.

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 the recommendations outlined in the report be approved.

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

Notes

- i) Cllr C R Slade declared a personal interest as he attended meetings of the association as Ward Member;
- ii) *Report previously circulated.

188. **RETIRING MEMBERS**

The Leader addressed the meeting taking the opportunity to thank Cllr P H D Hare Scott who was due to retire at the next election for his contribution and commitment to the Council over 12 years which included 6 years as Leader of the Council.

He also thanked Cllr F J Rosamond (current Chairman of the Scrutiny Committee) who was also retiring after 20 years service for his commitment and contribution to the work of the Council.

(The meeting ended at 3.15 pm)

CHAIRMAN