

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 22 August 2019 at 6.00 pm

Present

Councillors

R M Deed (Leader)
L D Taylor, G Barnell, S J Clist,
D J Knowles, A White and Mrs N Woollatt

Also Present

Councillor(s)

Mrs C P Daw, R J Dolley, R Evans, B Holdman and
F W Letch

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Andrew Pritchard (Director of Operations), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Jill May (Director of Corporate Affairs and Business Transformation), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Maria De Leburne (Solicitor) and Sally Gabriel (Member Services Manager)

34. **APOLOGIES**

There were no apologies.

35. **PUBLIC QUESTION TIME (00-01-38)**

Mrs Miller referring to item 6 (Car Park Working Group Report) asked the Cabinet why they were taking away the half hour of free parking. She explained that animals produced more methane gas than cars did carbon monoxide which was far more damaging for the environment. She felt that the town had been destroyed by the introduction of coffee shops, takeaways and salons. She disputed the claim that 30 minutes was not enough time for people to shop and gave examples of what people could achieve with 30 minutes free parking. She stated that the Council was being prejudiced towards Council shops by taking away the free parking facility. She said that the Cabinet were going to rob the public of this free parking privilege and that they should be ashamed. Cars equal shoppers and voters.

Mr Quinn referring to agenda item 4 (referring to the previous public question time and minutes of the previous meeting) and item 8 – (Financial Monitoring) had 2 questions.

Firstly 2 months ago in June, when the work programme for 3 Rivers was on the agenda, I asked the Cabinet whether they might wish to consider changing the aims of the work programme. The response was given by the Deputy Chief Executive. Last month I pointed out that I had not received an answer directly from the Cabinet and made comments on the previous response given by the Deputy Chief Executive. A further response from the Deputy Chief Executive has been published with the minutes. His view is that the aims of 3 Rivers were agreed when the Company was

formed, more than two years ago, and that the status quo should continue without Cabinet making any changes.

I am back today to point out, with the greatest respect, that I have still not received a direct answer from Cabinet to my original question. It is my understanding that the Cabinet can ask for changes to the proposed programme of work. When I asked my question, I gave reasons why they might wish to do so. As the 3 Rivers work programme is not on the agenda for this meeting tonight, can I now ask:

1. Will the Cabinet please reconsider my original June question when the 3 Rivers work programme is next on the agenda? (Can I ask that the Leader, not the Deputy Chief Executive answers this question please).

Secondly, the figures I gave to the last meeting for the cost of the HRA of the Burescombe development are those given in reports to Members and in the annual accounts. These indicated a considerable overspend of HRA money. The Deputy Chief Executive, in his written response gives the actual cost to the HRA for the development by stating that the expenditure reported was actually offset by a £210k grant contribution from Homes England. Had the grant been tied to the spends in the reports, in the way this response has done, then the true net cost to the HRA could have been shown and a budget underspend recognised. I think it is a pity that the actual cost of this development to the Council was not made clear to Members, or the public until the publication of the written response to me.

2. In future financial reports, where grant funding is used for specific projects, could this be clearly shown and the actual net cost to the Council of the project be reported to members?

The Leader stated in response to the first question: that the Cabinet would consider the request when the next 3 Rivers work programme was delivered to the Cabinet in February.

The Deputy Chief Executive response to the second question was yes, he could do that in the future.

36. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-08-17)

Cllr Mrs N Woollatt informed the meeting that she had spoken to people with regard to item 6.

Cllr D J Knowles declared a personal interest in agenda item 6 as he had a resident's parking space in Wellbrook Street car park.

37. MINUTES OF THE PREVIOUS MEETING (00-09-09)

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

38. PLAY AREA SAFETY INSPECTION POLICY (00-10-06)

Arising from a report of the Group Manager for Corporate Property and Commercial Assets, the Environment PDG had made the following recommendation; that the Cabinet NOTE the following:

1. That the current risk assessments and proposed reduction in safety inspections were considered adequate to meet the Council's responsibilities and for individual pieces of play equipment to be identified on the Risk Assessment Forms;
2. That digital transformation of the current inspection methods would make the task more efficient and that the implementation of a process would be expedited.

The Group Manager for Corporate Property and Commercial Assets outlined the contents of the report stating that Mid Devon had 94 play areas (which included skate parks and a BMX track) under its direct control; 12 play areas were leased to Town and Parish Councils with a further 5 pending and the lease-in of land for 3 further sites were to be taken over by the Parish Councils. Each play area was assessed on use and location and it was felt that the inspection regime was robust.

Consideration was given to:

- The inspection routine in various locations
- Reductions in inspections for Saturdays would not have a significant impact
- The use of handheld or portable devices to record inspection details and the timescales for implementing such a scheme
- Inspecting play areas on behalf of parish councils which would secure income for the Council
- Signage in skate parks

RESOLVED that the recommendations of the Policy Development Group be **NOTED**.

(Proposed by Cllr D J Knowles and seconded by Cllr G Barnell)

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

39. **CAR PARKING WORKING GROUP REPORT (00-16-05)**

Arising from a report of the Deputy Chief Executive (S151) and Group Manager for Street Scene & Open Spaces, the Economy Policy Development Group had made the following recommendations:

- a) The proposed new tariffs for each of the council owned car parks in Mid Devon be approved as detailed in the annexe to the Working Group report;
- b) Overnight parking permits be altered to offer greater value for money for local residents and that the annual one off charge be set at £100. To also approve an option to pay by monthly direct debit at £10 per month with a one month cancellation period.

The Cabinet Member for Finance outlined the contents of the report stating that the Economy Policy Development Group had set up a working group to re-examine the effectiveness of the current charging regime and to consider any appropriate recommendations for changes. The Council had last visited its Pay and Display charges in April 2016 and in 2018/19 it generated £656K from 604,450 vends. In addition circa £115K was raised in charges for permits and off-street parking fines.

He considered the findings of the working group's report and explained that the tariff proposals had been put through a pricing model based on historic vend analysis.

Consideration was given to:

- A proposition for overnight charges to be removed except for the MSCP and outside Phoenix House
- Residents parking overnight in narrow side streets and the impact on emergency services
- Properties within the towns with no parking facilities
- Climate change issues would not stop people using cars in Mid Devon, especially in the rural areas
- The lack of bus services in the evenings
- The views of the Chairman of the Working Group and the work of the previous working group, the proposed suggestions of the Group, the need for the William Street car park to continue to have free time, the need to increase publicity for purchasing permits and the savings that could be made. He voiced concern with regard to the removal of night time charges as that would be an impact on income received.
- The proposal of £1.25 per hour in short stay car parks and whether that was an awkward amount to charge
- The amount of parking fees paid digitally
- The cost of parking across the county and into Somerset
- A concern that the William Street car park was very busy at school times and that shoppers could not park there
- Where the money went from overpayments and whether any overpayments collected should be given to charity

It was therefore:

RESOLVED that:

- a) the proposed new tariffs for each of the council owned car parks in Mid Devon be approved as detailed in the annexe to the Working Group report apart from overnight charges from 1800 - 0800 which are to revert to being free of charge, with the exception of Tiverton Multi Storey and Phoenix House car parks (which will remain 24 hour charging).
- b) the Economy Policy Development Group be requested to consider the issue of overpayments for car parking and what should happen to that additional income.

(Proposed by Cllr A White and seconded by Cllr Mrs N Woollatt)

Notes:

- i) Cllr Mrs N Woollatt informed the meeting that she had had correspondence with residents regarding the item;
- ii) Cllr D J Knowles declared a personal interest as he had a residents parking space in Wellbrook Street car park;
- iii) *Report previously circulated, copy attached to minutes.

40. **MULTI STOREY CAR PARK, TIVERTON - TENDER OUTCOME (00-53-17)**

The Cabinet had before it a * report of the Group Manager for Corporate Property and Commercial Assets requesting the Cabinet to review the results of the Multi Storey Car Park (MSCP) Improvement works tender and to award the JCT minor works Building Contract to a contractor.

The Group Manager for Corporate Property and Commercial Assets outlined the contents of the report stating that the MSCP had had works identified for essential maintenance and improvement works. Some of the works were required for insurance purposes, this included but was not limited to increasing the height of the safety railings to meet current standards and that this work had been prioritised. The Property Services team were aware of the pending Premier Inn Project and given the scope of the works to construct the hotel it was sensible to hold back the improvement scheme until the construction works for the project had been completed. The detailed specification for work had incorporated a range of essential improvements which had gone out to tender; he informed the meeting that there had been 7 tenders returned.

Following consideration of the works to take place it was:

RESOLVED that:

- a) The JCT Minor Works Building Contract with Contractor's Design 2016 Edition for the MSCP improvement works be awarded to supplier B;
- b) Delegated authority be given to the Deputy Chief Executive (151) and the Cabinet Member for Housing and Property Services to agree on which Category 2 items as detailed on Part 2 Annex B should be included within the Contract award to supplier B, subject to ongoing budget authority after essential works have been concluded.
- c) An additional £50k to the Capital project for 2019/20 as set at item 5.4. be approved.

(Proposed by Cllr S J Clist and seconded by Cllr L D Taylor)

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

41. **FINANCIAL MONITORING (00-56-46)**

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure to date.

The Cabinet Member for Finance outlined the contents of the report stating that the report was very early in the financial year but that it predicted a General Fund deficit of £427k. He outlined the most significant variances to date highlighted within the report and emphasised the issue of the down turn in planning fee income. The Housing Revenue Account was showing an underspend as was the Capital Programme.

Discussion took place regarding:

- Vacant posts within the Housing Service
- The downturn in planning fees, the current economic climate and ongoing discussions taking place with regard to the issue.

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

42. **PERFORMANCE AND RISK (1-07-14)**

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.

Consideration was given to:

- The number of Council Houses being built and the target
- FOI responses recorded at 100%
- The occupancy rate in Market Walk

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

43. **CABINET MEMBER DECISION (1-13-58)**

The following decision made by the Cabinet Member for Housing and Property Services was **NOTED**:

Following the implementation of the Homelessness Reduction Act 2017 in April 2018, a new strategy is necessary. The way in which the Council works has changed and therefore the existing strategy requires a complete review. Resourcing issues have delayed the completion of the new strategy.

However, officers in the Housing Service have met with stakeholders and have also undertaken a data review. Work has begun on drafting content.

Once the draft is finalised, there will be a consultation with stakeholders and then a report will go to the Homes Policy Development Group asking for a recommendation to the Cabinet that the new strategy is adopted.

44. **NOTIFICATION OF KEY DECISIONS (1-14-12)**

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

Note: *Plan previously circulated, copy attached to minutes

45. **ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-15-17)**

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)

46. **DISPOSAL OF LAND AT PARK NURSERY, PARK ROAD- TIVERTON**

The Cabinet had before it a report * of the Chief Executive outlining options for the disposal of an asset.

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

Returning to open session, the Cabinet:

RESOLVED:

- a) That the asset disposal of Park Nursey Depot, Park Road, Tiverton EX16 6AU be approved
- b) To proceed with the Freehold Sale, on the open market, with the sale being conditional on prior planning permission being obtained.

(Proposed by the Chairman)

Notes:

- i) Cllr Mrs N Woollatt requested that her abstention from voting with regard to (b) be recorded;
- ii) *Report previously circulated.

(The meeting ended at 7.54 pm)

CHAIRMAN