

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 19 September 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, Mrs S Griggs and
F W Letch

Also Present

Officer(s): Stephen Walford (Chief Executive), Andrew Jarrett (Deputy
Chief Executive (S151)), Kathryn Tebbey (Group Manager
for Legal Services and Monitoring Officer), Tristan Peat
(Forward Planning Team Leader) and Sally Gabriel
(Member Services Manager)

47. **APOLOGIES**

There were no apologies.

48. **PUBLIC QUESTION TIME**

Elizabeth Pole, speaking as Chair of Tiverton and Honiton Labour and referring to Item 7 (Tiverton Regeneration Project – Tender Outcome) stated:

This week we have concluded, based on our reading of an article in the Parliamentary Review, that Pannier Market and Town Centre masterplan is to be delivered by the Council's 3 Rivers Development company in the absence of private investment.

Can Cabinet please confirm this is the case?

With over £2.5 million of risk to the taxpayer tied up in the 3 Rivers balance sheet, could Cabinet please confirm that the company's Business Plan, or at minimum the financial case for each of the Company's investments, be made open to public scrutiny?

The Pannier Market project represents the first of 18 proposed 3 Rivers developments for the town centre. Would Cabinet confirm how adding these new investments, starting with the Pannier Market at £1.5 million, sits with the "Very High Risk" rating of the Council's own Scrutiny Committee and the concerns of auditor Grant Thornton in the Council's accounts?

Could Cabinet please provide details of who exactly is receiving the £130,000 of salary and pensions from 3 Rivers in the 2018-19 corporate accounts, and why any of the Directors – who are elected councillors, former councillors or council employees – are receiving the £75,000 of Directors' remuneration in the same accounts?

Could we also please see the details of the specific business case for the £56,000 / year subsidy to be paid by the taxpayer towards the Pannier Market project?

The Labour Party is very much in favour of public investment and urban regeneration, but is also in favour of public scrutiny and transparency.

The Labour Party is concerned that there is a lack of transparency in the rationale and operation of 3 Rivers. Can the Cabinet please explain and publish fuller business plans and cases and accounts of 3 Rivers?

The Chairman indicated that a written response would be provided.

49. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-24)**

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

50. **MINUTES OF THE PREVIOUS MEETING (00-04-33)**

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

51. **REGULATION OF INVESTIGATORY POWERS (00-05-04)**

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

- (1) the Cabinet be requested to approve the reviewed Regulation of Investigatory Powers revised policy including the new annex on social media/internet research.
- (2) officers draft a policy on covert surveillance for non-RIPA cases to be submitted for approval and;
- (3) the contents of the report be noted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the PDG had also considered a draft annex to the RIPA policy to provide guidance on the monitoring of information online such as social media posts, training would be given to officers on the monitoring of information online. It was also proposed that officers draft a policy on covert surveillance for non-RIPA cases to be submitted for approval. She was also able to report that the Council had not used its powers under RIPA since March 2014.

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

(Proposed by the Chairman)

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

52. **PLAYING PITCH STRATEGY (00-07-50)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking approval for officers to prepare a Playing Pitch Strategy for Mid Devon, using external consultants support where necessary.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a new strategy was required for Mid Devon which was consistent with Sport England guidance. A Playing Fields Strategy had been published in 2010 and an Open Space and Play Area Strategy published in 2014; there was now a need for updated evidence and information specifically on the supply of and demand for playing pitches across the Mid Devon District to meet the sporting needs of local communities. The new strategy would become part of an evidence base which would be used to inform future strategic plan-making for the district and help shape masterplanning for the Culm Garden Village. It was proposed that the project team would include an external consultant and that the project management would be provided by officers also that the Council had sought to reduce the cost of preparing the strategy by carrying out as much of the initial data gathering as possible in house. Throughout the process the work would be overseen by the project steering group.

The Forward Planning Team Leader explained the amount of work that was required to form the strategy and the work that was proposed to take place in house. Recent engagement had taken place with the Football Association to progress a local football facilities plan for Mid Devon which would assist with the strategy and be used to guide investment decisions.

Consideration was given to:

- The cost of the proposed work would depend on the amount of work required by the consultant
- Whether the remit of sports proposed for inclusion in the strategy could be expanded to include other sports
- The involvement of clubs affected by the proposed relief road in Cullompton to be given additional support
- The funding would come from ear marked reserves held for plan making and the strategy would inform the early stage of the next Local Plan Review
- The amount of officer time required to aid the consultant

RESOLVED that the preparation of a Playing Pitch Strategy for Mid Devon and the use of an external consultant support to help the preparation of the strategy be approved.

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

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

53. **TIVERTON TOWN CENTRE REGENERATION PROJECT - TENDER OUTCOME (00-24-31)**

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 Tiverton Town Regeneration tender and requesting it to reward the contract.

The Chairman informed the meeting that it had become clear in recent days that the members of the Cabinet required more detail with regard to the overarching aims of the proposed works and the financial considerations which would underpin them, there was a need for the Cabinet to be comfortable with the information and proposal prior to proceeding with a decision. There was no intention to look at the tender process and there would be no discussions with any of the bidders.

It was therefore

RESOLVED that the item be deferred to allow for further discussions to take place.

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes

54. **CAR PARKING WORKING GROUP REPORT - CALL IN (00-25-44)**

Following the meeting on 22 August, the Chairman of the Scrutiny Committee had called in the following decision of the Cabinet

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).

For the following reasons:

- The decision is illogical
- The decision diminishes legitimate income
- The decision goes against the balanced recommendation of the Car Parking Working Group

The Scrutiny Committee at its meeting on 2 September 2019 resolved that the Cabinet be requested to reconsider the decision to abolish night time car parking charges.

The Cabinet had before it the relevant *report and a copy of the minute from the Scrutiny Committee on 2 September 2019. The Chairman stated that there was a need to reconsider the recommendations of the working group and the Economy Policy Development Group in light of the discussions held at the Scrutiny Committee.

He reflected on the initial decision by the Cabinet at its meeting on 22 August 2019, where the Cabinet had agreed with the new tariffs for each of the Council owned car

parks but did consider in the majority of council owned car parks that overnight charging should cease, with the effect of reducing the Council's income from car parking by £28k a year. He felt that, given the Council's substantial in year budget deficit coupled with the recent decision to agree significant capital investment in the MSCP, that it would be inappropriate to forgo this sum. He considered the requirement that a Council cannot use net income from car parking charges to support revenue expenditure across the Council, even with any increased income no breach of legislation would take place. Capital expenditure had already been proposed for the car parks which would extinguish any net income gained over the period. He felt that the recommendation of the working group to purchase a permit for overnight parking for £100 per year which was less than 30p per night, offered good value.

Consideration was given to:

- The original decision which some felt was reasonable and sound seeing that there had been a recommendation to increase tariffs during the day time
- The need for any net income to be used to maintain and/or make improvements to Council owned car parks
- The costs of running the car parks and the amount of income received per annum
- Parking in William Street car park
- Free overnight parking would alleviate on street parking problems
- The views of the Scrutiny Committee
- The need to encourage the purchase of permits by better advertising

It was therefore **RESOLVED** that:

- a) The proposed new tariffs for each of the Council owned car parks in Mid Devon be approved as per the annexe in the Working Group Report
- b) Overnight parking permits be amended to offer greater value for money for residents and that the annual one-off charge be set at £100. Also approved is an option to pay by monthly direct debit at £10 per month, with a one-month cancellation period.

(Proposed by the Chairman)

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

55. **FINANCIAL MONITORING (00-41-28)**

The Deputy Chief Executive (S151) informed the meeting of the Chancellors statement on 4 September 2019 which had outlined a delay in the long term funding settlement for a year, there was no news on business rates, the new homes bonus or the fair funding review. There was good news with regard to homelessness work funding and it was very likely that the district authorities would be able to maintain the increased flexibility on council tax increases.

With regard to financial monitoring, the projected overspend was currently £378K, the key items to note were that planning fees were down £325K, car parking income was down £15K but that income from trade waste was up £40K. Most of the budgets

were trending close to proposed budgets; the HRA remained unaltered with an underspend of £166K which had come from project underspends and a delay in filling staff vacancies.

56. **NOTIFICATION OF KEY DECISIONS (00-44-37)**

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

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

(The meeting ended at 6.45 pm)

CHAIRMAN