

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 17 October 2019 at 6.00 pm

### **Present**

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

### **Apologies**

**Councillor(s)** D J Knowles

### **Also Present**

**Councillor(s)** R J Chesterton, R J Dolley, J M Downes, R Evans,  
B A Moore and B G J Warren

### **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), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Lisa Lewis (Group Manager for Business Transformation and Customer Engagement), Joanne Nacey (Group Manager for Financial Services), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Gemma Causey (Accountant) and Sally Gabriel (Member Services Manager)

## **57. APOLOGIES**

Apologies were received from Cllr D J Knowles.

## **58. PUBLIC QUESTION TIME**

There were no questions from members of the public present.

## **59. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

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

## **60. MINUTES OF THE PREVIOUS MEETING (00-02-19)**

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

## **61. MEETING MANAGEMENT**

The Chairman indicated that he intended to take item 20 (Lords Meadow Leisure Centre – Filter Project) as the next item of business. This was agreed.

62. **LORDS MEADOW LEISURE CENTRE - FILTER PROJECT (00-03-15)**

The Cabinet had before it a \*report of the Group Manager for Corporate Property and Commercial Assets providing a review of the tender exercise for essential maintenance work at Lords Meadow Leisure Centre and to award the JCT Intermediate Building Contract with Contractors Design 2016 to two contractors.

The Cabinet Member for Housing and Property Services outlined the contents of the report explaining the work that needed to take place with regard to the replacement of the pool filters and the essential maintenance that was required. Both projects would take place simultaneously over the Christmas period.

Consideration was given to planned works and the timing of the closure of the pool area.

**RESOLVED** the JCT Intermediate Building Contract with Contractors Design 2016 building contracts for essential planned maintenance works to two pool filters and the repair and upgrade to the fabric of both swimming pools at Lords Meadow Leisure Centre be awarded to supplier C for Lot 1 and supplier B for Lot 2.

(Proposed by the Chairman)

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

63. **MOTION 558 (COUNCILLOR J M DOWNES - 29 JULY 2019) (00-07-42)**

The following motion had been referred by Council to the Cabinet for consideration:

‘That this council should lobby government to bring forward a revised council tax scheme that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build’.

The Chairman invited Cllr Downes to speak to the motion.

Cllr Downes addressed the meeting stating that the Council had made the climate change declaration and that there was a need to act on the issues that we as an authority had control over which included the Council Tax scheme. High levels of sustainability and energy efficiency through development should be rewarded with a variation in Council Tax.

The Chief Executive informed the meeting that the Council had submitted an expression of interest with regard to financial modelling work which would consider the principle of a reduced Council Tax to reflect carbon reduction however the legislation with regard to Council Tax and Business Rates still had to be adhered to.

Consideration was given to:

- The financial modelling exercise
- The intention for new development was encouraging
- Retrospective schemes would be expensive
- The need to encourage low carbon building projects

Following discussions Cllr Downes informed the meeting that he would amend his motion to read:

That this council should lobby government **to change the council tax scheme to one** that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

It was therefore:

**RECOMMENDED** to Council that Motion 558 as amended be supported

(Proposed by the Chairman)

64. **CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE. (00-23-22)**

Arising from discussions at its recent meeting the Environment Policy Development Group made the following recommendation: that the Cabinet Member for Environment's title be changed to Cabinet Member for Environment and Climate Change.

The Leader informed the meeting that he already had the authority to appoint and determine the role and responsibilities of each Cabinet Member. This was acknowledged by the Cabinet.

65. **REVIEW OF THE HOUSING SERVICE HARASSMENT POLICY (00-23-56)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's Harassment Policy, the Homes Policy Development Group had recommended that the changes identified in the tracked changed Harassment Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

Consideration was given to the consultation that had taken place and the feedback received.

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

(Proposed by the Chairman)

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

66. **COUNCIL TENANCY RENT DEBIT FREQUENCY (00-27-22)**

Arising from a report of the Group Manager for Housing reviewing the weeks over which rent was charged on a yearly basis, the Homes Policy Development Group had recommended that Council tenants be charged rent over 52 weeks each year and not 48 as currently charged.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that this change would bring rent payments into line with Universal Credit.

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

(Proposed by the Chairman)

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

67. **REVIEW OF THE HOUSING SERVICE HOARDING POLICY (00-28-57)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's Hoarding Policy, the Homes Policy Development Group had recommended that the tracked changes in the revised Hoarding Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

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

(Proposed by the Chairman)

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

68. **REVIEW OF THE HOUSING SERVICE PETS AND ANIMALS POLICY (00-30-07)**

Arising from a report of the Group Manager for Housing reviewing the Housing Service's policy in relation to pets and animals, the Homes Policy Development Group had recommended that the revised changes to the Pets and Animals Policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

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

(Proposed by Cllr S J Clist and seconded by Cllr G Barnell)

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

69. **OVERPAYMENTS FOR CAR PARKING (00-31-27)**

On 22 August 2019, as part of their consideration of the Car Parking Working Group report, the Cabinet had made a recommendation that: “The Economy PDG be requested to consider the issue of overpayments for car parking and what should happen to the additional income.”

The Economy PDG at its meeting on 26 September discussed the matter and made the following recommendation “that any small monies overpaid from car parking are retained and utilised within the overarching car park budget”

The Chairman of the Economy Policy Development Group was present and stated that because of the revised car parking tariffs the amount of overpayment had reduced and that amending the process would not be cost effective due to officer time.

It was therefore:

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

(Proposed by the Chairman)

70. **COST RECOVERY & COMMERCIALISATION IN GROWTH, ECONOMY & DELIVERY (00-33-10)**

Arising from a report of the Head of Planning Economy and Regeneration presenting the steps necessary to introduce cost recovery into the Growth, Economy and Delivery Service, and providing an update with regard to potential next steps for further commercialisation within the service, the Economy PDG had made the following recommendation:

- a) The bill of charges for economic development related advice with regard to the planning process laid out in Section 2.0 be approved.
- b) Officers be tasked with seeking LGA funding to help investigate opportunities within the service for further commercialisation including the potential to develop a commercial arm for the delivery of some discretionary services.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the idea of recouping costs related to the discretionary services provided by the Planning Service and focussed on planning performance agreements and pre-application advice. The second part of the report focussed on commercialisation and how the Council could get involved strategically through property acquisition, commercial employment sites and business opportunities which would bring in an income for the authority. There was a need to tailor the department’s strengths using the commercial corridors available in the area and therefore the recommendation to seek funding via the Local Government Association was encouraged.

Consideration was given to:

- Planning Performance Agreements and the delivery of permissions within agreed timescales
- The commercialisation project would be an exciting opportunity with a view to providing incubator space and start up areas owned by the council for local businesses.

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

(Proposed by the Chairman)

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

**71. HEART OF THE SOUTH WEST JOINT COMMITTEE GOVERNANCE UPDATE (00-42-34)**

The Cabinet had before it a \*report of the Chief Executive providing an update for the Constituent Authorities on the Joint Committee's governance arrangements and budgetary position for 2019/20.

The Chief Executive outlined the contents of the report stating that the additional remit was identified within the extract from the Joint Committee's arrangements document available at appendix A and that the report had been circulated to all 16 constituent authorities. The minor changes were reported which identified an extended terms of reference for the joint committee and a small rise in the financial contribution.

Consideration was given to: any further changes to the remit of the committee (which may include any further devolution discussions) would require support from all 16 constituent authorities.

**RECOMMENDED** to Council that:

- a) the amendments (shown in red) to the Committee's list of functions in the Arrangements document – Appendix A attached be approved;
- b) Somerset County Council as the administering authority for the Joint Committee be approved; and
- c) The updated budget provision for 2019/20 be noted.

(Proposed by the Chairman)

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

**72. DRAFT 2020/21 GENERAL FUND AND CAPITAL BUDGETS (00-48-30)**

The Cabinet had before it and **NOTED** a \*report of the Deputy Chief Executive (S151) considering the initial draft 2020/21 budget and options available in order for

the Council to set a balanced budget and requesting agreement for a future strategy for further budget reductions for 2021/22 onwards.

The Cabinet Member for Finance outlined the contents of the report stating that this was the start of the process to form a balanced budget for 2020/21. Due to the pressure of Brexit, the Government had been unable to consider the Fair Funding Review and Business Rates reset and had confirmed that they would only issue a one-year settlement; this had an inevitable impact on the ability to forecast for future years. The initial aggregation of all service budgets which included assumptions currently indicated a General Fund budget gap of £346k and table 1 within the report showed the main budget variances affecting 2020/21. In compiling the 2020/21 draft budget, officers had also examined budget performance during 2019/20 and then made relevant budget corrections for staffing changes, levels of income, and changes in legislation and increases in inflation. A public budget consultation exercise would take place for a 6 week period which would provide valuable feedback to inform future spending plans. He referred to the Medium term Financial Plan and the proposed £1.4m budget gap.

Consideration was given to:

- The dates for the public consultation
- The budget gap proposed for 2021/22 and whether savings needed to be made earlier

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

### 73. **MEDIUM TERM FINANCIAL PLAN (00-58-19)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) producing an updated Medium Term Financial Plan (MTFP) which takes account of the Council's key strategies (i.e. The Corporate Plan, Business Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates that it has the financial resources to deliver the Corporate Plan.

The Cabinet Member for Finance outlined the contents of the report stating that the MTFP had been considered alongside the draft budget and that the plan had to consider assumptions for future funding, unavoidable costs, such as pay increases, inflation and service pressures associated with new legislation, investment receipts and fee/charges levels and also considered and made assumptions regarding future levels of council tax. He highlighted the proposed budget gap for 2023/24 and the need to retain and protect fundamental services.

**RESOLVED** that the updated Medium Term Financial Plan be noted and that the proposals as outlined in paragraph 8.2 of the report be endorsed.

(Proposed by the Chairman)

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

#### 74. **TREASURY MANAGEMENT STRATEGY AND MID YEAR REVIEW (1-02-19)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) informing it of the treasury performance during the first six months of 2019/20 and requesting agreement on the ongoing deposit strategy for the remainder of 2019/20 also to review compliance with Treasury and Prudential Limits for 2019/20.

The Cabinet Member for Finance outlined the contents of the report stating that it fully considered 3 Rivers Development Limited and the slippage in the capital programme. He highlighted the forecast for year end and the additional income which would be split between the HRA and General Fund, along with the issues of Brexit and its impact on treasury uncertainty if interest rates reduced. There had been no additional borrowing in the current year. The Leader asked how the increase in the PWLB interest rate would impact on short term loans.

Consideration was given to recent investments and the rise in interest rates from the PWLB.

**RECOMMENDED** to Council that a continuation of the current policy outlined at paragraphs 6.0 - 6.5 of the report be agreed and that the changes to the Capital Financing Requirement, Operation Boundaries and Authorised Limits for the next 3 years at paragraphs 4.3 - 4.5 be approved

(Proposed by the Chairman)

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

#### 75. **FINANCIAL MONITORING (1-07-26)**

The Deputy Chief Executive (S151) provided a verbal report on financial monitoring to date stating that the proposed end of year overspend of £389k had been reduced to circa £200k since the last meeting, this had been helped by a solar array planning application, clarification from Devon County Council with regard to the shared saving agreement, the treasury performance was £80k better than budget and there had been significant business rate growth in the year. The positive Housing Revenue Fund remained unaltered and that a detailed written report would be available for the next meeting.

#### 76. **PERFORMANCE AND RISK (1-10-35)**

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 Leader outlined the contents of the report.

Consideration was given to:

- Council house completions to the end of August and current data
- Empty shops in the main towns
- Businesses in transit in Cullompton
- National high-street figures

- Investment in the towns through funding opportunities
- The number of current vacancies in Market Walk
- Risk management for 3 Rivers Development Limited and the current audit taking place
- The revised sickness policy
- The number of business rate accounts

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

**77. ANNUAL REPORT OF COMPLAINTS, COMMENTS AND COMPLIMENTS (1-24-39)**

The Cabinet had before it and **NOTED** a \*report of the Group Manager for Business Transformation and Customer Engagement providing the annual report of complaints, comments and compliments received as part of the 1.6 million contacts with customers in 2018/19.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the annual number of contacts with customers and how that contact was made. The report also contained the annual Ombudsman report which outlined 18 complaints, 3 of which had resulted in investigation and 1 complaint had been upheld.

Consideration was given to:

- In order to give context, the number of complaints (0.0034%) with regard to waste collection against the number of waste pick ups per annum (3 million)
- The need to highlight trends through information rather than the provision of snapshots

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

**78. CABINET MEMBER DECISION/S (1-27-23)**

The following decisions made by Cabinet Members were **NOTED**:

**a) Cabinet Member for Planning and Economic Regeneration:**

Review of Market Tolls - the current Schedule of Tolls for Tiverton Pannier Market remains unchanged in year 2019/20 at the level set for the year 2018/19.

REASON FOR DECISION - Market Tolls, as set out in the Schedule of Tolls, are reviewed on an annual basis. No increases in tolls are proposed for the next financial year.

**b) Cabinet Member for Finance**

To give Crediton, Cullompton, Tiverton free car parking for three Saturdays in December leading up to Christmas (7<sup>th</sup>, 14<sup>th</sup> 21<sup>st</sup> ) plus a fourth day coinciding with the town's Christmas light switch-on event. (Saturday 23<sup>rd</sup> November

Crediton, Saturday 30<sup>th</sup> November Cullompton and Saturday 30<sup>th</sup> November Tiverton)

Long stay car parks:

Multi-Storey Car Park, Tiverton

Station Road Car Park, Cullompton

High Street Crediton (St Saviour's Way)

Free parking will apply all day; from 00:00 to 23:59 on the dates listed above (subject to car park opening hours).

**REASON FOR DECISION:**

To boost footfall and enhance trade in the market towns in the run up to Christmas and support local Christmas programs.

This decision directly supports the achievement of the Corporate Plan objective of Economy and improving and regenerating our town centers. Free parking for the Saturday's in the run up to Christmas with the aim of increasing footfall, dwell time and spend in our town centers. This will benefit local traders by supporting businesses in the town centers.

**79. NOTIFICATION OF KEY DECISIONS (1-27-47)**

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

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

(The meeting ended at 7.29 pm)

**CHAIRMAN**