

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 23 April 2020 at 6.00 pm

Present

Councillors

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

Also Present

Councillor(s)

Mrs F J Colthorpe, Mrs C P Daw, R J Dolley, R Evans,
Mrs I Hill, B Holdman, B A Moore, Miss J Norton and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Claire Fry (Group Manager for Housing), Stuart Noyce (Group Manager for Street Scene and Open Spaces), Ian Chilver (Group Manager for Financial Services), Vicky Lowman (Environment and Enforcement Manager), Adrian Welsh (Group Manager for Growth, Economy and Delivery) and Sally Gabriel (Member Services Manager)

157. APOLOGIES

There were no apologies.

158. PUBLIC QUESTION TIME (00-03-47)

The following questions were raised by Mr Quinn and read by the Chairman:

Concerning the meeting agenda, I have two questions concerning the remote nature of this meeting:

Firstly: Will an audio or video record of the meeting be made available to the public, via the internet, following the meeting?

The Chairman provided the following answer, that yes an audio recording would be available as usual.

Secondly: Why has the Council chosen to use a video conferencing system that has been criticised for poor security?

The Chairman provided the following answer: The Council has made the decision on a temporary solution based upon a balance of availability across various technical platforms and ease of implementation and use. As always, the Council will endeavour to minimise any risk where it is able.

I also have a question concerning Agenda Item 12 – Notification of Key Decisions.

The review of the 3 Rivers Business Plan, which has been a staple on the Key Decisions list for Cabinet consideration, has gone missing.

Discussion of this Business Plan by Cabinet was much anticipated. Indeed, at the Council meeting in January this year, the Leader specifically invited all Elected Members to attend the February meeting of Cabinet by saying:

“There had been much discussion about the council’s subsidiary company, 3 Rivers Developments. This will be fully discussed at the Cabinet meeting on 13 February 2020; all members are encouraged to attend, as this may help to dispel some misunderstandings and perceptions”.

However, the performance and plans of 3 Rivers were not reviewed by Cabinet on 13 February. In fact, there has not been any review since June 2019 – some 10 months ago.

Since then, this Council has had to impair loans to, and overspends by, 3 Rivers. No amount of accounting can cover up the fact that this Company is costing the Council Tax payer substantial sums of money.

My third question is: In the light of the problems at the Company, why have the Cabinet delayed reviewing the performance and plans of 3 Rivers for so long?

The Chairman provided the following answer: Cabinet requested a review of 3 Rivers operations by external bodies. We anticipate these to be received in time for 3 Rivers to be discussed by Cabinet in May 2020.

159. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-44)

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

160. HONORARY ALDERMAN MRS MARY TURNER AND COUNCILLOR GERALD LUXTON (00-08-13)

Those in attendance observed a minute’s silence in memory of Honorary Alderman Mrs Mary Turner and Councillor Gerald Luxton.

161. MINUTES OF THE PREVIOUS MEETING (00-10-23)

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

162. ENVIRONMENT EDUCATIONAL POLICY (00-11-36)

Following a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendations: that subject to the suggested amendments (as attached):

- i) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
- ii) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
- iii) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
- iv) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
- v) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.

The Cabinet Member for the Environment outlined the contents of the report stating that an internal review of the Council's current policies had been undertaken in line with Government Legislation as new financial penalties had been introduced to help fight against fly-tipping and littering out of windows. The policies also encouraged more education into disposing of waste.

Consideration was given to each of the individual policies within the document and some amendments were suggested as follows:

- **Littering from Vehicles:** the deletion of appendices (A and B) on pages 44 and 45 which would allow officers to finalise their own procedures.
- **Abandoned Vehicles:**
 - Substitute paragraph 3.1 with the following wording: 'If a vehicle is abandoned, the following paragraphs explain the steps the Council will take'.
 - Delete footnote 3 and automatically renumber the other footnotes.
 - In paragraph 3.4 in the first line after 'taxed' add 'or untaxed'.
 - Delete the current paragraph at 3.5 and replace with the following wording: 'If a vehicle is untaxed or it does not have a valid registration plate or visible VIN number and the Council cannot identify the registered keeper from the DVLA, the Council will not issue a 7-day written notice under paragraph 3.4. Instead it will affix a 24-hour notice of removal of the vehicle'.

- Delete Appendix A, renumber Appendix B to Appendix A and change the reference in paragraph 4.1 to refer instead to the new Appendix A.
- **Microchipping Policy and Collar and Tag Procedure** – Amend the review date for the policy and procedure to 2030 in line with the Stray Dog Policy

RESOLVED that subject to the amendments above the recommendation of the Policy Development Group be approved.

(Proposed by Cllr L D Taylor and seconded by Cllr Mrs N Woollatt)

Note *Report previously circulated, copy attached to minutes.

163. **PUBLIC SPACES PROTECTION ORDER (00-23-25)**

Following a * report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendations that:

- i) Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- ii) The fixed penalty for breach of the order be set at the maximum level permitted of £100.

The Cabinet Member for the Environment outlined the contents of the report stating that the proposed order enabled dog fouling and anti-social behaviour by dogs in public spaces across the district to be addressed; it was therefore proposed that the document be approved to go out to public consultation. He outlined the number of reports logged with regard to aggressive behaviour by dogs both on and off the lead.

Consideration was given to:

- The consultation responses received which would return to the PDG and the Cabinet for consideration
- Notices to be placed on the entrances to parks and open spaces advertising the public consultation
- Concerns with regard to a blanket ban
- The need to gather the views of local residents
- Whether some open spaces could be designated for dogs to be allowed to run free

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

(Proposed by Cllr L D Taylor and seconded by Cllr D J Knowles)

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

164. CLIMATE CHANGE ADVISORY GROUP (00-34-24)

Arising from a * report of the Head of Legal (Monitoring Officer), the Environment Policy Development Group had made the following recommendations: that

- (a) a Net Zero Advisory Group be established;
- (b) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and
- (c) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report.

The Cabinet Member for the Environment outlined the contents of the report stating that as she had been appointed to the Cabinet with a portfolio for Climate Change, she could no longer (procedurally) continue to sit on a working group of a Policy Development Group. Some thought had been given as to how given her particular interest in and portfolio responsibility for Climate Change she might continue to facilitate and enable policy development whilst being a member of the Cabinet. It had therefore been suggested that an advisory group be formed to allow her work to take place.

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

(Proposed by Cllr Miss E Wainwright and seconded by Cllr G Barnell)

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

165. CAR PARKING MANAGEMENT POLICY (00-38-21)

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council was committed to improving the Housing Service and having an effective car park management policy which would give clear guidance to tenants and officers. The amendments to the policy were clearly outlined with tracked changes in the report before Members and included vehicle repairs, virtual parking permits and abandoned vehicles. Although any further review of the policy was programmed for 10 years time, if there was any change to the legislation, then the policy would of course be reviewed earlier.

Consideration was given to:

- The consultation process with tenants and the formation of a new Tenant Involvement Group
- The utilisation of sustainable opportunities as outlined in the Impact of Climate Change section of the report and the work that was taking place with the building service to consider such opportunities for heating, power sourcing and electric car charging points

- The report having been written prior to the outbreak of the pandemic and concerns raised with regard to the refusal of virtual parking permits to tenants with outstanding debts. The meeting was advised that a sympathetic and pragmatic view would be taken at the current time
- Abandoned vehicles in parking areas and how they would be dealt with; officers suggested that if the owner of the vehicle could be identified then discussions would take place with the vehicle owner, if not then the parking enforcement team would be contacted.

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

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

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

166. **GARAGE MANAGEMENT POLICY (00-58-06)**

Following a * report of the Group Manager for Housing, the Homes Policy Development Group had made the following recommendation: that the revised policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the policy identified the approach of the Housing Service to managing garages and garage ground rent plots on the housing estates. Reference to the policy would ensure that all cases were treated consistently although the policy did allow for some discretion to enable reasonable adjustments to be made where necessary.

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

(Proposed by Cllr S J Clist and seconded by Cllr D J Knowles)

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

167. **CULLOMPTON AND WELLINGTON NEW RAILWAY STATIONS PROJECT - GOVERNANCE, PROCESS, PROJECT FUNDING AND NEXT STEPS (1-00-03)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration setting out the proposed governance arrangements in order to establish clear lines of decision making for the project and to identify the next steps for taking forward the project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there had been long held aspirations to reinstate stations at Cullompton and Wellington. In respect of the Cullompton Station this reopening would underpin the work of the Local Plan, the Culm Garden Village and the general expansion of the town and that he was very keen to see the project moving forward. He outlined an overview of the process and the various Government agencies that

were involved in the re-instatement of railway stations. A large amount of work had already taken place and some funding had been made available, however there was a need to access funding through a bidding process, this had now taken place and a response from the Minister was awaited.

He informed the meeting that the report also considered the governance arrangements which were important to establish a structure for the project.

Following consideration of the report, it was generally felt that this was a great opportunity for sustainable travel in the area, although it was understood that such a project could take time.

RESOLVED that:

- a) The Governance arrangements as set out in appendix 1 be agreed.
- b) The overview of the process be noted.

(Proposed by Cllr G Barnell and seconded by Cllr Mrs N Woollatt)

Note: * Report previously circulated copy attached to minutes.

168. **CLEANING CONTRACTORS (1-09-46)**

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets reviewing the results of the tender exercise for the corporate cleaning that included offices, leisure centres and public conveniences.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that there was a need for a joined up corporate cleaning plan to be put in place which was efficient and cost effective. He outlined the scope of the project within the various council owned locations.

Consideration was given to:

- The quality of the work that needed to take place
- The reasons why Lot 5 would not be awarded at the current time

RESOLVED that:

- a) The cleaning contract for Lots 1, 2, 3, 4 and 6 be awarded to Supplier B; and
- b) The award of a contract for Lot 5 not be made at the current time.

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

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

169. **NOTIFICATION OF KEY DECISIONS (1-17-53)**

The Cabinet had before it and **NOTED** its *rolling plan for May 2020 containing future key decisions.

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

170. ACCESS TO INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC (1-18-39)

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)

171. TO CONSIDER THE SALE OF 19 HIGH STREET, CULLOMPTON (FORMER HARLEQUIN VALET SITE)

The Cabinet had before it a * report of the Group Manager for Property and Commercial Assets recommending the sale of the site under a statutory power of sale.

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

Returning to open session, the Cabinet

RESOLVED that in order to recover the Council debt registered against 19 High Street, Cullompton, by proceeding with the sale in accordance with Offer 1 (as outlined in paragraph 4.2 of the report).

(Proposed by the Chairman)

Note: *Report previously circulated.

(The meeting ended at 7.37 pm)

CHAIRMAN