

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 9 July 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) E J Berry, Mrs C P Daw, R Evans, F W Letch,
Miss J Norton, R F Radford and B G J Warren

Also Present

Officer(s): Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Ian Chilver (Group Manager for Financial Services), Christie McCombe (Area Planning Officer), Simon Newcombe (Group Manager for Public Health and Regulatory Services), Tristan Peat (Forward Planning Team Leader), Adrian Welsh (Group Manager for Growth, Economy and Delivery), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

192. **APOLOGIES (00-03-19)**

There were no apologies.

193. **PROTOCOL FOR REMOTE MEETINGS (00-03-27)**

The protocol for remote meetings was **NOTED**.

194. **PUBLIC QUESTION TIME (00-03-49)**

Mr Byrom referring to Item 6 (Local Plan Review – Inspectors report on adoption) on the agenda stated that he had no intention to try to block or change the plan but would formally like to pose the following question: Please will this Cabinet today do what is needed to make the following recommendation to full Council on 29 July 2020:

“MDDC Cabinet recommends that an additional (minor) modification be made to the policies map for SP2. The dotted line marking the extension of the village settlement area should be moved so that all the Green Infrastructure at the site is left in countryside” and he referred to the plan circulated to the Cabinet which referred to figure 4.

He added that the proposed change would not materially affect the plan. It would –

- leave every word of the text of SP2 unaltered from that finally recommended by the Inspector
- keep the location and extent of the Green Infrastructure exactly as shown on the policies map
- be entirely consistent with and reinforce the clear intent of the policy concerning the area of Green Infrastructure
- leave all the policy's Green Infrastructure in the countryside, providing it with extra protection against development under Policy S14
- require minimal work - no more than a simple alteration to one map
- be consistent with the way GI is treated at Tiverton, Cullompton and Crediton where GI can already be found beyond the edge of settlements.

The Chairman indicated that an answer would be provided when the item was debated.

The Chairman read a statement on behalf of Mr Quinn referring to, Item 10: Annual Treasury Management Review 2019/20.

In Section 8, sub section 2 (Non-Treasury Management Investments), figures are given for the Council loans to the Company and it is stated that: "these loans are subject to overarching management review on a regular basis. This is reflected in the impairments, made in periodic monitoring reports and in a year-end review, totalling £790,000".

Yet the Company was loaned nearly six and a half Million Pounds in this year.

Lending such an amount to a Company that is openly saying it might not pay its' debts on time, inevitably raises questions.

One such question was asked at Audit Committee, on 23 June 2020, where the Committee was asked for "an assurance that all loans were made with due diligence and competence by MDDC Officers, fully in accordance with the usual business risk management processes".

The Deputy Chief Executive/ S151 Officer promised a "*full and thorough response*" - but no response appears in the Audit Committee Minutes.

My first question is: Where can I see this response?

With regard to Agenda item 13:- 3 Rivers Developments Ltd Feedback.

In the second paragraph of the 'Legal Implications' section, the Chief Executive makes a clear statement that: "Neither Officers nor Members are able to put themselves in a situation where their duty to the Council conflicts with their duty to the Company".

He then retracts this clarity by continuing: "in so far as Officers are concerned - as their duty to the Council arises from their terms and conditions of employment. The Council, as their employer, is able to amend the terms and conditions, so that when

Officers are acting in their role as a Director of the Company, they act in the best interests of the Company”.

My second question is: Has any Officer ever had their terms and conditions of employment amended in the way that the Chief Executive describes?

The Chairman indicated that that a response would be sent in due course.

195. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-10-51)

At this point in the meeting the following declarations were made:

Cllr Mrs N Woollatt declared a personal interest in Item 8 (Cullompton Town Centre Masterplan as the report referred to a property that she owned and the leat, she informed the meeting that she was member of the Cullompton Leat Conservation Board.

All members of the Cabinet had received correspondence from Mr Byrom and declared this at this point.

196. MINUTES OF THE PREVIOUS MEETING (00-12-47)

The minutes of the previous meeting were approved as a correct record.

Note: Cllr Mrs N Woollatt requested that her vote against the decision be recorded.

197. LOCAL PLAN REVIEW - INSPECTOR'S REPORT ON ADOPTION (00-15-12)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration presenting the Inspector's report into the adoption of the Mid Devon Local Plan Review 2013-2033 including main modifications and additional (minor) modifications.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Council had received the Inspector's report on 26th June in which he set out his conclusions on the examination of the Mid Devon Local Plan Review 2013 – 2033.

The Inspector had confirmed that the Local Plan Review provided an appropriate basis for the planning of the district and had set out where 55 Main Modifications were needed in order for the Local Plan Review to be found sound and so that it could be adopted by the Council. Once adopted, the Local Plan Review would replace existing Local Plans for Mid Devon and would carry full weight for the determination of planning applications, as part of the development plan alongside the Devon Minerals and Waste Plans and Neighbourhood Plans. He stated that it was vital to understand that with an adopted plan this would safeguard against speculative development and give greater control where development took place.

The Inspector's recommended Main Modifications concerned matters that were discussed at the examination hearings. They followed from proposed Main Modifications that were approved by the Council on 4th December 2019 for the purpose of public consultation, alongside an updated Sustainability Appraisal. Habitat

Regulations Assessment and Equalities Impact Assessment. The Inspector's Main Modifications overcame his previous concerns about housing delivery in the early years of the housing trajectory and should ensure a rolling five-year supply of deliverable housing sites. The Inspector had amended the detailed wording of modified policies for new Gypsy and Traveller sites to allow more flexibility for off-site provision to be made where sites were required on the major urban extensions. He had also made clearer why a full Retail and Leisure Impact Assessment was needed for any planning application which includes a designer outlet shopping centre at Junction 27.

A question was raised with regard to the suggestion made by Mr Byrom with regard to the green infrastructure being protected and whether modifications to the map could be made prior to adoption and the implications of any amendments to the plan.

The Head of Planning, Economy and Regeneration stated that whilst the modification may seem minimal and a minor modification, there would be a consequential main modification to the policy, the site was 6 ha including the green infrastructure and criterion f highlighted the 2.5 ha of green infrastructure. The text within the policy also referred to the green infrastructure so if a minor modification was made to the map it would introduce an inconsistency with the policy which would require a main modification.

Consideration was given to:

- Whether the settlement line and the allocation area (SP2) had the same boundary
- Whether the Local Plan with regard to green infrastructure was inconsistent
- Whether the Local Plan should be adopted at any cost as the Council had a responsibility to the local community
- The size of all the documentation before Members
- Whether typographical, grammatical and presentational changes should be made before the documents were considered by Council
- The need for a 'clean' plan without track changes to be presented to Council if possible
- Whether the 2.5ha of green infrastructure within Policy SP2 could be guaranteed without an amendment to the plan; with the Head of Planning, Economy and Regeneration referring to text accompanying the policy stating that 'development of the highest ground should remain as undeveloped green infrastructure'. She believed the green infrastructure could be safeguarded through the policy
- The Climate Change Declaration of 2019 and the need for a stronger provision for the climate goals agreed and whether this would be considered in the next version of the plan
- The Local Development Scheme considered the timetable for producing the next plan

RESOLVED that a briefing note be prepared with regard to any modification to the map for Policy SP2 and for it to be considered by Council.

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

It was therefore

RECOMMENDED TO COUNCIL that:

It notes the Inspector's Report at Appendix 3; and that:

(a) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 (Appendix 1), under Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012, including main modifications pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in his report (Appendix 3), and the Council's additional (minor) modifications (Appendix 4).

(b) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 Policies Map (Appendix 2) together with any changes needed to this through the Inspector's main modifications in his report (Appendix 3) including Plan MM35 (Appendix 9), Plan MM45 (Appendix 10) and the Council's additional (minor) modifications (Appendix 4) as described in Section 6 to this report.

(c) The Council notes that, in accordance with Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012 the following documents will be published on the Council's website, and will be made available for inspection, free of charge at the Council's Phoenix House office during its opening times and in local libraries in Mid Devon once this becomes possible following a relaxation of restrictions of movement and public gatherings currently in place due to the Covid-19 pandemic:

(i) Mid Devon Local Plan Review 2013 – 2033

(ii) Mid Devon Local Plan Review 2013 – 2033 Adoption Statement (Appendix 5); and

(iii) Sustainability Appraisal Report (Appendix 6) and Sustainability Appraisal Post-Adoption Statement (Appendix 7).

(d) The Council notes that the Adoption Statement (Appendix 5) is sent to the Secretary of State and to any person who has asked to be notified of the adoption of the Mid Devon Local Plan Review 2013- 2033.

(e) The Council approves the Sustainability Appraisal Report (Appendix 6) and the Sustainability Appraisal Post-Adoption Statement (Appendix 7).

(f) Delegated authority is given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to make any typographical, grammatical, graphical and presentational changes to the Mid Devon Local Plan Review 2013 – 2033 (e.g. paragraph and table numbers) and its Policies Map to finalise the plan before it is published, including any changes that are necessary to the Policies Map to reflect the Devon Minerals and Waste Plans.

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

Notes:

- i) Cllr Warren declared that as Chairman of Willand Parish Council he had closely following the journey of the Local Plan since 2014 and had spoken at committee and at the enquiries with regard to this matter.
- ii) *Report previously circulated, copy attached to minutes.

198. REOPENING HIGH STREETS SAFELY FUND (00-55-25)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration with regard to the 'Reopening High Streets Safety Fund (RHSSF).

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating this Council had been awarded £73,686 from the fund. This would enable the authority to put in place urgent measures to support economic recovery in the towns, particularly in the high streets through a mix of advice/support and implementation of a range of measures.

Monday 15th June 2020 saw the permitted reopening of the High Streets with restrictions on non-essential retail being lifted. The fund was to respond to the immediate needs in 2020 with the Government is encouraging early spend. The fund was not intended for capital works and was focussed on:

- Supporting development of an action plan for how the local authority may begin to safely reopen the local economies;
- Communications and public information activity to ensure that reopening of local economies could be managed successfully and safely;
- Business-facing awareness raising activities to ensure that reopening of local economies could be managed successfully and safely; and
- Temporary public realm changes to ensure that reopening of local economies could be managed successfully and safely.

Initial work had been undertaken to form an action plan and as this was a live document this would be updated over the coming months as risk assessments in the town centres were reviewed. This Action Plan was broken down into a three stage implementation process. A phased approach was considered appropriate given that the situation was ever changing. The first related to the immediate measures that were needed to be implemented prior to High Streets opening on the 15th June. The second phase covered the medium term actions (2-3 months) informed by ongoing dialogue with the Town Councils, business organisations/trader groups and DCC. The final phase would respond to any changes needed over the autumn which could arise from a number of issues including customer/trader perceptions and behaviour, changing Government guidance and crucially the extent of the virus at that time.

Section 4 of the report identified initial works undertaken in advance of the high streets opening including reconfigured pedestrian arrangements.

He informed the meeting that the proposals have been developed in liaison with local Ward Members, the Town Councils and the Local Resilience Forum. The business community had also been contacted through business fora and trader organisations to share information and advice via our webpages. A forum for discussion with the Town Mayors had also been established. This had led to greater collaborative working.

Consideration was given to:

- The work undertaken by the officers in the 3 main towns
- Additional items that could be put in place were suggested, for example hand sanitiser stations at bus stops and car park ticket machines
- The work of the forum with the town mayors and local businesses was deemed to be important and was fully supported
- The need to consider in the autumn the additional footfall of school students using the high streets
- How the plan dovetailed with the economic recovery plan and in particular the green recovery and the need for further communication to obtain local buy-in
- Signage in the market area of Tiverton
- An open invitation was extended to members to attend the town forum meetings
- Discussions were taking place with regard to offering free parking for a limited period

RESOLVED that:

- a) The report be noted.***
- b) The action plan to date be approved and delegated power be granted to the Group Manager for Growth Economy and Delivery and the Group Manager for Corporate Property and Commercial Assets in consultation with the Cabinet Member for Planning and Economic Regeneration to continue to develop and review the action plan, to implement or fund measures within scope of the Government guidance in accordance with the action plan.***

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

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

199. CULLOMPTON TOWN CENTRE MASTERPLAN (1-09-19)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration considering the key themes outlined in the reports and to seek approval to progress with the production of the Cullompton Town Centre Masterplan and Delivery Plan taking into account the comments received during the stage 1 public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report outlining the recommendations and invited the Cabinet to agree the recommendations so that the masterplan could move to Stage II, he added that the Cullompton Town Centre masterplan would form a key document for the regeneration of the town; enhancing the town's economic prospects and providing a clear strategy to ensure the town met its full potential as an attractive and thriving town post Covid19 and into the 21st century. It would provide the umbrella framework

within which the Cullompton Future High Street Heritage Action Zone (HAZ) works could be delivered. He outlined the consultation process that had taken place

Feedback had been invited on six town wide initiatives including:

- The enhancement and restoration of Cullompton's distinctive historic buildings and landscape
- The rediscovery of Cullompton's historic role as a place to work and to make
- Creating an enticing experience for visitors to draw them into the town centre
- A reclaiming and redesign of Cullompton's spaces to support a vibrant community life
- Ensuring a sustainable town for its growing community: with homes, education, community and recreational facilities
- Ability to move around on foot, on bicycle, by bus and by train easily.

He identified Section 3 of the report which analysed the consultation responses.

A number of key themes have emerged from the stage 1 consultation:

- a) Enhanced public realm. This was regarded as an important element that could provide significant benefits in improving the visual appearance of the town. A particular focus could be the Bull Ring and main gateways into the town at Station Road and Exeter Road.
- b) Care of Historic Buildings. The Cullompton High Street HAZ bid identified an improvement scheme for high priority buildings. It sought to unlock retail and residential potential of properties through a focused grant scheme.
- c) Traffic Management. A planning application for the Cullompton Relief Road had been received. Should it be approved it would provide the first step towards alleviating traffic flows through the town centre.
- d) Green Spaces. Enhancement of existing and delivery of new green spaces through public realm works and scheme development.
- e) Vision. A clear understanding of the vision and the unique selling point of the town was required, but with a clear distinction between what was an 'aspiration' and what was deliverable.

The Area Planning Officer (Projects) highlighted by way of presentation the strategy for the town and the key themes that had been identified for consultation. She explained the process of the consultation, the events that had taken place and the emerging themes from the consultation that had been explained by the Cabinet Member and how the funding could be used.

Consideration was given to:

- Traffic management in Fore Street and whether a one way system could be created
- The need for discussion with the Devon County Council and the Highway Authority with regard to providing safe crossing links from the Garden Village across the motorway to the town

- The need for the masterplan to be deliverable
- The need for cycling and walking to be supported
- The work that was taking place with the Garden Village forums with regard to an integrated approach for linking the Garden Village with the town

RESOLVED that:

- a) The responses to the Cullompton Town Centre Masterplan Supplementary Planning Document (SPD) Public Consultation at Stage 1 be noted; and
- b) The production of a draft masterplan SPD for Cullompton Town Centre be progressed taking into account the comments received through Stage 1 public consultation.

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

Notes:

- i) Cllr Mrs N Woollatt declared a personal interest as the property that she owned was mentioned in the report and that she was a member of the Cullompton Leat Conservation Board.
- ii) *Report previously circulated, copy attached to minutes.

200. REVENUE AND CAPITAL OUTTURN 2019/20

The Cabinet had before it a *report of the Deputy Chief Executive (S151) presenting the revenue and capital outturn figures for the financial year 2019/20.

The Cabinet Member for Finance outlined the contents of the report stating that the outturn report was a set of management reports that showed the year end position on all service areas. Appendix 1 showed the overall performance, the recharges and interest charges and that the deficit had been reduced by £20k. He identified the details of the Housing Revenue Account, the total direct expenditure and income, the development at Palmerston park and the Right to Buys that had been repurchased. With regard to the Capital Programme, he highlighted the spends to date and the underspend that would be carried forward. He then thanked the officers within the finance team for their hard work.

Consideration was given to:

- A previous request to highlight the 3 Rivers figures on a separate line within the tables
- The increase in the number of parking permits that had been purchased which had been aided by additional advertising
- The consultancy budget for the boundary review which had not been required
- The slippage on the play areas budget which would be rolled forward

RESOLVED that:

- a) The General Fund outturn achieved in 2019/20 which shows an overall overspend of £232k be noted. This deficit is proposed to be taken from

General Fund reserve which will still leave the balance above our minimum recommended level.

- b) The net transfers to earmarked reserves of £686k detailed in the General Fund service budget variance reports shown in Appendix 1 and summarised in Appendix 3 be approved.
- c) The positive position achieved on the Housing Revenue Account which shows a saving of £608k be noted and the “earmarking” of the extra £608k shown in paragraph 4.2, as well as the utilisation of reserves totalling £859k identified in Appendices 2 be approved; and
- d) The carry forward of £9.741m from the 2019/20 capital programme (see paragraph 6.3) be approved as all of the schemes will be delivered in 2020/21 or later years. Also the transfer to earmarked reserves of the un-spent £208k identified in Appendix 4 be approved.

(Proposed by Cllr A White and seconded by Cllr L D Taylor)

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

201. **ANNUAL TREASURY MANAGEMENT REPORT (1-47- 10)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing a review of activities and the prudential treasury indicators on actuals for 2019/20.

In response to a question asked in public question time, the Deputy Chief Executive (S151) stated that he could give assurance that all relevant due diligence had taken place, if the Audit Committee minutes did not show his response, he would deal with this at the next meeting and he would respond to Mr Quinn directly.

The Cabinet Member for Finance outlined the contents of the report stating that the Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2019/20. The following areas were covered in the report: the councils capital expenditure and financing, the end of year treasury provision, the investment strategy, the fact that no borrowing had been undertaken during the year. The amounts invested in Churches, Charities and Local Authorities (CCLA) and 3 Rivers Development Limited and the credit risk related to loans.

Consideration was given to the table of investments specifically those with other councils.

RECOMMENDED to Council that:

- a) The treasury activities for the year to be noted.
- b) The actual 2019/20 prudential and treasury indicators outlined in the report be approved.

(Proposed by Cllr A White and seconded by Cllr L D Taylor)

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

202. **PAVEMENT LICENCES: NEW LEGISLATION AND DELEGATION OF POWERS (1-53-45)**

The Cabinet had before it a * report of the Group Manager for Public Health and Regulatory Services outlining the details of the Business and Planning Bill.

The Cabinet Member for Community Well-Being outlined the contents of the report stating the COVID -19 pandemic had had a significant impact on a range of businesses especially the hospitality sector. In order to support businesses in reopening, the Government had published the Business and Planning Bill on 25 June 2020 which had identified significant new licensing requirements. The Bill had introduced a new pavement licencing regime to be administered by the Local Authority to allow the serving of food and drink by local businesses on certain highways; fees for the licence would not exceed £100 and the details of the licence could be specified by the Licensing Authority.

The Group Manager for Public Health and Regulatory Services informed the meeting that the Bill was still passing through parliament and that there was still scope for further amendments.

RESOLVED that

- a) The provisions of the Business and Planning Bill be noted;
- b) Delegated authority be given to the Group Manager for Public Health and Regulatory Services for the administration and enforcement of the provisions within the Business and Planning Bill on its passing into law. These delegations can then be sub-delegated to relevant officers; and
- c) Delegated authority be given to the Group Manager for Public Health for the setting of the fee for pavement licences.

(Proposed by Cllr D J Knowles and seconded by Cllr Miss E Wainwright)

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

203. **NOTIFICATION OF KEY DECISIONS (1-59-26)**

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

204. **3 RIVERS DEVELOPMENTS LTD FEEDBACK FROM SCRUTINY & AUDIT (2-02-22)**

The Cabinet had before it a * report of the Chief Executive providing the feedback received from the Scrutiny and Audit Committees as requested by the Cabinet at its meeting on 11 June 2020.

In answer to a question posed in public question time, the Chief Executive stated that it was his understanding that we could do that but he would check with HR and respond to Mr Quinn in writing.

The Leader outlined the contents of the report stating that comments had been sought from the Scrutiny and Audit Committees with regard to the additional recommendations that they had requested be considered by the Cabinet. 15 additional recommendations had been put forward for consideration.

Consideration was given to:

- A revised shareholder agreement
- Recommendation 14 with the addition of 'such changes to be subject to agreement by the Cabinet'.
- Recommendation 12 and the appointment of non-executive directors and any conflict of interest and whether that conflict of interest could be mitigated
- Whether the Cabinet Member for Finance would be comfortable as a non-executive director
- The formation of an action plan identifying all the recommendations with clear actions and timescales for completion.

It was therefore:

RESOLVED that:

- a) Recommendations 1-11 be approved,
- b) Recommendation 12 be removed,
- c) Recommendation 14 be amended to include the wording 'such changes to be subject to agreement by the Cabinet'
- d) Recommendations 13 and 15 be approved.

(Proposed by the Chairman)

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

(The meeting ended at 8.26 pm)

CHAIRMAN