

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 1 October 2020 at 6.00 pm

### **Present**

#### **Councillors**

R M Deed (Leader)  
R J Chesterton, R Evans, D J Knowles,  
C R Slade and Ms E J Wainwright

### **Apologies**

#### **Councillor(s)**

B A Moore and Mrs N Woollatt

### **Also Present**

#### **Councillor(s)**

G Barnell, S J Clist, Mrs C P Daw, F W Letch, R F Radford  
and B G J Warren

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Corporate Affairs and Business Transformation), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Busby (Group Manager for Corporate Property and Commercial Assets), Ian Chilver (Group Manager for Financial Services), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Tristan Peat (Forward Planning Team Leader), Arron Beecham (Forward Planning Officer), Tina Maryan (Area Planning Officer), Clare Robathan (Scrutiny Officer) and Carole Oliphant (Member Services Officer)

### 232. **APOLOGIES (0.02.33)**

Apologies were received from Cllr B A Moore and Cllr Mrs N Woollatt

### 233. **PROTOCOL FOR REMOTE MEETINGS (0.02.55)**

The Cabinet had before it, and **NOTED**, the \*Protocol for remote meetings

Note: \*Protocol previously circulated and attached to the minutes

### 234. **PUBLIC QUESTION TIME (0.03.24)**

Nick Quinn a local resident, referring to item 10 on the agenda, stated:

“In paragraph 1, it states that this is “to deliver a brief update since the last Cabinet report which was considered on the 3 September 2020”.

In paragraph 3.1, it states that: “since the last Cabinet report.....The necessary release for seconded staff has been put in place”.

At Cabinet on 9 July 2020, I asked whether the terms and conditions of any Officer had ever been amended in connection with 3 Rivers.

Within days, I received a written response from the Chief Executive - who wrote: "I have since followed this up and can confirm that the necessary release has been officially provided from the HR department to the employee that has been seconded on a full-time basis to the company".

So, this update says the release "has been put in place" since the beginning of September, but the Chief Executive stated, in July, that this had already been done.

Both cannot be right...

So my question is: On what date was this release actually given to the seconded Officer?"

The Leader responded that the date was 15<sup>th</sup> July 2020

Mr Welchman, a local resident, also referring to item 10 on the agenda stated that Members may have seen a letter that he had submitted to the Gazette concerning the massive amount of money being put at risk and that scrutiny of 3 Rivers Development was secretive. He hoped that the Leader could raise his concerns and asked how he was going to rectify the state of affairs.

The Leader confirmed that his question would be addressed at item 10 on the agenda.

#### **235. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (0.07.07)**

Members were reminded to make declarations of interest when appropriate

#### **236. MINUTES OF THE PREVIOUS MEETING (0.07.35)**

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

#### **237. CLIMATE STRATEGY AND ACTION PLAN (0.09.01)**

Following consideration of a \*report of the Group Manager for Corporate Property and Commercial Assets, the Environment Policy Development Group had made the following recommendation that: the Climate Change Strategy and Action Plan be approved.

Prior to the debate, a Member question was raised with regard to a budget being allocated to the Carbon Zero Agenda.

The Cabinet Member for Climate Change responded that she was in agreement and that a specific resource was required so that the Council could deal with Climate Change like the emergency it was. She referenced the action plan and stated that work was underway.

The Deputy Chief Executive (S151) explained that the Council had been at the forefront of carbon reduction in implementing solar power on its council houses and

leisure centres, installation of a biomass boiler and additional electric car charging points. He stated that officers were looking at grant schemes and that the carbon pledge required a plan with clear targets. He stated that a key action was going to be the appointment of a dedicated Climate Change officer.

The Cabinet Member for Climate Change outlined the contents of the report and explained that she had enjoyed working on the plan but there was no dedicated officer resource in place at this time. She stated that the timings of the roll out of the plan had been affected by the pandemic but that a lot of work had still been completed. She stated that the Climate Change officer would bring all of the work required together.

The Group Manager for Corporate Property and Commercial Assets explained that the Environment Policy Development Group had provided questions with regard to the Action Plan and he updated the Cabinet on the actions and suggested delegation to complete amendments in consultation with the Cabinet Member for Climate Change.

Consideration was given to:

- The amendments suggested by the Environment PDG
- The actions taken to address these amendments
- The number of electric car charging points in the District
- The status of the DCC task force and that due to Covid the citizens assemblies would commence again in 2021
- Tree planting opportunities in the District
- Carbon reduction measures as a requirement for new planning applications
- The scope of the post of Climate Change officer
- A commitment to a costed Climate Change plan for the 2021-2022 budget
- The Climate Change Plan did not carry the same weight as policies in the adopted Local Plan for the refusal of planning applications
- Local developers taking the lead in the implementation of carbon reduction solutions in new build developments

**RESOLVED** that:

- a) That the Climate Change Strategy and Action Plan be approved, subject to incorporating those changes proposed by the Environment Policy Development Group as reported to the meeting; and
- b) Delegated authority be given to the Group Manager for Corporate Property and Commercial Assets, in consultation with the Cabinet Member for Climate Change, to finalise the wording of the Strategy and Action plan to incorporate such changes

(Proposed by Cllr Ms E Wainwright and seconded by Cllr C R Slade)

Reason for Decision – there is a need for the Climate Change Strategy and Action Plan to be in place in order the further the Net Zero aspirations of the Council

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

**238. MID DEVON DISTRICT COUNCIL'S RESPONSE TO THE GOVERNMENT CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM (1.04.15)**

The Cabinet had before it a \*report of the Head of Planning, Regeneration and Economy considering two current consultation papers published by the Government: "Changes to the current planning system – consultation on changes to planning policy and regulations", and "Planning for the Future – White Paper" and responses by Mid Devon District Council.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Government were holding consultations which would have a significant changes to current planning policy. He explained that the Planning Policy Advisory Group (PPAG) had debated the Council's response and he provided members with the details of comments submitted.

Consideration was given to:

- The comments of the PPAG in relation to the Government's consultation "Planning for the Future – White Paper"
- The comments made by the Cabinet Member for Climate Change in relation to the Government's consultation "Planning for the Future – White Paper"
- The effect that the change in planning policies would have on the Climate Change agenda

**RESOLVED:**

- a) The Cabinet approves the submission of the draft responses in Appendix 1 incorporating the additional suggestions put forward by PPAG which were confirmed at the meeting to the Government's consultation on the technical paper "Changes to the current planning system"
- b) Members of the Cabinet inform the Head of Planning, Economy and Regeneration of any further responses needed in Appendix 2 to the Government's consultation "Planning for the Future – White Paper"
- c) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the appendix 2 response to the Government's consultation on the "Planning for the Future – White Paper" and to submit these to the Government.

(Proposed by Cllr R J Chesterton and seconded by Cllr D J Knowles)

Reason for the Decision The recommendations sought were to approve the responses for submission to the Government, so that the Council has engaged with the consultation in the interests of Mid Devon.

Note: \*report previously circulated and attached to the minutes

239. **S106 GOVERNANCE (1.31.55)**

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration which followed a previous audit report which flagged up the need to review and formalise governance arrangements. Draft proposals were subsequently drawn up and sent out for consultation with Parish and Town Councils and the report brought together the output from that consultation and subsequent amendments.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a Planning Policy Advisory Group Working Group had been formed especially to look at S106 Governance.

He explained that the new arrangements would see views sought from Parish or Town Council and Ward Members within the catchment area in advance (28 days allowed). A S106 Board would be introduced for spend in excess of £10k.

Consideration was given to:

- The 28 day timeframe for Town and Parish Council's to respond and that this could be assessed on a case by case basis
- That Development Delivery Advisory Group (DDAG) should have oversight of S106 matters on large developments and a meeting of this group would take place once the membership of the Group had been established

**RECOMMENDED** to Council that:

- a) The governance arrangements in appendix 1 be adopted subject to the inclusion of the Cabinet Member for Climate Change in paragraph 2b (spend >£10,000)

(Proposed by Cllr R J Chesterton and Seconded by Cllr R B Evans)

Reason for the Decision There remains a need to agree governance arrangement for S106 agreements even in light of likely legislative change which would require a further review. The arrangements set out in **Appendix 1** had been updated following consultation with Parish and Town Councils and input by the Planning Policy Advisory Group.

Note: \*report previously circulated and attached to the minutes

240. **APPOINTMENT OF CONSULTANTS IN RESPECT OF A DRAFT MASTERPLAN SPD FOR THE EAST CULLOMPTON ALLOCATION AND A DRAFT FRAMEWORK MASTERPLAN FOR CULM GARDEN VILLAGE (1.44.36)**

The Cabinet had before it a \*report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to progress the production of the East Cullompton Masterplan SPD and Culm Garden Village Framework Masterplan, including the commissioning of necessary evidence base reports.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the appointment of consultants was to build on the engagement and work done to date.

He stated that the engagement work to date identified a number of priorities that needed to be addressed within the Masterplans. These included:

- 1) should be landscape-led, building on the area's natural assets and creating quality green and blue infrastructure.
- 2) Climate change, including opportunities for low carbon development, should be a key focus for the development.
- 3) Natural flood management and sustainable urban drainage should form a key aspect of flood risk mitigation.
- 4) Active transport (walking, cycling, public transport) should be the main transport choice.
- 5) The garden village should promote links (physical, social and economic) with Cullompton.
- 6) The garden village should be self-sustaining with good employment and skills opportunities.
- 7) Urban design should focus on a high quality living environment, taking into account the health and well-being of future residents.

Consideration was given to:

- How the gap in the wider proposed allocation could be plugged following the demise in the Greater Exeter Strategic Plan
- If additional sites could be fast tracked through the system
- A need to update the Local Development Scheme

**RESOLVED** that :

- a) Delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to progress the production of the East Cullompton Masterplan SPD and Culm Garden Village Framework Masterplan, including the commissioning of associated evidence base reports.

(Proposed by Cllr C R Slade and seconded by Cllr D J Knowles)

Reason for the Decision: The first phase of public consultation has been undertaken. The engagement of consultants is necessary to develop the draft East Cullompton Masterplan SPD and draft Culm Garden Village Framework Masterplan SPD ahead of the second stage of public consultation.

Note : \*report previously circulated and attached to the minutes

#### 241. **MID DEVON DISTRICT COUNCIL - EMERGENCY BUDGET (01.52.07)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) which sought to present a revised budget for 2020-2021 which would address the loss of income and the additional expenditure arising from the pandemic and those actions

which had been taken to control it. The report also set out some in-year changes to the budget and the capital programme.

The Deputy Chief Executive (S151) outlined the contents of the report and explained that the emergency budget was important but it had been challenging due to uncertainties. He explained that it was a positive overview and that the Council's overspend may only be in the region of £250k which was much lower than other local authorities of similar size.

He explained that the Government support, whilst welcome, would leave a deficit and that there were concerns with the collection rates for council tax and business rates slipping moving forward.

Consideration was given to:

- The final salary and job title for the proposed Climate Change officer had not been determined at this stage and therefore the budget allocation of £30k in the 2021-2022 was indicative

It was therefore **RESOLVED** that:

- a) Cabinet **NOTED** the Council's revised spending proposals in respect of its General Fund.
- b) Cabinet **AGREED** an amendment to budget of £7,500 in 2020/21 to create a Climate Coordinator post on a fixed term contract for one year.

Reason for Decision: To assist in delivery of the Council's pledge to become carbon neutral by 2030. Whilst the annual cost is expected to be £30k, the in-year budget change will meet the anticipated costs in 2020/21, assuming recruitment is completed by January 2021

- c) Cabinet **AGREED** additional expenditure in the current year of £14k for the installation of a solar array at Carlu Close.

Reason for Decision: The solar array at Carlu Close will be increased in capacity to maximise its environmental advantage. There is an existing approved budget for 2020/21 of £18k and the additional expenditure will meet the increased cost of the increase.

- d) Cabinet **RECOMMENDED** to COUNCIL that £270k was added to the Capital Programme for 2020/21.

Reason for Decision: The Heritage Action Zone (HAZ) project relating to Cullompton (which spans the 4 years from 2020/21 to 2023/24) is expected to result in up to £270k expenditure in 2020/21. It can be noted that £130k is funded from external bodies with the balance coming from existing earmarked reserves.

(Proposed by the Chairman)

Note: \*report previously circulated and attached to the minutes

#### 242. **FINANCIAL MONITORING (2.01.15)**

The Cabinet received a verbal report from the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Deputy Chief Officer (S151) explained that the forecast deficit for 2020-2021 was originally £1.2m but this had reduced significantly to £41k and that the Finance team were looking at the Governments income protection scheme.

Consideration was given to:

- The Council had used the Governments furlough scheme during the pandemic but very few staff were now furloughed
- The Revenues team had administered and delivered £22m in grant funding
- 2 new Government schemes for business rates and hardship were due to be launched
- The Governments spending review due in November was unlikely to be delivered in that timeframe

#### 243. **PERFORMANCE AND RISK (2.06.38)**

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.

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

#### 244. **3 RIVERS DEVELOPMENTS LIMITED - UPDATE (2.08.52)**

The Cabinet had before it, and **NOTED**, a \*report of the Chief Executive providing an update on current project performance, emerging risks and progress with recommendations emanating from the Cabinet report of 9<sup>th</sup> July 2020.

The Cabinet Member for Housing and Property Services outlined the contents of the report and explained that continued governance and oversight would be conducted by himself and the Cabinet Member for Finance.

He stated that he and the Cabinet Member for Finance were committed to bringing a brief update to every Cabinet meeting moving forward.

He explained that if any Members had any questions or concerns about 3 Rivers then the Directors of 3 Rivers and the Cabinet Members were willing to provide information and speak directly to them. He then provided an update including current projects, future schemes and progress on the Cabinets recommendations.

Consideration was given to:

- The project timetable for St Georges Court was due from the developers on 06.10.2020 and would be available to Members and would be made available to Scrutiny for the 12.10.2020 meeting
- The recruitment of new Directors was advancing and would be going through an external recruitment agency
- The Directors were due to provide a written report on the future of the Company to Cabinet on 29.10.2020

In response to the public questions raised in public question time the Leader stated that a written response would be provided.

Note: \*report previously circulated and attached to the minutes

#### 245. **NOTIFICATION OF KEY DECISIONS (02.22.11)**

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

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

(The meeting ended at 8.23 pm)

**CHAIRMAN**