

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 7 January 2021 at 6.00 pm

Present

Councillors

R M Deed (Leader)
R J Chesterton, R Evans, D J Knowles,
B A Moore, C R Slade, Ms E J Wainwright
and Mrs N Woollatt

Also Present

Councillor(s)

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

(Amendment – add Cllr Wilce who was omitted from the original list)

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Catherine Yandle (Group Manager for Performance, Governance and Data Security), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Darren Beer (Operations Manager for Street Scene), Stephen Bennett (Building Surveyor), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

279. APOLOGIES (00-03-36)

There were no apologies for absence.

280. PROTOCOL FOR REMOTE MEETINGS (00-03-43)

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

281. PUBLIC QUESTION TIME (00-04-00)

There were no questions from members of the public present.

282. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-16)

Members were reminded of the need to make declarations of interest when appropriate.

283. MINUTES OF THE PREVIOUS MEETING (00-04-31)

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

284. USE OF CCTV POLICY AND GUIDANCE (00-05-00)

Following consideration of a report of the Corporate Manager for Property, Leisure and Climate Change, the Community Policy Development Group had made the following recommendations to Cabinet for a recommendation to Council:

- a) The CCTV Code of Practice be adopted; and
- b) The CCTV Policy be adopted; and
- c) The CCTV Action Plan be adopted.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the Council owned public space CCTV and a wide range of other smaller surveillance systems operated across council business areas. The code set out the governance arrangements that all surveillance schemes operated by the authority must comply with. He outlined the main specific and explicit purposes of MDDC surveillance camera systems across all operational areas and highlighted that the Council's Senior Responsible Officer and the Single Point of Contact may after consultation with the Data Protection Officer draw up other explicit purposes for specific deployments based on local concerns. He explained the details of the live funding bid.

Consideration was given to:

- The need for any funding bid to be finalised prior to the PCC elections in May
- The possible use of CCTV to combat fly-tipping and dog fouling
- Bodycams were not included in the policy
- The need for the policy to be flexible
- How CCTV would be used in the main towns and whether the bid for funding covered all the main towns in the district

RECOMMENDED TO COUNCIL that

- a) The CCTV Code of Practice be adopted; and
- b) The CCTV Policy be adopted; and
- c) The CCTV Action Plan be adopted.

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

Reason for the decision: There is a need to have an updated CCTV code of practice and policy in line with legislation.

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

285. MEETING MANAGEMENT

The Chairman indicated that he would take item 8 as the next item of business as the Cabinet Member responsible for item 7 had lost connection at the present time.

286. RECOMMENDATION FROM THE SCRUTINY COMMITTEE FOLLOWING A CALL IN- LAND AT POST HILL - TO CONSIDER DEVELOPMENT OPTIONS (00-21-56)

Following the call-in of the decision with regard to land at Post Hill made by Cabinet on 3 December 2020.

The Scrutiny Committee at its meeting on 14 December had made the following recommendation:

‘That Cabinet reconsiders its decision on the delivery of Post Hill homes by a possible Teckal Company and that it instead substitutes it for a recommendation to Full Council’.

The Cabinet Member for Housing and Property Services stated that he was confused by the recommendation from the Scrutiny Committee as any decision with regard to the formation of a Teckal Company had not yet been considered. With regard to development at Post Hill, there was no project plan and that any design work had yet to be completed. He emphasised that he would be happy that any decision to be made on the formation of a Teckal Company would be a Council decision.

Consideration was given to:

- The views of the Scrutiny Committee with regard to the previous decision and whether that was predetermination of a decision with regard to the formation of a Teckal Company
- The delivery of affordable housing on the Post Hill site.

RESOLVED that following Cabinet consideration of the formation or not of a Teckal Company that the decision and relevant papers are taken to Full Council for consideration and deliberation.

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

Note: Papers previously circulated copy attached to minutes

287. CORPORATE HEALTH AND SAFETY POLICY (00-34-48)

Following consideration of a *report of the Group Manager for Performance, Governance and Data Security, the Community Policy Development Group had made the following recommendation: that the revised Health and Safety at Work Policy be adopted.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the revised Health and Safety Policy had been considered by the Health and Safety Committee and the Policy Development Group. She corrected an error in the report stating that the policy would be reviewed on a three yearly basis and not annually.

Consideration was given to who would investigate any accidents or reports of ill health, it was confirmed that this would be the Health and Safety Officer who would report to the Health and Safety Committee and Leadership Team.

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

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr B A Moore)

Reason for decision: the Council is obliged to have an up-to-date Health and Safety Policy

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

288. **UTILISING COMMUNITY PAYBACK SERVICE USERS IN THE DISTRICT (00-39-19)**

The Cabinet had before it a *report of the Operations Manager for Street Scene setting out the key aspects in utilising service users provided by DDCCRC (Dorset, Devon and Cornwall Community Rehabilitation Company).

The Cabinet Member for the Environment outlined the contents of the report stating that the scheme was of benefit to councillors, the people of Mid Devon and also those who were serving punishment as the scheme delivered punishment by depriving service users of free time, allowing the individual to gain work related skills in a positive law abiding environment. There was little cost to the Council as the scheme would be run by the National Probation Service.

Consideration was given to:

- Local Projects
- The potential for the scheme to dovetail with climate work with regard to tree planting
- The scheme did not replace paid employment by others
- How Parish Councils could apply to the scheme for local projects
- Ward Members would be requested (on behalf of their communities) to put forward local projects
- Whether the scheme could be linked into local projects already being undertaken by the Duke of Edinburgh Scheme

RESOLVED that the proposal to utilise community payback service users in the District be approved.

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

Reason for decision: to utilise the scheme would be of community benefit and provide opportunities for those involved to develop new skills.

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

289. FINANCIAL MONITORING (00-53-04)

The Cabinet received a verbal update from the Deputy Chief Executive (S151) who stated that having considered all the service budgets across the authority, it had been agreed that at the current time the authority was very close to balancing the budget with a deficit of £20k, however this did depend on the timeliness of Government support with regard to the income protection scheme and the future claim of approximately £1.6 m which would be made in April which should offset the financial loss with regard to car parking, planning, leisure services and trade waste which had all been impacted by the pandemic. The impact of the current lockdown had yet to be assessed and consideration was being given to redeployment /furlough of leisure staff and the provision of assistance with the vaccination programme.

290. BUDGET 2021-22 UPDATE (00-58-36)

The Cabinet had before it a * report of the Deputy Chief Executive (S151) requesting that the Cabinet review the revised draft budget changes identified and discuss any further changes required in order for the Council to move towards a balanced budget for 2021/22.

The Cabinet Member for Finance outlined the contents of the report stating that the figures before members were a current snapshot of where the council was at the current time, the deficit was down to £490k but that there was more work to do. He had tasked the S151 officer to look at unpalatable options to reduce the balance to zero.

The Deputy Chief Executive (S151) stated that work was ongoing and outlined the key movements and assumptions shown within the report highlighting the Government income protection, the Autumn Statement, the funding settlement, the New Homes Bonus and the Lower Tier Service Grant

Consideration was given to:

- Vacancy management
- Whether there would be reoccurrences of funding
- Slippage within the Housing Revenue Account Medium Term Financial Plan
- The various earmarked reserves for the Cullompton HAZ
- The estimate of savings with regard to the waste trial
- The need for serious decisions to be made

RESOLVED that having considered the updated proposals for 2021/22 and the Capital Programme, the report now be circulated to the Policy Development Groups for further input prior to the formal recommendation back to the Cabinet and Council.

(Proposed by Cllr B A Moore and seconded by Cllr C R Slade)

Reason for decision: to allow the Policy Development Groups to consider the budget proposals prior to the February meetings of Cabinet and Council.

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

291. CULLOMPTON RAILWAY STATION (1-25-39)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy updating members with regard to the Cullompton and Wellington new stations project and related service enhancements and to identify the next steps for taking the project forward..

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that in May 2020, the partnership was successful in securing funding of up to £50k from the Department for Transport's "Restoring your Railway" Ideas Fund. This funding had supported the development of the Strategic Outline Business Case (SOBC). The report referred to an intention to submit the SOBC to DfT by the end of 2021. The SOBC had been delayed by a couple of weeks as there were a few changes that partners were keen to make to further enhance the business case. Officers understanding was that this project was still the most advanced of all the 'ideas fund' projects nationally. It was also understood that the formal DfT consideration of submissions was due to commence in February/March. Officers continued to meet regularly with the Department for Transport, those meetings had proven to be very positive.

Subject to approval of the SOBC by the Department for Transport (DfT), this would provide a basis for entering into discussions regarding progressing into the next stage of development. If the project were to progress to the next stage this could be very timely should there be a fourth round of the New Stations Fund announced later in the year.

Discussion took place with regard to the positive information and the need to include Okehampton on the map within the report.

RESOLVED that the report be noted and that officers continue to explore funding opportunities for the next stages of the project.

(Proposed by Cllr R J Chesterton and seconded by Cllr Mrs N Woollatt)

Reason for Decision: to continue to move the project forward.

Note: *Report previously circulated, copy attached to minutes

292. DISPOSAL OF PARK ROAD NURSERY DEPOT (1-32-30)

The Cabinet had before it a * report of the Deputy Chief Executive (S151) requesting approval of the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU.

The Cabinet Member for Housing and Property Services outlined the contents of the report highlighting the history of the site, the decision of the previous Cabinet that planning permission be sought for the development of the site for housing and the detail of the revised valuations within the agenda pack.

Consideration was given to:

- A query with regard to the legal restriction around planning permissions granted for local authorities for their own land
- The principle of development on the land
- Who could take part in the sealed bid process

RESOLVED that delegated authority be given to the Cabinet Member for Housing and Property Services and the Deputy Chief Executive (S151) to complete the asset disposal of Park Nursery Depot, Park Road, Tiverton, EX16 6AU :In accordance with Table 1 – Option 2, proceed with the marketing process and sale of the existing buildings and land to the best value offer via a sealed bid process.

(Proposed by Cllr R B Evans and seconded by Cllr Mrs N Woollatt)

Reason for Decision: to achieve best value for money via an open market process.

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

293. **ANNUAL REPORT OF COMPLIMENTS, COMMENTS AND COMPLAINTS (1-44-47)**

The Cabinet had before it and **NOTED** a *report of the Corporate Manager for Business Transformation and Customer Engagement providing information on compliments, comments and complaints received as part of the 2 million plus contacts with customers in 2019/2020.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report highlighting the complaints, compliments and comments that had been received, the content of the Ombudsman report and the increase in digital activity from members of the public.

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

294. **ASBESTOS SURVEYING AND LICENSED REMOVAL 2021 - 2024 (1-47-33)**

The Cabinet had before it a * report of the Building Services Operations Manager advising Members on the results for the tendering of the Asbestos Surveying and Licensed Removal 2021-2024 and requesting them to confirm the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report highlighting the difference between the tender for licensed and unlicensed removal of asbestos.

Consideration was given to the procurement process and the balance of value versus quality and how that weighting was applied.

RESOLVED that the new three year Asbestos Surveying and Licensed Removal Contract be awarded to Contractor 3.

(Proposed by Cllr R B Evans and seconded by Cllr B A Moore.)

Reason for Decision: there was a need to confirm the award of the tender so that the specified work could be progressed.

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

295. **ASBESTOS SURVEYING AND UNLICENSED REMOVAL 2021-2024 (1-56-52)**

The Cabinet had before it a * report of the Building Services Operations Manager advising Members on the results for the tendering of the Asbestos Surveying and Unlicensed Removal 2021-2024 and requesting them to confirm the award of the contract.

Consideration had been given to the differences between licensed and unlicensed removal of asbestos in the previous item along with the procurement process.

RESOLVED that the new three year Asbestos Surveying and Unlicensed Removal Contract be awarded to Contractor 2.

(Proposed by Cllr R B Evans and seconded by Cllr C R Slade)

Reason for Decision: there was a need to confirm the award of the tender so that the specified work could be progressed.

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

296. **NOTIFICATION OF KEY DECISIONS (1-57-51)**

The Cabinet had before it and **NOTED** its *rolling plan for February 2021 containing future key decisions.

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

297. **3 RIVERS DEVELOPMENT LIMITED UPDATE (1-59-15)**

The Cabinet had before it and **NOTED** a *report from the Chief Executive providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services stated that the information within the report provided an up to date reflection on the progress made. The impact of the ongoing pandemic and the current lockdown would need to be considered as this could impact on all development companies and that supply chains could be disrupted. The new directors were in post and he looked forward to their input into the company.

Consideration was given to the actions taken since the last report which included quotes for additional internal and external audit work.

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

(The meeting ended at 9.05 pm)

CHAIRMAN