MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the CABINET held on 8 April 2021 at 6.00 pm

Present Councillors	R M Deed (Leader) R J Chesterton, Mrs C P Daw, R Evans, D J Knowles, B A Moore and C R Slade
Apologies Councillor(s)	Mrs N Woollatt
Also Present Councillor(s)	G Barnell, SJ Clist, LJ Cruwys, RJ Dolley, FW Letch, B G J Warren and A Wilce
Also Present Officer(s):	Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), 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), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Claire Fry (Housing Services Operations Manager), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Stephen Bennett (Building Surveyor), Mike Lowman (Building Services Operations Manager), Tristan Peat (Forward Planning Team Leader), James Hamblin (HR Business Partner), Greg Venn (Conservation Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

348. APOLOGIES (00-03-20)

Apologies were received from Cllr Mrs N Woollatt.

349. PROTOCOL FOR REMOTE MEETINGS (00-03-32)

The protocol for remote meetings was NOTED.

350. PUBLIC QUESTION TIME (00-03-54)

The Chairman read a set of questions (referring to item 17 on the agenda) from Mr Quinn:

At Audit Committee, on 23 March 2021, I asked a question about a risk to the reputation of 3 Rivers. Although not a member of Audit Committee, Cllr Moore, the

Cabinet Member for Finance, provided the written reply. There are parts of his reply which I think are relevant to this Update.

One of the points I raised was that 3 Rivers had never declared a profit. In his reply, Cllr Moore agreed: "It is correct that 3RDL was set up to make profit to mitigate cuts in funding and that it has not made a profit".

But then he continued: "The original business plan anticipated that it would take time to make sufficient return from early developments to offset start-up costs - it is therefore no surprise that it has yet to make a profit".

I believe it is very much a surprise to many that, after 4 years in being, this Company has "yet to make a profit". So I ask:

Question 1: When does Cllr Moore estimate that 3 Rivers will make a profit and begin to pay dividends to the Council?

Another point raised was that 3 Rivers had only made one, partial, loan repayment. This was based on the last published information - the figures provided to Cabinet on 18 February 2021, in the Business Plan.

In his reply, Cllr Moore stated: "It is incorrect to state that there has only been one partial loan repayment, with further repayments following recent property sales".

Cllr Moore has used unpublished repayments as a means to refute my statement. Indeed, the Cabinet is only just being informed of these sales (in the Financial Overview section of this Update).

I believe there should be more clarity on loan repayments, so I ask:

Question 2: Will Cllrs Moore and Evans please provide up-to-date loan repayment figures in all future Monthly Performance Updates to the Cabinet?

The Chairman indicated that answers would be provided when the item was discussed.

351. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-56)

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

352. MINUTES OF THE PREVIOUS MEETING (00-07-11)

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

The Cabinet were also requested to reconsider the minutes of the meeting held on 4^{th} February, where there was an error identified within Minute 308 - Tax Base (recommendation 1 – the figure should read 28,594,38) – the error was identified at Council on 24 February and the minutes had been amended and required further approval - these were agreed.

353. BEREAVEMENT SERVICES FEES & CHARGES (00-08-34)

The Cabinet had before it a *report of the Corporate Manager for Property, Leisure and Climate Change; the Environment Policy Development Group at its meeting on 9 March 2021 had made the following recommendation: that the proposed charges for 2021-22 set out on Table A be approved.

The Cabinet Member for the Environment outlined the contents of the report stating that the focus remained on providing the best possible standards of service which not only included the maintenance of the two cemeteries but the ongoing aim of ensuring that the long term needs of burials were met. He felt that a 2% increase in bereavement charges was reasonable as set out in table 1 of the report and highlighted the benchmarking exercise that had taken place as outlined in table 2.

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

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

Reason for the Decision – To ensure that the Council's Bereavement Services Fees and Charges do not place financial constraints on the Council

Note: *Report previously circulated and attached to the minutes.

354. DEVON HOME CHOICE POLICY REVIEW (00-11-09)

The Cabinet had before it a * report of the Operations Manager for Housing and the Corporate Manager for Public Health, Regulation and Housing, the Homes Policy Development Group at its meeting on 16 March 2021 had made the following recommendations: that the following proposed changes to the Devon Home Choice Scheme be approved (as listed within the report):

Proposal 1 Proposal 3 Proposal 4 Proposal 5 Proposal 6

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Homes Policy Development Group (PDG) had discussed the changes to the Devon Homes Choice Policy and had made the above proposals, however following the Devon Homes Choice Management Meeting a further amendment had been proposed to Proposal 8.

This category included applicants who in their principle home:

- Currently lack 2 or more bedrooms given the size of their household, or

- Are lacking 1 bedroom but have 2 children that lack a bedroom. For example a couple with 4 same sex children in a 2 bed home, or a single parent with 2 children under 10 in a 1 bed home, or

- Have been assessed by the Environmental Health team of a Devon local authority as a Category 1 hazard due to overcrowding and lacking 2 bedrooms, in accordance with the Housing, health and safety rating system introduced by the Housing Act 2004.

He had discussed this with the Chairman of the Homes PDG and written to all members of the Group asking for comment.

It was therefore:

RESOLVED that the recommendation of the Policy Development Group be approved subject to the inclusion of Proposal 8 (as amended) to state that:

<u>Proposal 8</u> relates to the award of priority for rehousing when hazards may be present in a home.

Environmental Health teams from different authorities were consulted. The recommendation from the group including these colleagues was that there should be no change to the policy of awarding Band D to Category 1 overcrowding hazards. However, the Management Board of Devon Home Choice subsequently proposed that the reference to Category 1 hazards in the Band B reason for severe overcrowding be amended so that it is not a blanket award of Band B. Therefore, it is proposed that the policy wording should be changed to confirm that Band B will only be awarded for Category 1 Hazards where the household is lacking 2 bedrooms.

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

Reason for the decision: Failure to run a housing register that is transparent could result in complaints from people who feel that they have been unfairly disadvantaged and this could result in reputational damage.

Note: *Report previously circulated and attached to the minutes

355. CORPORATE ANTI SOCIAL BEHAVIOUR POLICY (00-17-34)

The Cabinet had before it a *report of the Corporate Manager for Public Health, Regulation and Housing, the Community Policy Development Group at its meeting on 23 March 2021 had made the following recommendation: that the updated Anti-Social Behaviour Policy as attached in Annex 1 be approved.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the policy underwent a major review in 2017, therefore the review was to ensure that any fundamental changes to legislation or practice had been captured. The policy remained largely unchanged except to make roles and responsibilities in dealing with ASB clearer. He then outlined the list of types of ASB that the Council could deal with.

Consideration was given to the details within the forms.

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

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

Reason for the decision – To ensure a consistent approach across the organisation in line with current legislation and practice.

Note: *Report previously circulated and attached to the minutes.

356. COMMUNITY ENGAGEMENT STRATEGY (INCLUDING ACTION PLAN) (00-22-43)

The Cabinet had before it a * report of Communications & Engagement Manager, the Community Policy Development Group had at its meeting on 23 March 2021 made the following recommendations: that the revised Communication and Engagement Strategy and Media and Social Media Policy be approved subject to the inclusion of 'In addition to the existing channels of engagement in the table above the Council also has statutory functions to fulfil in terms of communication and consultation, this includes planning matters via the Statement of Community Involvement' on page 10 of the strategy.

The Cabinet Member for Community Well-Being outlined the contents of the report outlining the structure of the communications team and the work of the Customer Engagement Working Group that had fed into the revised strategy. He explained the key highlights in the tables which showed the evaluation against the 2018 objectives, subscribers to the email subscription service had increased by 141% and he informed the meeting that followers of the Facebook social media page had grown 82% since 2018; a quarterly e-newsletter had been launched and the team had supported many services with surveys to interact with the public including budget setting, customer interaction and new build home owners.

Consideration was given to:

- The vital need to keep up to date with digital methods of communication
- The need for more emphasis within the strategy that members were a key channel of communication with local constituents and that should be a key priority
- The major role that members had with communicating with the parishes and how local councillors could feed into their local parish magazines and websites with useful information for local residents.

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

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

Reason for the decision – To ensure that customers, staff, Members and stakeholders are informed and engaged with Council services and news through appropriate and varied channels

Note: *Report previously circulated and attached to the minutes

357. REGULATION OF INVESTIGATORY POWERS (00-32-00)

The Cabinet had before it a *report of the Head of Legal (Monitoring Officer), the Community Policy Development Group at its meeting on 23 March 2021 had made the following recommendations:

a) The revised Regulation of Investigatory Powers Act (RIPA) policy be adopted; and

b) Delegated authority be given to the Head of Legal Services (Monitoring Officer) to review the designation of the Co-ordinating Officer within the RIPA policy and to make such changes to that designation as she considers appropriate

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the Council had not used its RIPA surveillance powers in the last 12 months and that the last time those powers had been used was in 2014. In 2018 the IPCO had conducted its 3 yearly review/inspection of the Council and had been pleased with the level of compliance shown. Refresher training was commissioned in late 2018 for key Council officers involved in RIPA, particularly at approval/authorisation level. He explained that the Senior Responsible officer was the Monitoring Officer and that this would not change, the SRO would review the designation of the co-ordinating officer as a solicitor as there may be a case that this post sit elsewhere within the establishment.

Consideration was given to:

- The lack of hardware available should the authority wish to carry out surveillance
- Whether the District officers should be better equipped to carry out surveillance the meeting was reminded that there were a number of areas that the authority engaged with through the courts where they were not allowed to use RIPA powers and that there were different levels at which RIPA applied.

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

(Proposed by Cllr D J Knowles and seconded by Cllr B A Moore)

Reason for the decision – Statutory guidance requires the Council to review the RIPA and the RIPA policy annually.

Note: *Report previously circulated and attached to the minutes.

358. CULLOMPTON CONSERVATION MANAGEMENT PLAN (CONSULTATION DRAFT) (00-42-19)

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting approval of the Draft Cullompton Conservation Area Assessment and Management Plan (CAMP) to be published for public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the existing Conservation Area Assessment and Management Plan (CAMP) for Cullompton dated from 2009. A review was needed to the document to take account of changes in the conservation area in the last 11 years; to be up to date and relevant for the High Street Heritage Action Zone; and to work in concert with the Cullompton Town Centre Masterplan that was currently being prepared, and the emerging Cullompton Neighbourhood Plan. The Council had a statutory duty to designate, amend, and formulate and publish proposals for the preservation and enhancement of conservation areas in the district.

A review had been undertaken and a consultation draft Conservation Area Assessment and Management Plan had been prepared. This had followed a format that was recommended by Historic England.

Part 1 was a character assessment, which sought to define the special interests of the conservation area and identify the issues that threaten the special qualities of the area. In Cullompton, the conservation area was divided into 6 character areas. From this assessment, amendments were proposed to the extent of the conservation area; the visually important open spaces; and, unlisted important buildings both in and adjoining the conservation area.

Part 2 contained the management proposals. This has built on the negative features that were identified in Part 1. 28 management plan principles for improvement and change were included. These provided an agenda and framework for discussion and change to enhance the conservation area, and were both site specific and across the conservation area.

Approval was being sought for the consultation draft Conservation Area Assessment and Management Plan to be published for a 6 week consultation, which would commence as soon as practicable, and would coincide with the consultation on the Cullompton Town Centre Masterplan and the District Wide Design of Shopfronts and Associated Advertisements Supplementary Planning Document. The consultation would be in accordance with the Council's adopted Statement of Community Involvement and would include one statutory public meeting (taking into account prevailing Covid restrictions).

The Conservation Area Assessment and Management Plan would be finalised to include any amendments that were necessary following the consultation and will then be reported to a future meeting of the Cabinet with a recommendation to the Council that it be formally adopted.

The Planning Policy Advisory Group considered the consultation draft Conservation Area Assessment and Management Plan at its meeting on the 18th March 2021. The meeting identified changes and corrections needed to the document before it was published for consultation, and were included as follows

Page 3: Insert new Appendix 1: Important Unlisted Buildings

Change existing Appendix 1 and 2 to 2 and 3. Page 8: Section 2.2 - 3rd Paragraph Omit the words "The next stages will be that". Capitalise T of The Planning Policy Advisory Group....

Page 75:

Additions line 1: Sentence to start saying "Higher Mill and Mill House, Higher Mill Lane"

Omit additions line 13. Renumber line 14 to 13 and renumber remaining additions and deletions.

Page 79: 11.5.2 second paragraph omit "and promote walking"

Page 84: For management plan principle 15. Join text to be one paragraph

Page 84 Insert a line space between Management Plan Principles 16 and 17.

Page 91 Add new Appendix 1

Appendix 1 Important Unlisted Buildings

An important unlisted building 'is a building, structure or feature which, whilst not listed by the Secretary of State for its national importance, is felt by the council to be of local importance due to its architectural, historical or environmental significance

Buildings, or groups of buildings, are considered to be locally important in recognition of their value as irreplaceable historic assets which contribute to the quality of the local environment by enhancing the street scene and sustaining a sense of distinctiveness.

The purpose of identifying buildings is to ensure that care is taken over decisions affecting the future of these buildings, and that their special status is taken fully into account. Whilst there are no additional controls, owners are encouraged to undertake external alterations in such a way as to respect the particular character and interest of the building, and should use appropriate materials and retain any features of architectural or historic interest.

It is not necessary to apply for Listed Building Consent. The usual planning controls apply, but the special interest of these buildings will be a consideration when deciding planning applications.

Some works may not require planning permission but should still be carefully considered. The removal of historic features or details can not only harm the special interest of the locally listed building but can also adversely affect its value. Research has shown that buildings which retain their historic features in good order hold their value better than those which have been unsympathetically altered.

Page 91

Change Appendix 1 to Appendix 2

Page 93

Change Appendix 2 to Appendix 3

He had also been requested by a local Ward Member to amend the wording of recommendation 2 to consider engagement with local landowners, the Town Council, the Leat Board and the Environment Agency, along with other interested parties to consider the long term management of the town leat.

Consideration was given to the period of consultation and that any details of the consultation should be forwarded to all Members for promotion within their media outlets due to their contacts including with local parish councils.

RESOLVED that:

1. The draft Cullompton Conservation Area Assessment and Management Plan (Appendix 1 to this report), including proposed alterations to the extent of the Cullompton Conservation Area made through Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), be approved for public consultation.

2. That delegated authority be given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to finalise the material and arrangements for consultation, including making further updates to:

- i) Include an additional Management Principle 29 'That the Council engage with the Land Owners, the Town Council, the Leat Board, the Environment Agency, and other interests parties to consider the long term management of the historic Cullompton Town Leat to ensure that it is managed as a functioning watercourse to maintain and enhance its historic interests in balance with its wildlife interests'.
- ii) Reflect matters discussed by the Planning Policy Advisory Group.

(Proposed by Cllr R J Chesterton and seconded by Cllr B A Moore)

Reason for the decision - There is a statutory requirement for the Council as Local Planning Authority to review its conservation areas from time to time. A review of the Cullompton Conservation area assessment and management plan has been agreed as part of the in kind match funding for the High Street HAZ.

Note: *Report previously circulated and attached to the minutes

359. THE DESIGN OF SHOPFRONTS AND ASSOCIATED ADVERTISEMENTS SUPPLEMENTARY PLANNING DOCUMENT (00-57-31)

The Cabinet had before it a *report of the Head of Planning, Regeneration and Economy requesting approval of the draft Design of Shopfronts and Associated

Advertisements Supplementary Planning Document to be published for public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Shopfronts and Associated Advertisements design guide was proposed to supplement the National Design Guide, the Mid Devon Design Guide, and the relevant policies of the adopted Mid Devon Local Plan.

The design guide was intended to raise standards in development affecting shop fronts in Mid Devon. The design guide would be a Supplementary Planning Document (SPD). It would not be part of the development plan and would not introduce new planning polices, but once adopted it would be capable of being a material consideration in the determination of relevant planning applications.

The design guide had two parts: Part 1 was an illustrated guide to the successful refurbishment or alteration to an existing shopfront, or complete replacement shopfront, and Part 2 set out the permission/consents that may be required and the policy context in which those planning decisions would be made.

The principles set out in the design guide were not intended to be treated as blueprints, but they offered advice to help guide development proposals towards achieving the successful design of shop fronts and associated advertisements.

The design guide had been subject to a Habitats Regulation Assessment Screening and Strategic Environmental Assessment screening and both had identified that the design guide was unlikely to have significant effects on the environment.

The design guide, the Habitats Regulation Assessment and the Strategic Environmental Assessment screening reports would be published for public consultation for a statutory minimum period of 6 weeks, as soon as reasonably practicable, in accordance with the Council's adopted Statement of Community Involvement.

Once the consultation had ended and officers had considered the responses, the final version of the Shopfronts and Associated Advertisements design guide SPD, including any amendments necessary, would be reported back to the Cabinet for formal adoption, together with a statement of public participation.

Consideration was given to:

- How the number of people involved with the consultation would be reported, rather than just the number who made representation
- The fact that the SPD was district wide although had been initiated from Cullompton in line with the bid for the High Street Heritage Action Zone and whether any other towns in the district could make use of any further grant funded schemes

RESOLVED that:

1. The draft Design of Shopfronts and Associated Advertisements Supplementary Planning Document (Appendix 1), the Strategic Environmental Assessment Screening Report (Appendix 2) and the Habitat Regulations Assessment Screening Report (Appendix 3) be approved for public consultation.

2. That 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 material and arrangements for consultation.

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

Reason for the decision: The Draft Design of Shopfronts and Associated Advertisements Supplementary Planning Document (SPD) is a District wide document, but the commitment to produce this guidance has been agreed as part of the part of the in kind match funding by Mid Devon District Council towards the Cullompton High Street HAZ agreement with Historic England.

Note: *Report previously circulated and attached to the minutes

360. VINYL FLOORING CONTRACT 2021-2024 (1-08-32)

The Cabinet had before it a *report of the Building Services Operations Manager advising Members on the results for the tendering of the Vinyl Flooring Renewal Contract 2021-2024 and requesting confirmation of the award of the contract.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the formal tendering process had taken place and that the evaluation had been based on a high level of quality rather than just cost.

RESOLVED that the new three year vinyl flooring renewal contract be awarded to Contractor 2.

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

Reason for the 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.

361. PERFORMANCE AND RISK (1-10-57)

The Cabinet had before it a *report of the Operations Manager for Performance, Governance and Health and Safety providing Members with an update on the performance against the Corporate Plan and local service targets.

The Policy Development Groups and the Audit Committee had considered the targets within the Corporate Plan and had made the following recommendations:

Environment Policy Development Group (9 March 2021)

The targets suggested for 2021/2022 against the Corporate Plan Performance framework (appendix 4) be approved subject to:

- Garden Waste Customers target to be set at 11,200
- Corporate Renewable Energy Projects target to be set at 4

Economy Policy Development Group (11 March 2021)

That the targets suggested for 2021/22 against the Corporate Plan Performance Framework be approved.

Homes Policy Development Group (16 March 2021)

That the targets suggested for 2021/22 against the Corporate Plan Performance Framework be approved.

Community Policy Development Group (23 March 2021)

The suggested targets for 2021/2022 against the Corporate Plan Performance framework be approved.

Audit Committee (23 March 2021)

That the targets suggested for 2021/2022 against the Corporate Plan Performance Framework be approved with the addition of the following: That information with regard to the number of Freedom of Information requests made, the number refused and the number reviewed be contained from now on within the regular Performance and Risk report.

The Leader outlined the contents of the report walking through the published pages

Consideration was given to the Corporate Risk Management Report and that of reputational damage – social media which had not been reviewed since May 2020. The meeting was informed that this would be reviewed on an annual basis.

The targets for 2021/22 against the Corporate Plan were then considered along with the recommendation of the Environment Policy Development Group.

RESOLVED that:

- a) The report be **NOTED**; and
- b) The targets proposed for 2021/22 against the Corporate Plan Performance framework be approved subject to the inclusion of:

Garden Waste Customers – target to be set at 11,200 Corporate Renewable Energy Projects – target to be set at 4

(Proposed by the Chairman)

Reason for the decision – there is a need for the targets within the Corporate Plan Performance Framework to be approved.

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

362. REVISED SCHEDULE OF MEETINGS (1-20-44)

The Cabinet had before it a *revised schedule of meetings, following the Cabinet's decision to move its meetings to a Tuesday and take place in the morning.

The Leader reminded those present that a decision had been taken at the previous meeting to change the date and time of cabinet meetings from June 2021.

Consideration was given to:

- A Member's view that the change of time would impact on residents ability (and elected members not on the Cabinet) to attend meetings
- Local people would attend meetings should an item on the agenda be of interest
- The fact that County Council meetings were all held during the day

RECOMMENDED to Council that the revised schedule of meetings be **NOTED**.

(Proposed by the Chairman)

Note *Revised Schedule previously circulated, copy attached to minutes.

363. NOTIFICATION OF KEY DECISIONS (1-33-22)

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

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

364. 3 RIVERS DEVELOPMENTS LIMITED - PERFORMANCE UPDATE (1-34-40)

The Cabinet had before it and **NOTED** a * report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

The Cabinet Member for Finance addressed questions raised in public question time by stating that:

'The Business Plan approved earlier this year forecast that the business would achieve a profit in early 2023. Consequential dividends are obviously a matter for future discussion. I would remind Mr Quinn that in my response I went on to stress that the Council also makes a significant net interest return from loans made to the company. Therefore, from the Council's perspective, it is not appropriate solely to focus on business profitability when considering financial returns from 3RDL.

The business makes loan repayments at appropriate points as projects move to conclusion. These are, inevitably, infrequent. Therefore, it is not appropriate to provide such figures in all future monthly reports'.

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 by the company.

Consideration was given to:

- The fact that work had recommenced at St Georges Court, Tiverton
- A request that the company communicate with Halberton Parish Council with regard to the availability of residents' car parking.
- Any further written questions from members would be welcomed

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

(The meeting ended at 7.48 pm)

CHAIRMAN