

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 13 May 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, C R Slade and
Mrs N Woollatt

Also Present

Councillor(s)

Mrs F J Colthorpe, L J Cruwys, R J Dolley, P J Heal,
Mrs E J Slade and B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Jenny Clifford (Head of Planning, Economy and Regeneration), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Matthew Page (Corporate Manager for People, Governance and Waste), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Darren Beer (Operations Manager for Street Scene), John Bodley-Scott (Economic Development Team Leader), Philip Langdon (Solicitor), Vicky Lowman (Environment and Enforcement Manager), Tina Maryan (Area Planning Officer), Christie McCombe (Area Planning Officer), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Deborah Sharpley (Solicitor), Adrian Welsh (Strategic Manager for Growth, Economy and Delivery), Jason Ball (Climate and Sustainability Specialist), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

1. APOLOGIES (00-03-20)

There were no apologies.

2. PROTOCOL FOR HYBRID MEETINGS (00-03-26)

The protocol for hybrid meetings was noted.

3. PUBLIC QUESTION TIME (00-03-56)

The Chairman read a set of questions on behalf of Mr Burrett:

Referring to item 6 on the agenda - Public Spaces Protection Order

How is the PSPO going to be enforced when Council Officers cannot gather evidence by:

- a) demanding names and addresses, and
- b) making contemporaneous video recordings?

Referring to Item 8 on the agenda - Cullompton Town Centre Masterplan

The Cullompton Masterplan shows that the most important criteria for those who responded to the consultation was the protection of green, open space, yet, as we know, this Council is planning to impair the wellbeing amenity value of the only large area of public, green open space in Cullompton by building a road alongside the edge of it and drastically reducing the ability of the public to roam across that open space. Respondents also said that the CCA Fields should be enhanced, but not how.

The CCA Fields were bought and paid for by the residents of Cullompton and are looked after by charity volunteers. Unlike other parks in the District it does not get any Council funding, despite the massive wellbeing benefits the green, open space provides to a significant number of people.

What 'enhancements' to the green space can be envisaged by this Council, when the Council is not the owner of the land, nor a contributor towards its upkeep, and the charity has very limited access to funds?

And, what financial help will be forthcoming to the Cullompton Community Association, on an ongoing basis, to enhance the environmental offering and to maintain this valuable community asset?

The Chairman indicated that answers to the questions would be provided when the item was debated.

4. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-37)

Cabinet Members made the following declarations:

Cllr Mrs Woollatt - Item 8 – Cullompton Town Centre Masterplan (Consultation Draft) - declared a personal interest as she lived within the area of the masterplan and that her property was mentioned in the document.

Cllr C R Slade - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr D J Knowles - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council.

Cllr Mrs C P Daw - - Item 7 Tiverton Town Centre Regeneration Masterplan Projects – declared a personal interest as a member of Tiverton Town Council and a member of the Tiverton Town Centre Partnership.

5. MINUTES OF THE PREVIOUS MEETING (00-07-45)

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

6. PUBLIC SPACES PROTECTION ORDER (00-09-46)

Arising from a report of the Environment and Enforcement Manager, the Environment Policy Development Group had made the following recommendations:

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

The Cabinet Member for the Environment and Climate Change outlined the contents of the report informing the meeting that this had been discussed towards the end of the previous year where some perceived inaccuracies had been identified, further work had taken place and the order had now been redrafted and the maps updated. He highlighted the appropriate areas where dogs could be let off leads, those areas excluded and the number of dogs that could be walked by one person; he also confirmed the fixed penalty charge.

In response to the question raised in Public Question Time, he stated that with regard to:

- a) Demanding names and addresses - although we have never had this issue as far as I am aware, if this was to occur the officers would contact the police who would attend and request that the individual provides such details. The District Officers caution individuals before requesting this information.
- b) Making contemporaneous video recordings - video cameras or recordings would only support the above offence if the individual refusing to give the information could be formally identified by Police or another officer.

Consideration was given to:

- Whether land at Cotteybrook, Tiverton was appropriate for dogs to be left off leads
- The above could be identified as part of the consultation process
- Whether a fixed penalty would be reduced if paid within a set period
- The thorough consideration of the document by the Policy Development Group

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

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

Reason for the Decision: to enable further consultation with a view to widening enforcement powers in order to deliver a cleaner and more sustainable environment across the Mid Devon District.

7. TIVERTON TOWN CENTRE REGENERATION MASTERPLAN PROJECTS (00-15-45)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking to both update members on work to date, but also critically, to provide feedback on consultation meetings held with Ward Members, Tiverton Town Council and Tiverton Town Centre Partnership that were focused around the key intervention projects to be included in the masterplan. Due to current bid opportunities and the need to ensure readiness for submissions, this report focussed on potential projects.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to update members on project work associated with masterplanning for the regeneration and investment into Tiverton town centre. The report explained the work undertaken to date as well as providing feedback on consultation meetings which focused on key sites and projects to be included in the masterplan.

Following the Cabinet report in August of last year that set out a long-term town centre recovery plan officers had continued to work on a list of key sites and projects. As part of it, officers had held a ward member briefing, a Town Council briefing and a Tiverton Town Centre Partnership meeting. Following feedback from those meetings the key sites and projects to be included in the Tiverton Town Centre Masterplan have been updated as outlined in Section 4 of the report.

It was recognised though, that within the list of sites identified, there was an emphasis on Council owned assets and there would be a need for on-going engagement with private land owners to better understand their ambitions so a more meaningful and comprehensive regeneration of the town centre could be achieved.

Consideration was given to:

- Consultation that had taken place with various stakeholders
- The improvements to the plan and the proposal for opening up of the Pannier Market entrance from Fore Street
- How members of the Town Council were very pleased with the proposals

RESOLVED that authority be given for:

1. Officers to explore the opportunities to bring forward the projects and initiatives as outlined and prioritised in this report.
2. Property Services to seek funding opportunities to be in a position to proceed with feasibility appraisal of:
 - a) The opening connecting the Pannier Market and Fore Street (as detailed in para 4.3), and
 - b) Design, scope and cost a future redevelopment of the Phoenix Lane area in association with public and private investment, should funding become available in the future.

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

Reason for the decision – to identify projects to be included in the Tiverton Town Centre Masterplan and consider funding opportunities that may arise.

Notes:

- i) Cllrs: C R Slade and D J Knowles declared personal interests as members of Tiverton Town Council;
- ii) Cllr Mrs C P Daw declared a personal interest as a member of Tiverton Town Council and a member of the Town Centre Partnership;
- iii) *Report previously circulated and attached to the minutes.

8. CULLOMPTON TOWN CENTRE MASTERPLAN (CONSULTATION DRAFT) (00-23-00)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting approval of the draft Cullompton Town Centre Masterplan for Stage 2 Public Consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the purpose of the report was to seek approval to take the Draft Cullompton Town Centre Masterplan to stage 2 public consultation. A stage 1 public consultation had been held early last year and following that, the Draft Masterplan had been produced. It took into account the comments received at stage 1 public consultation and the strategic projects happening in and around Cullompton. Those include the urban extensions, the relief road, the railway station and the High Street Heritage Action Zone project.

The Draft Masterplan was structured around 6 themes or objectives that focussed on:

- i) Historic buildings and landscape;
- ii) the town centre as a place to work;
- iii) the visitor experience;
- iv) how spaces and places in the town centre might support community activities;
- v) growth that encourages 'shop local', healthy living and community activities; and finally
- vi) the ability to move around without reliance on the private car.

Chapter 4 of the plan introduces 8 key opportunity sites for development. The masterplan provided the details specific to each site. To bring them forward further discussion will be required with landowners. The eight sites identified included:

1. Alexandria Industrial Estate
2. Railway Station
3. Tannery Site
4. Higher Bull Ring
5. Improvements to cycling between proposed new rail station and the town centre.

6. Fore Street enhancement
7. Leat footbridge
8. The Old Cinema Site.

The next stage (if approved for consultation) was to commence the stage 2 public consultation this month with adoption of the Draft Masterplan in August of this year.

Answering the questions posed in public question time, the Cabinet Member stated that: The alignment of the relief road chosen seeks to reduce impact upon the CCA Fields and was the route favoured during the public consultation. Issues around the impact of the road scheme, its relationship with the CCA Fields, compensatory land and other mitigation measures were all considered and found acceptable as part of the planning application process. Planning permission has been granted and the project now moves to implementation. The emerging masterplan does not affect that grant of permission or the ability to implement it.

Masterplan stage 1 consultation responses also expressed a strong wish to alleviate traffic within the town centre. This reflects previous consultations where the community has expressed strong support for the delivery of the scheme. In respect of CCA Field land acquisition to deliver the road, the principle of equivalent reinstatement will be followed and hence maintenance implications would be similar to those existing.

Once adopted, the masterplan will help support any bids should opportunities arise to seek funding sources for the enhancement of the CCA Fields. It is expected that the masterplan delivery process will inevitably involve external funding and bid submissions.

Consideration was given to:

- The possible use of S106 funding from development near to the CCA fields to be used to enhance the area and the need to engage with Ward members with regard to this
- The level of responses to consultations and the need to use digital engagement platforms

RESOLVED that:

1. The draft Cullompton Town Centre Masterplan for stage 2 public consultation be approved;
2. The associated Strategic Environmental Screening Report and the Habitats Regulations Assessment Screening Report for consultation be approved; and
3. Delegated authority be granted 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 C R Slade)

Reason for the decision – There is a need for a second consultation period to take place.

Notes:

- i) Cllr Mrs N Woollatt declared a personal interest as she lived within the masterplanning area and that her property was mentioned in the plan;
- ii) *Report previously circulated and attached to the minutes.

9. LEVELLING UP FUND SUBMISSION (00-35-22)

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy informing Members about the fund and setting out the criteria and timescales with regard to bid submission and to establish and agree the proposed basis and timing for bids.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the levelling up fund, including the criteria and timescales with regard to bid submission. It also sought to establish and agree the proposed basis and timing for bids taking into account the two parliamentary constituencies with which the Mid Devon geography was divided. The report identified potential projects for bids for both Tiverton and Honiton Constituency and the Central Devon Constituency including the various stages of advancement of project development. In compiling the report, officers had regard to a wide range of factors including investment criteria, discussions with other relevant Councils and greatest chance of bid success. Endorsements from the MPs was vital to this bid process and contact has been made with both MPs.

In the Tiverton and Honiton Constituency, it was felt that the Cullompton Town Centre relief road was an ideal project to focus on as it was also being supported by the Housing Infrastructure Fund and it was hoped that such a bid would be supported by the MP and the County Council.

He also highlighted projects that could take place in the Central Devon constituency (with other authorities) to support rural enterprise and enhance digital connectivity and that officers would continue to progress ideas for the second round of bidding.

Discussion took place with regard to if the round 1 bid was unsuccessful subsequent bids should have more local member involvement.

RESOLVED that the following be **AGREED**:

- i) To submit a levelling up fund bid in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road and grant delegated authority to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration over:
 - a) departure from a round 1 bid in the event that it becomes evident that there is a greater chance of success in a later round, and

- b) the extent of the inclusion within the bid of additional cycle, pedestrian and vehicular access content in relation to the Station Road corridor.
- ii) To investigate the potential to work up a bid in partnership with neighbouring authorities within the Central Devon Constituency on the themes of rural enterprise and digital connectivity for submission to a future round of the fund.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – To agree the proposed basis and timing of bids.

Note: *Report previously circulated and attached to the minutes

10. **UK COMMUNITY RENEWAL FUND (00-43-00)**

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration informing Members about the UK Community Renewal Fund ; setting out the criteria and timescales identified in the fund prospectus; and seeking agreement as to the preferred course of action.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the report set out information about the Community Renewal Fund, its criteria and timescales as identified in the fund prospectus and sought agreement as to the preferred course of action. Local organisations could apply for up to £3 million of revenue funding for projects that invested in skills, helped people into employment, supported local businesses grow and develop, and helped local communities become more resilient and sustainable. Applications must be for a minimum bid value of £500,000. Devon County Council had a key role in assessing, prioritising and submitting local bids to Government.

The key criteria for assessment were:

- Deliverability by 31st March 2022.
- Strategic Fit
- Value for Money
- Targeting people and areas most in need - Although weighting would be given to projects that included delivery in the two priority areas of West Devon and Torridge.

The minimum bid value of £500k to be spent in the current financial year, limited the scope of the available projects and it was felt that the Tiverton Town Centre projects would fit into the scheme.

Consideration was given to:

- The need to grasp the opportunity for funding
- How relevant projects could fit
- The fact that other local organisations could also bid for funding for projects

RESOLVED that: delegated authority be given to the Portfolio Holder(s) for Planning and Economic Regeneration and Housing and Property Services to develop and

submit a bid to Devon County Council as set out in sections 6.0 and 7.0 for the regeneration projects within Tiverton.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

Reason for the decision – To agree the preferred course of action over bid submission.

Note: *Report previously circulated and attached to the minutes

11. CULLOMPTON HERITAGE ACTION ZONE

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy requesting the Cabinet to consider delegating decision making responsibility with regard to the Cullompton High Street Heritage Action Zone Grants Scheme to the Head of Planning, Economy & Regeneration.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that Historic England had awarded a High Street Heritage Action Zone to Cullompton, following a successful bid by this Council. The administration of the HAZ programme of works rested with this Council through to March 2024 and included:

- Public realm improvements around the Higher Bullring (with Devon County Council);
- A grants scheme for building repairs and historic reinstatement work;
- A cultural programme of activities in the town centre to align with the town's heritage; and
- A comprehensive update to the Cullompton Conservation Area and Management Plan (CAMP), as well as a new Mid Devon District Council Shopfront Design Guide;
- A package of community engagement activities.

The grants scheme would see property owners and repairing leaseholders invited to apply for building grants to support structural, historic reinstatement and shopfront improvement work in the town centre. Guidance to support the grants scheme was available and help would be provided by the Project and Conservation officers.

He outlined the mechanism for approving grant funding and the involvement of the Cullompton Town Centre Regeneration Partnership Group.

It was noted that the Cullompton Town Centre Regeneration Partnership Group were in agreement with the proposals for granting funding.

RESOLVED that: delegated authority be given to make decisions over the award of grants under the Cullompton High Street Heritage Action Zone to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration.

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

Reason for the decision – to allow for funding decisions to be made in consultation with the Cullompton Town Centre Regeneration Partnership Group

Note: *Report previously circulated and attached to the minutes

12. **APPOINTMENT OF CONSULTANTS TO PRODUCE A CULM GARDEN VILLAGE STRATEGIC FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY. (00-52-17)**

The Cabinet had before it a * report of the Head of Planning, Regeneration and Economy seeking approval to engage consultants to prepare a strategic flood risk assessment and drainage strategy as evidence base for the Culm Garden Village masterplanning process.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that at the meeting on 1 October 2020, Cabinet approved the appointment of consultants to progress a Masterplan SPD for the East Cullompton Local Plan allocation and a Framework Masterplan for the wider garden village. Flooding and hydrology was a very important consideration for the garden village, there being numerous small watercourses crossing the site, as well as the River Culm to the west of the garden village and areas of flood zones 2 and 3 in the wider garden village area. The flood risk and hydrology work was a key component of the evidence base for the garden village masterplan.

He outlined the work that was being commissioned in detail and how it would be funded via the Homes England garden communities capacity funding. Consideration was given to the importance of the work to be undertaken to mitigate flooding in the area.

RESOLVED that: delegated authority be granted to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to engage consultants to produce a strategic flood risk assessment and drainage strategy.

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

Reason for the decision – There is a need for a strategic flood risk assessment and drainage strategy to be obtained as part of the Culm Garden Village masterplanning process.

Note: *Report previously circulated and attached to the minutes

13. **OPTIONS FOR THE PROCUREMENT OF ELECTRIC CAR CHARGING UNITS (00-55-39)**

The Cabinet had before it a * report of the Corporate Manager for Property, Leisure and Climate Change providing Cabinet with an overview of options available to the Council to facilitate an increased provision of electric vehicle (EV) charging points across the district.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that charging points were available at the leisure centres and within the multi-storey car park in Tiverton and that other sites within council owned land had been identified in line with the work taking place on the climate emergency and reducing the carbon footprint across the district

Consideration was given to the information available on the various options for the next wave of EV rapid chargers and possible encouragement for car sharing which was highlighted within one of the options.

It was therefore:

RESOLVED that: delegated authority be given to the Deputy Chief Executive (151) and the Portfolio Holder(s) for the Environment & Climate Change and Finance, in consultation with Property Services to facilitate the installation of additional electric vehicle charging points on Council land and across the District.

(Proposed by Cllr C R Slade and seconded by Cllr R J Chesterton)

Reason for the decision – the Council has identified the provision of electric vehicle charger points as a priority action in its Climate Strategy, this decision will progress the installation of these units.

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

14. **NOTIFICATION OF KEY DECISIONS (00-59-42)**

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

The committee clerk updated the meeting on movements within the plan.

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

15. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-1-42)**

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

During consideration of the report and following some discussion the Chairman **MOVED** that the meeting go into private session to consider the update in more detail.

Therefore under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

Upon a vote being take, this was **AGREED**.

Following discussion, the meeting returned to open session and it was:

RESOLVED that the Audit Committee be requested to undertake a lessons learned review, providing a report to Cabinet on the financial and other impacts from the process followed for the sale of Park Road Nursery and recommending what improvements might be made in future.

(Proposed by Cllr B A Moore and seconded by the Chairman)

Reason for decision – so that improvements can be made to the process.

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

(The meeting ended at 7.25 pm)

CHAIRMAN