

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 8 June 2021 at 10.00 am

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)

R J Dolley and B G J Warren

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)), Tristan Peat (Forward Planning Team Leader), Arron Beecham (Forward Planning Officer), Carole Oliphant (Member Services Officer) and Sally Gabriel (Member Services Manager)

16. APOLOGIES (00-03-13)

There were no apologies for absence.

17. PROTOCOL FOR HYBRID MEETINGS (00-03-16)

The protocol for hybrid meetings was NOTED.

18. PUBLIC QUESTION TIME (00-03-26)

There were no questions from members of the public present in the meeting.

19. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-31)

Members were reminded of the need to make declarations of interests.

20. MINUTES OF THE PREVIOUS MEETING (00-03-43)

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

21. JOINT STRATEGY FOR STRATEGIC PLANNING (00-04-13)

The Cabinet had before it a * report of the Head of Planning, Economy and Regeneration seeking formal agreement of the scope, resourcing, timetable and governance arrangements for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need for a decision following the change in direction of the four Councils from preparing the Greater Exeter Strategic Plan (GESP) and previous decisions taken to support in principle the production of a joint non-statutory plan, to include joint strategy and infrastructure matters, for the Greater Exeter area.

The preparation of a Joint Strategy would provide an overarching framework that allowed strategic planning and delivery matters to be considered collaboratively. The Joint Strategy would not be a statutory plan and therefore would not set the planning policies of the four Councils. This would be the role of local plans and each Council was currently preparing its own local plan for its area.

He highlighted the fact that the Joint Strategy could also help fulfil the legal duty to cooperate requirements, which would demonstrate a commitment to continued joint working that was vital to help lever in funding to the area to support delivery and critical infrastructure, and would help establish a recognisable brand for the area. It was proposed that the Joint Strategy should not be a one-off document. Instead it could be updated over time and as necessary to reflect the content of local plans as they were adopted, or new strategic infrastructure priorities and projects as they emerged.

A range of options had been considered for resourcing progress on the Joint Strategy and these were set out in appendix A to the report. The option that was recommended was to engage a consultant to prepare the Joint Strategy on behalf of the four Councils, supported in a limited capacity by a group of officers. Appropriate governance arrangements were proposed as set out in appendix B. He emphasised that there would be opportunities for member engagement to help shape the Joint Strategy in its draft form and also following its public consultation before being finalised. Final decision making powers to agree the draft and final versions of the Joint Strategy would rest with the relevant committees of the four Councils.

He outlined the proposed timetable for preparing the Joint Strategy as set out in Section 4 to the report and stated that there were sufficient funds available in the GESP budget to take the Joint Strategy through the stages set out in the timetable, including public consultation.

Consideration was given to:

- The public consultation that would take place but without a public examination
- The timing of the engagement of a consultant
- There would be no additional staff resources and that the Forward Planning Team would progress this work alongside their own work plan
- Member engagement throughout the whole process through relevant forums.

It was therefore:

RECOMMENDED to Council that: the scope, resourcing, timetable and governance arrangements be supported as set out in this report for preparing a non-statutory Joint Strategy for East Devon, Exeter, Mid Devon and Teignbridge Councils.

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

Reason for the decision – a recommendation to Council that Mid Devon District Council work collaboratively with neighbouring authorities on strategic planning matters as established by the 2011 Localism Act and the NPPF as part of the duty to cooperate with other local authorities to seek to address strategic planning matters.

Note: *Report previously circulated copy attached to minutes.

22. **CULLOMPTON NEIGHBOURHOOD PLAN ADOPTION (00-16-22)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration requesting the making (adopting) of the Cullompton Neighbourhood Plan in order to meet the requirements of the relevant Acts and Regulations.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Cullompton Neighbourhood Plan had been prepared by Cullompton Town Council and was one of four neighbourhood plans currently being prepared in Mid Devon, the others being for Tiverton, Crediton and Silverton.

The Cullompton Neighbourhood Plan included a vision statement, and 39 planning policies covering a range of planning matters for the period to 2033. The neighbourhood plan recognised that Cullompton would be the strategic focus of new development in Mid Devon, and it was supportive of the principle of the Culm Garden Village.

He outlined the work that had taken place to reach the examination stages of the process and that the examiner's report had been received on 1st July 2020 and that this concluded that, subject to the recommended modifications, the Cullompton Neighbourhood Plan met basic conditions and could proceed to a referendum.

The referendum for the Cullompton Neighbourhood Plan was held on Thursday 6th May 2021 alongside other elections. The result of the referendum was that 87.3% of the votes recorded were cast in favour of a 'yes' to the question: "Do you want Mid Devon District Council to use the neighbourhood plan for Cullompton to help it decide planning applications in the neighbourhood area?"

Since more than 50% of voters were in favour of the Cullompton Neighbourhood Plan the plan attains the same legal status as a local plan and therefore becomes part of the statutory development plan for the area. In accordance with legislative requirements the Council must adopt the neighbourhood plan and bring it into force.

The Council may refuse to make the neighbourhood plan if it considers that making it would be a breach, or would otherwise be incompatible with, any EU obligations or any human rights obligations. Officers held the view that the making of the neighbourhood plan would not breach those obligations. The Council must decide whether to make, or refuse to make, the neighbourhood plan and it was recommended that the neighbourhood plan be made. There was no opportunity at this stage to seek to amend the contents of the neighbourhood plan or make further representations to it.

Consideration was given to:

- That the neighbourhood plan provided local thinking for local policies

- The work of local councillors and volunteers to produce the plan
- Whether any funding was available following the removal of the Community Infrastructure Levy – it was suggested that S106 monies would be available for local projects and that the Government intended to replace the Community Infrastructure Levy with a National Infrastructure Levy at some point and therefore funding opportunities may be available

RECOMMENDED to Council that:

Cullompton Neighbourhood Plan (Appendix 1) is ‘made’ (adopted) and brought into force as part of the statutory development plan for the area.

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

Reason for the decision – there is a need for the Council to adopt the Cullompton Neighbourhood Plan following the positive result of the referendum.

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

23. **3 RIVERS DEVELOPMENTS LIMITED - COMPANY DOCUMENTS (00-25-56)**

The Cabinet had before it a * report of the Head of Legal (Monitoring Officer). In June 2020, the Cabinet requested a review of the shareholder agreement and articles of association. This report setting out options would provide the conclusion to that review. This report now provides information about the review, an explanation of certain options and the draft documentation for formal review by the Cabinet prior to signature.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the shareholder agreement proposed was a combination of work using external legal advice and a project team of officers. This was a living document that would be reviewed from time to time.

Consideration was given to:

- Whether there was a possible conflict of interest with regard to the whole of the Cabinet fulfilling the shareholder function – the meeting was advised that the shareholder function rested with the Cabinet collectively and it could make further delegations if it chose to
- The role of the Leader who appointed the Cabinet and the collective decision-making of the Cabinet
- Confidentiality clauses at paragraph 15.11 of the agreement and the need for the representatives to be able to share information with other Cabinet members and the members of the Council – it was agreed that this clause required some rewording.
- Interest on late payments and the justification for 2% per annum above the base lending rate and views that it should be increased to the statutory interest rate
- Directors remuneration, the approval of salary increases and performance related pay awards, who should approve such increases and previous advice received - it was felt that the company needed to have the freedom to operate and that the shareholder should allow this.

- Whether recommendation (d) was open and transparent – it was felt that any such changes would have been identified by the Cabinet and that delegated decision forms would be published.
- Whether the word ‘may’ should be substituted by the word ‘will in paragraph 2.5 of the agreement – members were reminded that the shareholder function rested with the Cabinet.
- The renumbering of clauses
- Clause 26.3 with regard to interest on late payments – this was covered by loan agreements
- Dispute resolutions by the Chief Executive – which would be the normal escalation path
- Business support provided by the Council and whether there would be any conflict of interest – it was suggested that all professional services had been listed.

RESOLVED that:

- (a) The draft shareholder agreement at Appendix 1 be approved, subject to a review of clause 15.11 (Confidential Information) to ensure that representatives can report back as necessary and to change the interest rate in clause 26.2 (Interest on late payment) to the statutory rate.
- (b) The Deputy Chief Executive (s.151 Officer) be nominated to be the Named Officer for the purposes of the shareholder agreement;
- (c) Subject to recommendation (d)(ii), the draft articles of association at Appendix 2 be approved for discussion with, prior to adoption by, the Company; and
- (d) Delegated authority be given to the Monitoring Officer, in consultation with the Deputy Chief Executive (S.151 Officer) and the Cabinet Member for Finance to –
 - (i) make such changes to the shareholder agreement as are necessary to address the matters and/or changes identified by the Cabinet and then sign it on behalf of the Cabinet; and
 - (ii) negotiate a final version of the articles of association for adoption by 3 Rivers Developments Limited.

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

Reason for the decision – a review of these documents would provide a conclusion to the work requested by the Cabinet in June 2020 and would regulate the relationship between the shareholder and the company.

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

24. NOTIFICATION OF KEY DECISIONS (1-13-33)

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

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

25. **3 RIVERS DEVELOPMENTS LIMITED UPDATE REPORT (1-14-12)**

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 Housing and Property Services outlined the contents of the report stating that this was the 9th monthly update report providing information to members and it was his intention that this update would be provided every 2 months in the future.

The work taking place at St Georges Court was raised, the Chairman and Vice Chairman of the Council had visited the site and had been impressed with the work that was taking place. This information was well received and would be passed on to the company.

(The meeting ended at 11.18 am)

CHAIRMAN