

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 3 August 2021 at 10.00 am

Present

Councillors

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

Also Present

Councillor(s)

Mrs C P Daw, S J Clist, L J Cruwys, R J Dolley and
B G J Warren

Also Present

Officer(s):

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Jenny Clifford (Head of Planning, Economy and Regeneration), Maria De Leburne (Operations Manager Legal and Monitoring), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Darren Beer (Operations Manager for Street Scene), Philip Langdon (Solicitor), Mike Lowman (Building Services Operations Manager), Vicky Lowman (Environment and Enforcement Manager), Chris Scobie (Cullompton High Street Heritage Zone Project Officer), Deborah Sharpley (Solicitor), Tanya Wenham (Lead Officer Private Sector Housing), Clare Robathan (Policy and Research Officer), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

39. APOLOGIES (00-03-05)

There were no apologies for absence (Cllr Mrs Daw appearing via Zoom).

40. PROTOCOL FOR HYBRID MEETINGS (00-03-10)

The protocol for remote meetings was noted.

41. PUBLIC QUESTION TIME (00-03-30)

There were no members of the public present.

42. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-03-38)

Members were reminded to make any of declarations of interest when necessary.

43. **MINUTES OF THE PREVIOUS MEETING (00-04-00)**

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

44. **MRS JENNY CLIFFORD - HEAD OF PLANNING, ECONOMY AND REGENERATION**

The Leader informed those present that Mrs Jenny Clifford (Head of Planning, Economy and Regeneration) would be leaving the Council and that this would be her last attendance at a Cabinet meeting after 23 years service; she had undertaken sterling work, her knowledge would be a loss to the Council and she would be greatly missed. He wished her well for the future.

45. **MEETING MANAGEMENT (00-07-10)**

The Leader informed the meeting that he intended to take items 10 and 11 on the agenda as the next items of business.

46. **CULLOMPTON HIGH STREET HERITAGE ACTION ZONE PUBLIC REALM ENHANCEMENT PROJECT (00-07-16)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration advising Members on the results for the procurement of consultants on the Cullompton High Street Heritage Action Zone Town Centre Public Realm Enhancement Design.

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 (HAZ) 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 delivered in partnership with Devon County Council.

The report covered the appointment of the preferred selected consultants based on an open tender process.

The scope of work was for landscape/ public realm design services up to the Royal Institute of British Architects (RIBA) stage 3 (spatially coordinated design), to cover the town centre of Cullompton from the Higher Bullring through the Fore Street to the Lower Bullring.

The funding for this procurement, as well as the funding for the implementation of works to the selected Higher Bullring area, was being provided as part of the wider High Street Heritage Action Zone (HSHAZ) programme in Cullompton which had already been agreed. Evaluation criteria set out in the tender document established that price formed 40% of the total score available, with 60% allocated to quality based around a series of questions the tenderers were required to answer.

RESOLVED that the concept design contract for Cullompton Town Centre Public Realm Enhancement Design be awarded to Supplier 4.

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

Reason for the decision –there was a need to confirm the award of the tender to enable the specified work to be progressed.

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

47. **HOUSING INFRASTRUCTURE FUND - UPDATE ON PROJECTS (00-12-00)**

The Cabinet had before it a *report of the Head of Planning, Economy and Regeneration updating Cabinet on the infrastructure projects under the Housing Infrastructure Fund (HIF) totalling £18.2 million, in relation to which the Council had entered grant funding agreements with Homes England and had submitted the initial claims to draw down the first tranches of funding. The report also considered emerging financial considerations and sought instruction from Cabinet at this stage in the project, whilst identifying that there would be future key decision points for both projects.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the status of both schemes as well as considering emerging issues including financial considerations. The risk assessment section recognised the importance of the successful delivery of both schemes, whilst acknowledging that there was increasing pressure on project finances and funding sources.

Work to deliver the projects of corporate significance continued in close liaison with Devon County Council as the delivery partner and with Homes England. There had been considerable progress, including the grant earlier this year of planning permission for the Cullompton relief road scheme and the associated relocation of Cullompton Cricket Club.

The risk profile and degree of financial exposure for the Council was being kept under review and further reporting would be required to inform options at key decision stages. Timescales for both projects remained tight and hence challenging, as did the requirements of the grant fund agreements in meeting milestones. However, efforts continued to be made to de-risk the projects through the early anticipation of problems and mitigating action. The pressure on project cost was significant. In terms of the Cullompton scheme, the Levelling Up Fund bid sought to overcome this issue. Next steps and options for that project would depend upon the outcome of that key grant fund application.

He continued by stating that emphasis must also continue on the delivery of the homes that the infrastructure would unlock, this being both the purpose of the HIF funding but also important to the delivery of the Council's Local Plan, continuing to meet the Housing Delivery Test and in the recovery of the HIF funds via S106 agreements.

Consideration was given to:

- Concerns with regard to financial exposure and the need to mitigate any risk.
- A number of further decision points would be required with regard to funding for these projects.

- The increase in the costs for the projects and the reasons why such increases were being reported – The Head of Planning, Economy and Regeneration stated that construction costs had increased, the costs for the relocation of the sports facilities and the land acquisition were now better understood and that Devon County Council had updated allowance for risk and contingency at 20%.
- The history of the HIF funding, the original plans for early capacity improvements to J28 of the M5 which had been rethought to be achieved through the relief road, there were now concerns with regard to the amount of funding required to complete that project.
- The additional funding required by S106 agreements.
- The possible additional costs of the junction on the A361 and the need to wait for the tender process for this project to take place to confirm cost and that further reports would be considered by the Cabinet following the procurement process.
- Whether the departure of the Head of Planning, Economy and Regeneration would impact on the schemes – the Chief Executive informed the meeting that interim arrangements were in place.
- If the relief road was unviable, whether there was a Plan B or should the project revert to Junction 28? The Head of Planning, Economy and Regeneration stated that the relief road would provide short term capacity improvements to the junction and would allow for environmental improvements in the town. Further, more strategic improvements were still required to Junction 28 but those would be over a longer timescale.
- Further concerns with regard to whether the Levelling Up funding would be provided and the need for the Cabinet to receive regular updates.

RESOLVED that officers be instructed to:

1. Tiverton HIF project-

- i) Continue to work with Devon County Council to deliver the project;
- ii) Bring a report back to Cabinet once the tendering process is complete in order to seek a formal decision (with Devon County Council) over whether the delivery contract be entered into.

2. Cullompton HIF project –

- i) Continue to work with Devon County Council to deliver the project;
- ii) Once the outcome of the Levelling Up Fund bid is known to seek further instruction from Cabinet by bringing another report considering the financial implications and options available.

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

Reason for the decision – to continue to progress work towards strategic projects.

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

48. **PUBLIC SPACES PROTECTION ORDER - DOGS (00-49-16)**

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

- To resolve to make and bring into force the draft PSPO at Appendix A.
- To authorise the Monitoring Officer to take all necessary steps to make and bring into force the draft PSPO at Appendix A.
- To instruct Officers to bring to the Environment PDG a draft variation of the PSPO (once made) to include the land identified by Hemyock for consideration for consultation.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report highlighting the history of the PSPO and the work that had been undertaken to date which included a further consultation process.

Consideration was given to:

- The resource available for enforcement
- The work of the enforcement officers
- The need to consider the culture of enforcement across Mid Devon

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 ensure that the Council has a Public Spaces Protection Order in place.

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

49. **TREE POLICY (1-01-46)**

Arising from a *report of the Corporate Manager for Property Leisure and Climate Change; the Environment Policy Development Group had made the following recommendation:

That the revised Tree Policy be adopted as attached in Annexe A for five years subject to minor amendments made by the Environment Policy Development Group including the possibility for some stock to be removed to allow the growth of new trees in the area which would keep the woodlands sustainable.

The Cabinet Member for Environment and Climate Change outlined the contents of the report and the revised policy explaining that the policy covered trees on land owned or leased by the Council and how those trees would be managed.

Consideration was given to how the policy was focused on trees but that vegetation and wildlife to do with all plants should be considered – the Corporate Manager for

Property, Leisure and Climate Change stated that this could be added to the Climate Strategy.

RESOLVED that: the recommendation of 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 has a Policy to manage its tree stock and ensures that inherent risk associated with trees is managed.

Notes:

- i) Cllr B A Moore declared a personal interest as a Member of 'Plant Life';
- ii) *Report previously circulated, copy attached to minutes.

50. **AIDS AND ADAPTATIONS POLICY(1-06-51)**

Arising from a *report of the Corporate Manager for Public Health, Regulation and Housing; the Homes Policy Development Group had made the following recommendation:

That the revised Aids and Adaptations Policy as attached in Annexe 1 be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the revised policy considered recent legislation and tenancy agreements and enabled the Council to serve its tenants in need of adaptations to their properties

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

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

Reason for the decision - to allow for formal adoption of the updated policy. The policy is key to ensuring that tenants with disabilities are supported to have access to facilities as set out by the medical and related professional opinion, in accordance with individual need and ability in order to continue living in their home.

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

51. **PRIVATE SECTOR HOUSING FEES & CHARGES 2021/2022 - REVISED CIVIL PENALTY POLICY AND DELEGATED POWERS (1-09-22)**

Arising from a *report of the Corporate Manager for Public Health, Regulation and Housing; the Homes Policy Development Group had made the following recommendation:

- That Cabinet approve the revised fees as set out in Annex 1.
- That Cabinet approve the updated Policy on the Use of Financial Penalties for Housing Act Offences as set out in Annex 2.

- That Cabinet approve the Corporate Manager for Public Health and Regulation and Housing having delegated authority to authorise relevant officers to enforce The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.
- That changes to the way Works in Default charges are constructed are agreed.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council had a duty to ensure that private accommodation met minimum standards and that there were regulations for licensing, management and use of houses in multiple occupation, carbon monoxide detectors and smoke alarms, electrical safety and defined hazards within the home. All of the enforcement activities and relevant fees and charges within the policy were set out in compliance with the legislation and the adopted Enforcement Policy. The Council had the power to recover all reasonable costs and those were ring-fenced for further enforcement action. There was a duty under Public Health to give confidence to the public.

Consideration was given to the fees and charges and that they would be reviewed on an annual basis.

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

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

Reason for the decision - Recharging for officer time in relation to enforcement activities, Houses in Multiple Occupation (HMO) licensing and recovering costs associated with non-statutory services means that we are encouraging compliance within the private rented sector, providing suitable for homes for our residents and ensuring HMOs do not have an adverse impact on communities.

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

52. **FINANCIAL MONITORING (1-13-31)**

The Cabinet had before it and **NOTED** a * report of the Deputy Chief Executive (S151) presenting a financial update in respect of the income and expenditure so far in the year.

The Cabinet Member for Finance outlined the contents of the report stating this was the first budget monitoring exercise for the financial year 2021/22. The projected outturn for the General Fund was a £65k underspend, a £314k underspend for the HRA and that it was too early to consider the Capital Programme at this stage. He highlighted the main points within the report: that income for leisure and car parking was down but that income for planning and waste had increased; staff costs were under budget but that contract staff (in waste) had been used. The Capital Programme with regard to delivery of projects required some refinement and the Treasury showed a better than forecasted return.

Note: *Report previously circulated and attached to the minutes

53. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-16-40)**

The Leader on behalf of the Cabinet Member for Continuous Improvement informed the meeting that 37 cases had been identified, 19 of which were closed, 12 were being actioned, and others were being monitored with 6 cases being reviewed by the directors. The Cabinet Member had been proactive, engaging with members and that the directors and officers had all worked hard to action/close current cases. She had called a meeting with directors to understand the delay with regard to voids and she had followed this up with members, requesting that they pass any cases to her.

54. **NOTIFICATION OF KEY DECISIONS (1-19-55)**

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

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

(The meeting ended at 11.33 am)

CHAIRMAN