

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 28 September 2021 at 10.00 am

Present

Councillors

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

Apologies

Councillor(s)

R Evans

Also Present

Councillor(s)

S J Clist, L J Cruwys, R J Dolley, B Holdman 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), Karen Trickey (District Solicitor and Monitoring Officer), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Tristan Peat (Forward Planning Team Leader), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Sylvia Holme (Executive Assistant) and Sally Gabriel (Member Services Manager)

68. APOLOGIES (00-03.30)

Apologies were received from Cllr R B Evans.

69. PROTOCOL FOR HYBRID MEETINGS (00-03-36)

The protocol for remote meetings was noted.

70. MEETING MANAGEMENT

As the member of the public was having connection issues attending the meeting remotely, the Public Question Time item was moved until that member of the public was available to ask her question.

71. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-04-40)

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

72. **MINUTES OF THE PREVIOUS MEETING (00-05-00)**

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

73. **DEVON AND TORBAY WASTE STRATEGY MANAGEMENT PLAN (00-05-31)**

Following a report of the Operations Manager for Street Scene, the Environment Policy Development Group had made the following recommendations:

- a) That the proposed amendment to reduce the waste prevention target to 400kg/head/year by 2030 be approved and;
- b) The final Strategy be approved

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that the draft Resource and Waste Strategy for Devon and Torbay was published for consultation in March 2021, 214 responses had been received. The Devon Authorities Strategic Waste Committee had resolved that the strategy be endorsed and recommended for final approval to the partner authorities. He made reference to Government proposals and how any legislation might impact on the strategy; once the Government had confirmed its position, the strategy could be reviewed to see if any changes were required.

Consideration was given to:

- The Deposit Return Scheme and the position highlighted within the strategy with regard to concerns about the implications on collection authorities and whether the cost of the proposed scheme was justified as the initiative could reduce the Devon recycling rate by 0.7% and whether this approach was justified when the scheme could actually increase recycling and reduce littering
- The use of Smart Bins
- Whether there was an omission from the strategy in that the authority should be working with the planning department with regard to new developments
- Whether the recycling of textiles in collection bins were being exported

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 - the Authority has a duty to arrange collection for household waste

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

74. **PUBLIC QUESTION TIME (00-15-57)**

Liz Pole referring to Item 7 (Playing Pitch Strategy) on the agenda stated that I'd like to thank everyone who has contributed their work and expertise towards delivering this Play Pitch Strategy report for the district.

I am particularly concerned about the lack of urgency for upgrading infrastructure at Tiverton High School. Residents will be aware that we have been waiting for a planned upgrade to the Tiverton High School site since 2010 – due to political decisions by this government that seem to do down the South West – but may be less aware that we have been waiting for the play pitch recommendations in a 2010 strategy report for the same period. The current Play Pitch Strategy report fails to capture the urgency for remedial provision of facilities at Tiverton High School – for instance in tennis where there is a large, evidenced demand unsupported by the five Tiverton High School tennis courts which have been condemned on health and safety grounds.

The report also fails to capture the THS Head of PE's broad vision for a shared and multi-use regional sports hub at the THS site. I have a concern about the commitment in the document to provision of several multi-use sports pitches in the Eastern Urban Extension, compared to the lack of similar commitment to the THS and the existing community in Tiverton. It is notable that the report mentions Blundells 31 times, but Tiverton High School only 18 times, and Amory Park only 9 times, and I hope that doesn't foretell a political presumption in the siting of a future 3G pitch.

As I mentioned at last month's Cabinet meeting, I am concerned about the lack of urgency in the document and so ask Cabinet to please give some firm undertakings on delivery, particularly of a 3G multi-sports pitch for convenient use by Tiverton High School students, for all residents of Tiverton and for our well supported sports clubs.

The Chairman indicated that answers would be provided under the next agenda item.

75. PLAYING PITCH STRATEGY (00-19-29)

The Cabinet had before it a *report of the Forward Planning Team Leader (deferred from the previous meeting) requesting Cabinet to consider the strategy for further public consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that a new Playing Pitch Strategy was needed for Mid Devon to meet the national planning policy framework requirement, where relevant planning policies should be based on robust and up to date assessments of the need for sport and recreation facilities.

This included quantitative or qualitative deficits or surpluses, and opportunities for new provision. Information gained from the assessments should be used to determine what sport and recreational provision was needed, which plans should then seek to accommodate.

The Playing Pitch Strategy would also need to be consistent with Sport England's guidance (2013) for preparing playing pitch strategies. This guidance included 5 key stages for the preparation of a Playing Pitch Strategy and indicated that the work be taken forward by a project Steering Group. A project Steering Group had been set up to oversee the production of the Mid Devon Playing Pitch Strategy and for approval at the key stages. This had included an elected Member and relevant officers from the Council, Devon County Council, representatives in the South West from national-

governing bodies for the main pitch sports, and Sport England. The Council had used an external consultant, Bennett Leisure and Planning to undertake the technical assessment.

The Mid Devon Playing Pitch Strategy had now been completed. Its findings had been informed through engagement with pitch sports clubs, sports National-Governing Bodies and providers of playing pitch facilities in Mid Devon. This had included contacting town and parish councils and had involved meetings with the main schools and community colleges at Tiverton, Cullompton and Crediton.

The Playing Pitch Strategy included a vision, 6 key objectives and a section for each main pitch sport. Its findings for the district were also split into sub-areas for Tiverton, Cullompton and Crediton, which included actions plans with options and recommendations.

The Playing Pitch Strategy included two appendices which set out recommendations for actions in relation to the masterplanning of strategic planned development at East Cullompton / Culm Garden Village, and at the Tiverton Eastern Urban Extension.

The Planning Policy Advisory Group had met on the 4th August 2021. The group noted the contents of the Playing Pitch Strategy and had expressed a wish that it be subject to public consultation before it was finalised and that this forms part of the recommendation to Cabinet. The Forward Planning Team Leader had subsequently received clarification from Sport England that a wider community consultation was needed on the Playing Pitch Strategy.

It was therefore recommended that in light of Sport England's clarification the Playing Pitch Strategy be published on the Council's website and a minimum 6 week period provided in which public comments could be made on its content. The Playing Pitch Strategy would be amended where necessary before a sign-off was sought from the project Steering Group. A subsequent report would then be brought to the Cabinet to endorse the Playing Pitch Strategy as a technical document.

The Planning Policy Advisory Group has also expressed a wish that a further study was undertaken of built sports facilities, which together with the Playing Pitch Strategy could be used to help inform the preparation of Sports Supplementary Planning Document (SPD) and that this SPD would be subject to public consultation. Cabinet were advised that officers would need to investigate what technical study may be needed for built sports facilities and how this could be used to inform the preparation of a new Local Plan. Officers intended to review SPD needs in connection with the adopted Mid Devon Local Plan at a future meeting of the PPAG so that prioritisation, resources and timing may be considered.

One of the Playing Pitch Strategy's recommendations was to establish a Playing Pitch Strategy Delivery Group with membership of the current Steering Group and other key stakeholders, including main Secondary Schools and Blundells School representatives. To meet on a six monthly basis and progress, monitor and review the Priority Projects and Actions Plans. Officers would investigate how this recommendation could be taken forward. This matter could then be considered at a future meeting of the Council's Development Delivery Advisory Group.

He informed the meeting that officers had received a request from the consultant subsequent to the draft reports being published for this meeting that several amendments be made to the Playing Pitch Strategy before it was consulted on. This followed comments received from representatives for the national sports governing body for rugby:

The consultant has requested that Appendix 1 Mid Devon Playing Pitch Strategy Main Strategy Document September 2021 be amended as follows in relation to:

At paragraph 5.5 Cullompton Sub Area be amended - the third bullet in the table to read:

- The club has the freehold and therefore secured use of the stand and adult pitch on the current site but the other adult pitch and 5 junior pitches it uses are rented privately and may be subject to development proposals in the future. The club has been looking for an alternative site within the area with long term security and which can accommodate enough pitches and appropriate ancillary facilities to cater for growth for some time.

Amend paragraph 5.10 to read:

5.10 The current proposals for Pedlarspool are for four adult pitches plus a training area, with the club exploring the possibility of one of these pitches being 3G FTP. The club will retain the floodlit adult pitch at Creedy Bridge, making five adult pitches and a training area in total. Critically one of the new pitches would be floodlit, crucial to addressing the severe midweek overplay of the current supply.

Amend paragraph 5.11 to read:

5.11 The drainage and pitch maintenance for the proposed pitches at Pedlarspool should be carefully considered to ensure these pitches can accommodate expected growth in the numbers of teams over the life of the strategy.

The consultant had also requested that Appendix 1 Mid Devon Playing Pitch Strategy Site Action Plans September 2021 also be amended for consistency, as follows in relation to the provision of pitches for the Crediton Rugby Club:

Amend the Table D Draft Action Plans – Crediton Sub Area at site reference MDCR.91 by replacing the text in the sixth column, second and third bullets with same text for the amended paragraphs 5.10 and 5.11.

The Forward Planning Team Leader then provided responses to the questions raised in public question time:

- He and the consultant had met the Heads of 4 of the main schools in Mid Devon via video call in February/March of this year, several of those meetings had been with the heads of the PE departments. Those conversations had informed many of the findings in the strategy and those findings had also been considered by the Steering Group. The consultant had been very pleased with the cooperation of all the schools with regard to this work.
- With regard to the 3G football turf pitch provision – the Playing Pitch Strategy did include recommendations for provision in the three main towns and he

confirmed that the 3G football turf pitches were needed and that the recommendations did highlight locations for these and that this would be picked up by the Delivery Group.

- With regard to funding for sports provision, the Council's current Infrastructure Funding Statement identifies Tiverton High School as a priority in the list of infrastructure items needed. The Infrastructure Funding Statement was currently being reviewed and would be presented to the Cabinet later in the year.

Consideration was given to:

- The efforts being made by Tiverton High School, Devon County Council and the MP to progress the relocation of the High School
- Whether there was to be a strategy for swimming and internal sports facilities
- Whether Uffculme School had been consulted as part of the work undertaken
- The consultation process and how this would be advertised using various platforms and how the schools would be engaged

RESOLVED that the content and recommendations within the Mid Devon Playing Pitch Strategy be noted including the amendments at paragraphs 5.5, 5.10, 5.11 and MDCR.91 and that the document be approved for public consultation. Also that officers investigate the need for a built sport facilities study and the merits for a Sports Supplementary Planning Document.

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

Reason for the decision – to allow for a further consultation process to take place.

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

76. **HACKNEY CARRIAGE TARIFF (00-48-00)**

The Cabinet had before it a * report of the Corporate Manager for Public Health, Regulation and Housing putting forward a proposal to increase the maximum table of fares that may be charged to users of Hackney Carriages in Mid Devon.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that: under the Local Government (Miscellaneous Provisions) Act 1976, district councils were able to set the fares that Hackney Carriage vehicles could charge the public for journeys in their area. The Council did not set the fares for Private Hire Vehicles. In setting the fares for taxis, what the Council was trying to do was to strike a balance between the public interest and the interests of the drivers.

He informed the meeting that most issues relating to the licensing of the hackney carriage and private hire trade were matters for the Regulatory Committee to consider. However, in this particular case, the adoption of a Hackney Carriage Tariff was a Cabinet function.

He stated that as set out in the report, Mid Devon previously reviewed the taxi fares in 2010 and the current tariff was attached to the report as Annex 1. Section 3 of the report compared the current Mid Devon tariff with neighbouring authorities and that this was specifically based on a 2 mile journey at tariff 1. This highlighted that Mid

Devon was now the lowest charge regionally. Additionally, Table 1 also showed that the current tariff placed the authority 242nd nationally, out of 362 authorities. Section 4 of the report gave details of the discussions that the Licensing Team had with the trade and the proposals put forward. He then set out the detail of the consultation that had taken place with the trade as highlighted within the report

He asked that the Cabinet agree a tariff for adoption and direct the Licensing Team to carry out all required work to adopt it. As part of the process, the Council needed to advertise the proposed tariff and at that point, any party could make objections against it. If there were any objections, then the matter would be referred back to Cabinet to consider.

He then made the following recommendations for consideration:

- That Proposal A be adopted
- That Tariff 2 starts at 19:00 hours
- That the luggage charge stay as it is (at £0.20)
- That the fouling charge be increased to £100

Consideration was given to:

- Proposal A and the need to consider the times within tariff 2 and 3. It was felt that the daytime tariff was used by the public for necessary daytime trips whereas the later tariff would be used mostly for leisure activities
- Whether 11pm was a suitable time for the tariffs to start or whether 9pm was more suitable
- How the consultation process would be advertised
- The length of time between reviews and that 10 years was rather a long time and whether a five year review would be more appropriate

RESOLVED that:

- a) Proposal A be adopted (as set out in Appendix 1 of the report) subject to an amendment to Tariff 2 so as to read that 'Journeys begun between 9.00pm and 7.00am - all day Sunday and Bank Holidays'; and an amendment to Tariff 3 so as to read that 'Journeys begun between 9.00pm and midnight on Christmas Eve and New Year's Eve; all day Christmas Day, Boxing Day and New Year's Day';
- b) The luggage charge stay as it is at £0.20;
- c) The fouling charge be increased to £100;
- d) Hackney Carriage tariffs be reviewed every 5 years.

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

Reason for the decision – there is a need to set the table of fares that may be charged to users of Hackney Carriages in Mid Devon.

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

77. **FINANCIAL MONITORING (1-00-00)**

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

The Deputy Chief Executive outlined the contents of the report stating that Council Tax, Business Rates and rent income were above budget. Most of the other budgets were static however leisure and car parking were showing a reduction of income. He had been notified that there would be a 3 year funding settlement but that this would not include Business Rates or the New Homes Bonus. The outcome of the Levelling Up Fund (possibly December) and the Community Renewal Fund bids were still awaited.

Consideration was given to:

- Cabinet would receive the Medium Term Financial Plan in October and that the budget rounds would begin in November
- The impact of the delay on the outcome of the Levelling Up Fund bid on the delivery dates of the Housing Infrastructure Fund for the Cullompton Relief Road

Note: *Briefing paper previously circulated, copy attached to minutes.

78. **PERFORMANCE AND RISK (1-17-39)**

The Cabinet had before it and **NOTED** 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.

Consideration was given to:

- Missed refuse collections and new drivers being provided with a route map
- The fuel crisis and whether this had been considered as a risk – the meeting was informed that any fuel crisis was acknowledged within the Business Continuity Plans
- The percentage rates of missed collections and whether the actual numbers were available – the meeting was informed that percentage rates were used as part of industry standards and also it allowed benchmarking against other authorities.
- The lack of data for the South West Mutual Bank – this work had been delayed but quarterly updates would be available
- Missed waste collections and if reported the issue would be addressed on the same day if possible
- Replacement recycling boxes and how such replacements could be requested

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

79. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (1-34-35)**

The Cabinet Member for Continuous Improvement informed the meeting that:

30 cases were being worked on, 6 of which had now been closed and 18 had been actioned and were being monitored, the remaining cases were with the directors for further action.

She added that overall 40 cases had now been closed, those cases had included planning applications, enforcement cases, waste issues, parking, environmental health issues and empty properties.

80. **NOTIFICATION OF KEY DECISIONS (1-37-53)**

The Cabinet had before it and **NOTED** it's *rolling plan for October/November 2021 containing future key decisions.

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

(The meeting ended at 11.40 am)

CHAIRMAN