

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 30 November 2021 at 10.00 am

Present Councillors

R J Chesterton, Mrs C P Daw, R Evans, (in the Chair) D J Knowles, B A Moore, C R Slade and Mrs N Woollatt

Councillor(s) R M Deed was present via Zoom (the Deputy Leader in the Chair)

**Also Present
Councillor(s)** G Barnell, L J Cruwys, R J Dolley, B Holdman, B G J Warren and A Wilce

**Also Present
Officer(s):** Andrew Jarrett (Deputy Chief Executive (S151)), Jill May (Director of Business Improvement and Operations), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Darren Beer (Operations Manager for Street Scene), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Philip Langdon (Solicitor), Matthew Page (Corporate Manager for People, Governance and Waste), Tristan Peat (Forward Planning Team Leader), Deborah Sharpley (Solicitor), Paul Brockway (Culm Garden Village Project Manager), Sylvia Holme (Executive Assistant) and Sally Gabriel (Member Services Manager)

**Also in
Attendance:** Nick Sanderson (Managing Director 3 Rivers Developments Limited)

93. **APOLOGIES (00-02-35)**

There were no apologies for absence.

94. **PUBLIC QUESTION TIME (00-02-46)**

Andrea Glover referring to Item 18 on the agenda (Forward Plan) stated that after speaking to some of the wider Gypsy and Travelling Community and lorry drivers, they feel not a lot speak to them on the needs of the areas, not just locally but surrounding areas and across the country.

With a housing crisis on our hands and lack of social housing/the new bill to stop people parking/staying on the side of the roads it is becoming increasingly hard for family to come and visit, we have a need for transit sites and lorry parks so people can travel freely without the fear of prosecution as they travel between areas. We seem to lack in parking for Travellers and Lorry Drivers that could be added into local plans in areas across the region.

They speak of no public engagement like when they used to have, when Glen Crocker used to work for MDDC 15 years ago who used to actively engage with all. I think they are right, they do not get any engagement or public consultation in plans such as the Tiverton master plan of the culm garden village and many other areas.

They/I very much don't feel they are included in Devon within most local plans, but have children that need their own pitches and others who are coming up to need one. Would Mid Devon act and speak to more on addressing some of the issues and linking up some of the needs for traveller's gypsy's and lorry Drivers.

They feel that Mid Devon District Council are not speaking to them about the local community needs with regards to planning needed within their areas, the future or transit areas. With the only officer at DCC being Sabrina Thomas who actively tries to help travellers. I think it would be a good step forward to ask Sabrina to set up a meeting so we can actively address the needs of the travelling community.

The Chairman read a statement on behalf of Mr Quinn referring to item 19 (3 Rivers Developments Ltd – Business Plan)

Within paragraph 2.5 of the 3 Rivers Development Ltd Business Plan, there is a table setting out the “Financial transactions between 3 Rivers and Mid Devon District Council”. Some of the figures in the table differ from the amounts given to Elected Members on previous occasions. These differences cast doubt on the reliability of the accounting of the financial transactions between 3Rivers and Mid Devon DC. I am concerned.

So my question is:

Is Cabinet satisfied that all the financial transactions between 3 Rivers and Mid Devon DC are being properly recorded and reported?

The Chairman indicated that answers to questions would be provided when the matter was discussed.

95. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-47)

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

96. MINUTES OF THE PREVIOUS MEETING (00-07-03)

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

97. AIR QUALITY ACTION PLAN (00-07-40)

Following a report of the Corporate Manager for Public Health, Regulation and Housing, the Community Policy Development Group had made the following recommendations:

1. That the updated Air Quality Actions Plan attached in Annex 1 be adopted;
2. That the details and timelines for the adoption of the updated Air Quality Supplementary Planning Document via the Planning Policy Development Group as set out in section 5.3 of the report be **NOTED**

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the action plan provides actions that the Council would deliver between 2021-25 to reduce concentrations of air pollutants and exposure to air pollution, thereby positively impacting on the health and quality of life of residents and visitors to Mid Devon. He outlined the legal requirements to produce actions plans where an authority had designated one or more Air Quality Management Areas. He requested that the Cabinet consider an amendment to annex 1 to the report, table 10 of the action plan, measure 15 to read

Under measure – Kings Mill Industrial site traffic management Cullompton Junction 28 and Cullompton town centre

Under Key Performance Indicator – Improved traffic flows to/from industrial site through Junction 28 and across Cullompton town centre.

Progress to date - Local Plan submission proposes a number of solutions alongside traffic/parking enforcement.

Comments – The new Local Plan proposed upgrades to the existing road network to support growth of industrial estate and reduce congestion. As the site will increase in size, thus increasing volumes trying to leave/enter the M5, a range of initiatives are proposed to deal with the problem. This will work in parallel with anti-idling and parking enforcement across the town centre.

Consideration was given to:

- Examples of queues from Culm Lea to J28 and the need to incorporate the town centre within measure 15
- When the Planning Policy Advisory Group would consider the supplementary planning guidance
- Issues of dust emission
- Reporting to Defra and the need to evidence any issues
- The need for enforcement in Cullompton town centre and now that the measure was within the action plan then Devon County Council would have to consider this.
- The level of resources available to improve the air quality in Mid Devon and that S106 contributions could be used.

RESOLVED that the recommendation of the Policy Development group be approved, subject to the amendments to Measure number 15 as outlined above.

(Proposed by Cllr D J Knowles and seconded by Cllr Mrs N Woollatt)

Reason for the decision: The adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Areas) is a statutory requirement.

Note: *Report previously circulated and attached to the minutes

98. **RECOMMENDATIONS FROM SCRUTINY COMMITTEE (PLANNING ENFORCEMENT WORKING GROUP) (00-25-37)**

The Cabinet had before it the recommendations from the Scrutiny Committee following receipt of the *report of the Planning Enforcement Working Group and a table reviewing those recommendations.

The Chairman invited the Chairman of the Scrutiny Committee to address the meeting. He reported that the report has been informed by open and honest input from officers and it was pleasing to see that some of the recommendations had already been actioned. He voiced concern with regard to the interpretation of recommendation (4) – the working group had requested that tablets with mobile phone connections be linked to MDDC systems, however officers had been issued with iPads suitable to undertake onsite work – he hoped that the Cabinet would support the recommendation and action it as intended.

It was explained that iPads had been distributed to the enforcement and planning officers which were tethered to their mobile phones but that phone signals were poor in many areas of the district and that these items of equipment did not feed into the UNIFORM system.

The Cabinet Member for Planning and Economic Regeneration stated that in his opinion recommendations (4) and (9) had been completed; recommendation 8 (a review of the policy) had been completed and that recommendation 2 was being actioned.

It was agreed that improvement had been made to the enforcement issues. With regard to recommendation (6), it was felt that the work of the Cabinet Member for Continuous Improvement overcame the issues raised with regard to the formation of a sub group to monitor enforcement cases.

Consideration was given to:

- The financial/budgetary issues within the recommendations and it was suggested that the Scrutiny Committee could consider this as part of the budget papers that would be presented to members
- Although the Enforcement Policy had been reviewed in line with the recommendation, it would be re-written in time to consider enforcement across all services of the authority
- A view that members should have insight into the monitoring of enforcement activity
- The current recruitment process that was taking place
- The monitoring of conditions that was taking place and the process that was being followed

- The Scrutiny Committee had scheduled a review date to consider whether the actions suggested had been followed through

It was **AGREED** that the recommendations of the Scrutiny Committee be **NOTED** and that the activity log be moved forward where possible.

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

99. **PUBLIC SPACE PROTECTION ORDER - DOGS (00-59-48)**

The Cabinet had before it a *report of the Operations Manager for Street Scene and Open Spaces considering whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021.

The Chairman indicated that approval was required for further consultation and consideration of responses would be required before the Order is made, to add two locations to the list of areas in the PSPO where dogs are only allowed on leads, add one location to the list of areas in the PSPO where dogs are excluded; and correct a plan within the existing PSPO which shows the wrong area of land.

The Cabinet Member for the Environment and Climate Change stated that there were a small number of omissions that required rectifying.

RESOLVED that:

1. On being satisfied that the statutory grounds for varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 are met as detailed in the Report, it was agreed to commence public consultation on the proposed variation order (Appendix A) which will:
 - (a) designate the Locations in Hemyock, as shown on the plans attached to this report at Appendix B and Appendix C, as areas where dogs are only allowed if on leads,
 - (b) designate the Location in Kentisbeare, as shown on the plan attached to this report at Appendix D, as an area where dogs are excluded, and
 - (c) amend Plan 82 of the PSPO to show the play area at Siskin Chase, Cullompton.
2. In the event that there are no material objections to the variation order as determined by the Operations Manager for Street Scene and Open Spaces in consultation with the Cabinet Member for the Environment and Climate Change to grant delegated authority to the Operations Manager for Legal and Monitoring to make the Variation Order (subject to any minor variations as he/she considers appropriate).
3. In the event that the above delegation is not exercised, the matter be reported back to Cabinet for consideration.

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

Reason for the decision – there is a need for the variation to the PSPO to be consulted upon and if approved form part of the original PSPO.

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

100. **STAFF RECOGNITION AND WELLBEING APPRECIATION (1-02-38)**

The Cabinet had before it a *report of the Chief Executive considering how best to address the current workforce issues and recognise the work done by all staff throughout the pandemic and to show the council's appreciation for their efforts.

The Cabinet Member for Working Environment and Support Services outlined the contents of the report thanking all members who had recognised the work of officers during the pandemic, those who had worked behind the scenes, and those who had provided food and emergency welfare and responded to the civil emergency. Although challenges were slightly different there was still the same level of pressure with regard to resources. It was felt that this work needed to be recognised. She felt that the recommendation within the report required clarification and therefore put forward the following wording with regard to (1) to read that:

1. That Cabinet recommends to Council that the efforts of all council staff are publicly recognised:
 - with a statement of appreciation recognising the extraordinary efforts and lengths they have gone to over the past 20 months;
 - the addition of a 'wellbeing' day (per fte) to their leave allowance; and
 - a one-off, non-pensionable award of £250 (per fte) in January's pay

Consideration was given to:

- The percentage of staff turnover and the issues with retention of staff – it was felt that retention of staff was a national problem for local government at this time
- Whether Members should receive a briefing on staffing issues
- The need to acknowledge the work of the staff
- Regular six monthly updates on workforce matters received by the Scrutiny Committee

RECOMMENDED to Council that:

1. The efforts of all council staff are publicly recognised:
 - with a statement of appreciation recognising the extraordinary efforts and lengths they have gone to over the past 20 months;
 - the addition of a 'wellbeing' day (per fte) to their leave allowance; and
 - a one-off, non-pensionable award of £250 (per fte) in January's pay
2. The measures set out within the report being taken to address current workforce issues be approved.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr Mrs C P Daw)

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

101. **PHASE 3 PUBLIC SECTOR DECARBONISATION BID AND DELEGATION OF AUTHORITY (1-20-36)**

The Cabinet had before it a *report of the Corporate Manager for Property, Leisure and Climate Change outlining the latest opportunity presented by the Public Sector Decarbonisation Scheme and the Council's ambition to seek substantial funding from Phase 3 of the scheme.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the Council was successful in obtaining £348,821 under Phase 2 of the same scheme. Approval was being sought now, subject to a successful bid, to receive and expend circa £3m funding from Salix Finance, a Non-Departmental Public Body. This project would undertake low carbon retrofit projects on Exe Valley and Lords Meadow Leisure Centres. Grant Funding Awards would be announced during January 2022, with a delivery timeframe of 12 months.

Consideration was given to:

- The benefits of a successful scheme
- Utilising carport framework within the council owned car parks to house additional solar panels

RECOMMENDED to Council that:

- (i) The Deputy Chief Executive (S151) in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to take all necessary actions to accept the £3,079,032 Public Sector Decarbonisation Scheme (Phase 3) 2021, including any contract variations on the existing Energy Saving Performance Contract and approval of any necessary design changes.
- (ii) The Deputy Chief Executive (S151) in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services be given delegated authority to award the necessary contract(s) for the delivery of the works for the Public Sector Decarbonisation Scheme (Phase 3) 2021 up to the value of £3m.
- (iii) To approve the financial contribution required to meet the conditions of the grant of £276,602 as set out in para 5.5, reducing the grant to £2,802,430.

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

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

102. **DISPOSAL OF CREDITON TOWN SQUARE (1-25-45)**

The Cabinet had before it a *report of the Corporate Manager for Property, Leisure and Climate Change seeking approval for the lease of the Town Square Crediton to Crediton Town Council.

The Cabinet Member for Housing and Property Services outlined the contents of the report.

RESOLVED that the lease of the Town Square, Crediton to Crediton Town Council be approved.

(Proposed by the Chairman)

Reason for the decision – there is a need for formal approval to lease the Town Square, Crediton to the Town Council.

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

103. **INFRASTRUCTURE FUNDING STATEMENT - INFRASTRUCTURE LIST (1-26-45)**

The Cabinet had before it a *report of the Director of Place requesting approval of the list of Infrastructure items, including affordable housing to be included in the Council's Infrastructure Funding Statement, which was required to be published on the Council's website by 31 December 2021.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a legal requirement for the Council to publish no later than 31st December each year an annual Infrastructure Funding Statement.

This comprised of a statement of the infrastructure projects or types of infrastructure which the charging authority intended will be, or may be, wholly or partly funded by CIL and this was known as the "infrastructure list". The statement also included a report about CIL in relation to the previous financial year, and a Section 106 Report related to the previous financial year on planning obligations.

He explained that Mid Devon District Council was not a CIL charging authority and reminded the Cabinet of the Council's decision on 21st January 2021 to withdraw the Mid Devon Community Infrastructure Levy draft Charging Schedule from its examination and that a CIL was no longer progressed.

The Section 106 Report was a factual statement relating to the previous financial year on planning obligations. This was currently being prepared and Members would be notified when this had been completed, before it was published on the Council's website by the 31st December.

In line with the approach taken previously in 2020 the Council may still consider it useful, as well as transparent, for it to publish a list of the infrastructure to be funded wholly or partly by S106 contributions over the forthcoming year.

He outlined the contents of appendix 1 which included an infrastructure list and affordable housing and the detail of how the infrastructure items were listed and stated that the New Local Plan for Mid Devon would provide an opportunity to review the infrastructure needed to support new development where this is planned across the district.

Questions were raised with regard to why the Boniface trail was listed as local and was not a strategic issue – the criteria was explained and how this fed into the Local Plan.

RESOLVED that the following be approved:

1. The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and the future spending priorities on these
2. The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31st December 2021

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

Reason for the decision – there is a legal requirement that the list of infrastructure funding statement be published no later than 31 December each year.

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

104. **CULLOMPTON TOWN CENTRE RELIEF ROAD (CTCRR) PROJECT (1-34-04)**

The Cabinet had before it a * report of the Director of Place provided in relation to the LUF (Levelling-up Fund) application and requesting approval of the recommendations in order to allow officers to continue to examine potential opportunities to secure the additional funding required to support the delivery of the Cullompton town centre relief road.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the council had been informed that it had not been successful in securing the Levelling Up funding to support the Cullompton town centre relief road project, the reasons for this at the current time were unknown, but a meeting with the Ministry had been requested; it was hoped that this would allow officers to understand any technical aspects in the bid which had resulted in the application being unsuccessful. With regard to the Housing Infrastructure Fund (HIF) grant, he reported that some of this funding had already been utilised in progressing the scheme and unless the scheme was completed the Council was at risk of claw back of this funding.

Consideration was given to:

- Whether the HIF granted could be renegotiated
- The proposed meeting with the Ministry
- The increase in costs of the scheme
- Other possible sources of funding and discussions taking place with Devon County Council, Homes England and the Ministry for Levelling Up
- Discussions taking place with the MP

It was **NOTED** that the Council has been advised that, at this time, it has not been successful in securing funding through the Levelling-Up Fund in order to enable the delivery of the Cullompton town centre relief road.

RESOLVED that:

That, in light of the above and reflecting the Cabinet decision of the 3rd August 2021, approval is given for officers to;

- a) work to explore other funding opportunities which could deliver the additional funding required to enable the delivery of the Cullompton town centre relief road, and;
- b) bring a further report before Cabinet as soon as possible in order to update members on the progress of discussions and the options available to the Council in relation to the delivery of the relief road project.

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

Reason for the decision – there is a need to explore further funding opportunities.

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

105. **DEVON PROCUREMENT PARTNERSHIP (1-47-26)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) seeking approval to enter into a long term partnership with Devon County Council to provide procurement advice and support to the Council.

The Cabinet Member for Finance outlined the contents of the report stating that since April, the council had been without a Procurement Manager. Attempts to recruit had failed to attract sufficient interest from quality candidates. Therefore, the Council had been utilising support from Devon County Council. The report therefore sought Cabinet approval to take the pragmatic step and make that support arrangement more formal through to March 2027, taking advantage of the economies of scale and reducing the risk of a single point of failure.

RESOLVED that: approval be given to enter into the long term procurement partnership with Devon County Council.

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

Reason for the decision: to approve the work of this partnership proposal

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

106. **MID YEAR - TREASURY MANAGEMENT UPDATE (1-48-58)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) informing the Cabinet of the treasury performance during the first six months of 2021/22, to agree the ongoing deposit strategy for the remainder of 2021/22 and a review of compliance with Treasury and Prudential Limits for 2021/22.

The Cabinet Member for Finance outlined the contents of the report stating that the Mid-Year Treasury Management Report provided a performance update on the first half of 2021/22. Overall, it showed a relatively positive situation. The interest that had been earned was above budget despite historic low interest rates. Furthermore, no additional borrowing had been required due to current positive cash balances and lower than expected capital expenditure.

Cabinet was being asked to recommend to Council that this authority continued with the current treasury policy at Section 6 on the basis that it was evidently working well and that no major change was forecast in the next 6 months. Cabinet was also being requested to recommend to Council that the Capital Financing Requirement set out at Section 5 and the Operational Boundaries and Authorised Limits set out in Section 7 for the current year be updated to reflect current forecasts. He also made a correction to the paragraphs mentioned in the recommendation in the report.

Consideration was given to the statement that no short term borrowing had taken place and whether this included borrowing from cash reserves – it was explained that no external short term funding had taken place.

RECOMMENDED to Council that:

1. A continuation of the current policy outlined at paragraphs 7.1 - 7.5 be agreed.
2. Council approves the changes to the Capital Financing Requirement, Operational Boundaries and Authorised Limits for the current year at paragraphs 5.4 - 5.6.

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

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

107. **FINANCIAL MONITORING (1-53-23)**

The Cabinet had before it 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 that this presented the second Budget Monitoring for the year 2021 / 22 covering the period to end September 2021. The projected Outturn position for the General Fund was forecast to be £234k overspent. Income continued to be behind budget, notably in leisure and car parking, although service income on planning and waste service had exceeded expectations. On the cost front, staffing expenditure was down, reflecting difficulty in filling vacancies but savings were more than offset by higher agency costs within waste and planning service improvements. The predicted pay award uplift was now recognised in the figures. The forecast overspend remained manageable ultimately to achieve a balanced outcome but continued to be monitored closely.

He explained that in other areas the HRA was forecast to be £39k underspent, the projected Capital Programme outturn position was for an under spend of £2.13m and £22.6m slippage of costs into future years. This was primarily due to a reduction in deliverable development schemes as well as lending to 3RDL, now moved into later years.

In addition to the financial figures, Cabinet was also being asked to note the use of waivers for the procurement of goods and services as set out in Section 8 of the report and to note the feedback from the PDG review of the Medium Term Financial Plan.

Consideration was given to:

- The need to fund net zero issues and funding sources that could be made available
- The underspend on staff and the over spend on agency workers
- The need to continue to find savings and for all Members to take part in this exercise.

It was **AGREED** that following be **NOTED**:

1. The financial monitoring information for the income and expenditure for the six months to 30 September 2021 and the projected outturn position;
2. The use of Waivers for the Procurement of goods and services as included in Section 8;
3. The feedback and outcomes from the Policy Development Groups in respect of the Medium Term Financial Plan (MTFP) options (Section 9).

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

108. **PERFORMANCE AND RISK (2-07-17)**

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

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

109. **SCHEDULE OF MEETINGS FOR 2022/23 (2-08-39)**

The Cabinet had before it the *Schedule of Meetings for 2022/23.

Consideration was given to the tightness of meetings in January/February 2023 and the need to hold the Council meeting on the last Wednesday of February to consider the Council Tax Resolution and the budget.

| **RECOMMENDED** to Council that the Schedule of Meetings for 2022/23 be approved.

(Proposed by the Chairman)

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

110. **NOTIFICATION OF KEY DECISIONS (2-12-04)**

The Cabinet had before it and **NOTED** its *rolling plan for January 2021 containing future Key Decisions.

The Forward Planning Team Leader provided a response to the question asked in public question time: stating that he was concerned that the members of the travelling community felt their views were not being heard by the Council and that he could be contacted about this. The current Local Plan included provision for at least 25 pitches for Gypsies and Travellers as part of planned urban extensions at Tiverton, Cullompton and Crediton. It also included scope for planning proposals for gypsy and traveller accommodation elsewhere on sites that had not been identified in the Local Plan. The Council maintains a waiting list via its website for Gypsies and

Travellers to express a need for pitch in Mid Devon. This can be used to help the Council better understand housing need and to work with the development industry and partners to allocate pitches once these become available through new development. The Council's approved the Housing Strategy also included the delivery of new pitches as one of its housing objectives.

The Council had started to prepare a new Local Plan for Mid Devon. Subject to approval from the Council's Cabinet meeting on 4th January 2022 an Issues Paper would be published for public consultation, and this would provide an early opportunity for Mid Devon's residents, including Gypsies and Travellers to have their say on how the district should be planned for in the future. The new Local Plan would be subject to several further key stages of public engagement before being subject to an independent examination. Once adopted (anticipated in mid-2025) the new Local Plan would replace the current Mid Devon Local Plan 2013 – 2033. The new Local Plan would be informed by technical evidence, which would include the new Gypsy and Traveller Accommodation Assessment and it would need to make provision for the housing needs of the Gypsy and Traveller community. The Council would also consult with the travelling community through the Mid Devon Gypsy and Traveller Forum and a meeting for this would be arranged as part of the Issues Paper consultation.

The 2015 Gypsy and Traveller Accommodation Needs Assessment had indicated that there was a need for 4-5 transit sites/emergency stopping places in Devon. It was indicated that if those were provided before the need for residential pitches were met, there was a risk that they could end up being used as permanent residential sites. The Council would work with adjoining local authorities and Devon County Council as the local transport authority to explore what opportunities may exist on suitable land to provide stopping places for travellers and for parking lorries.

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

111. **3 RIVERS DEVELOPMENT LTD BUSINESS PLAN (2-30-00)**

The Cabinet had before it a *report with regard to the 3 Rivers Developments Limited Business Plan.

The Deputy Chief Executive (S151) provided a response to the question asked in public question time: the table that Mr Quinn refers to shows a summary of the inter related transactions between 3Rivers and the Council which was presented to the Audit and Scrutiny Committees at meetings in November, which unfortunately did contain some numeric typos.

The table shown in the agenda before members today (item 19) has amended these errors, however and unfortunately it is clear to see that one digit has been omitted from the column showing the 2017/18 - 2018/19 figures – it should read 271.0 not 71.0. The summary totals shown in the far right column are correct. As far as the accuracy of all of the financial transactions between the 2 entities – this is subject to full external audit by Grant Thornton. So I believe that the public should have no concerns.

The Cabinet Member for Housing and Property Services outlined the contents of the initial report stating that this was the first full business plan following recommendations made by the previous Cabinet and informed the meeting of the 33 recommendations that had come from a review of the company.

He outlined the comments made by the Scrutiny and Audit Committees as follows:

Scrutiny Committee – 8 November 2021

Members had raised questions with regard to the availability of certain sites for development, the need for the report on the possible creation of a Teckal company to be considered and noted that the financial risk of the company would be considered by the Audit Committee

Audit Committee – 16 November 2021

Having considered the Business Plan, the Committee made the following recommendations to the Cabinet:

- a. That the language used within the Business Plan be written in such a way as to be as understandable as possible and that all acronyms used to be explained by way of a Glossary of Terms;
- b. That an external audit firm be appointed by the company to audit the company's financial statements;
- c. That the Cabinet continue to closely monitor the progress of the company's Business Plan reporting any areas of concern, particularly relating to lending, back to Council.

Referring to the recommendations set out above he stated the business plan outlined the sites that were being considered and that a report with regard to the possible creation of a Teckal company would be brought before Cabinet in January. With regard to the comments of the Audit Committee, he informed the meeting that a glossary of terms would be provided in the future; the company were progressing an external audit function and that he and the Cabinet Member for Finance would continue to monitor the work of the company and provide an update to the Cabinet on a regular basis.

Consideration was given to the table at 2.5 within the report and the corrections as explained above also that the 'Actuals' were for the 7 months in the current financial year.

The Chairman indicated that discussion with regard to this item, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

RESOLVED that 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)

(Proposed by the Chairman)

Having considered the business plan, the Cabinet returned to open session and:

RESOLVED that the 3 Rivers Development Ltd Business Plan be endorsed and the inclusion of the associated borrowing requirement of £19.66m shown for 2022/23 in the Council's General Fund, Capital Programme and Treasury Strategy budgets be approved. Also that the total gross funding envelope included for 2023/24 to 2026/27 of £51.95m be **NOTED**

(Proposed by the Chairman)

Notes: *Report previously circulated.

(The meeting ended at 1.20 pm)

CHAIRMAN