

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 4 January 2022 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)

G Barnell, 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)), Karen Trickey (District Solicitor and Monitoring Officer), Richard Marsh (Director of Place), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Paul Deal (Corporate Manager for Finance), John Bodley-Scott (Economic Development Team Leader), Fiona Wilkinson (Operations Manager for Revenues Benefits & Recovery), Tristan Peat (Forward Planning Team Leader), Arron Beecham (Principal Housing Enabling & Forward Planning Officer), Isabel Cordwell (Forward Planning Officer), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Poie Li (Forward Planning Officer), Mojca Sonjak (Forward Planning Assistant), Greg Venn (Conservation Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

112. APOLOGIES (00-03-18)

There were no apologies for absence.

113. PUBLIC QUESTION TIME (00-03-23)

Mr Elstone referring to Item 15 (Modular Build Schemes) on the agenda asked:

1. Have MDDC Officers conducted their own and a comprehensive due diligence check on ZED PODS LTD or have they been solely reliant on South West Procurement Alliance (SWPA) to do so.
2. Why are MDDC Officers not being open and transparent about the Zed Pods contract cost? This when other Councils issuing contracts to Zed Pods have been.

Namely Bristol City – Contract Value £1,409,212 for 11 modular units and Bromley Council Contract Value £3,583,000 for 25 modular units have.

The Chairman then read questions from Hannah Kearns referring to Item 8 (Local Plan) and Item 15 (Modular Build Schemes):

What is the purpose of developing these plans, if commercially aggressive housing developers are able to totally overturn them without, what would appear to be, much resistance from Planning Officers?

This MDDC Planning Officer was clearly unhappy about the housing developers plans to turn the intended garden village into nothing other than a tightly packed housing estate, a blot on the landscape, a carbuncle.

What, if anything, will the MDDC Director of Place, and the Cabinet Member for Planning, be prepared to do to investigate why this has been allowed to happen with a view to implementing urgent remedial actions prior to the relevant Planning Application returning to Committee on the 19th January 2022?

With regard to the Modular Homes Item - she referred to page 442 of the Cabinet papers which stated that *"Each site comprises redundant garaging. All of which is in the ownership of the Councils HRA Fund"* concerning the garages at both St Andrews Estate, Cullompton and Shapland Place, Tiverton asking in response to her view that whether the relevant Member could respond to her view that "Given the actual status of the garages as listed above, the statement appears to be seriously misleading at best, and at worst one which throws the integrity of the whole process into question. It certainly does seem to indicate the possibility that the MDDC Officers, and others, are effectively predetermining the relevant Planning Applications.

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

114. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-13-56)

Members made the following declarations:

Councillor	Item	Interest
Mrs N Woollatt	10 - Cullompton Conservation Area Management Plan	Personal interest as she lived in the Conservation Area and was a member of the Leat Conservancy Board
D J Knowles	7 – Strategic Grants	Personal interest as a member of the Museum and Involve.
C R Slade	7 - Strategic Grants	Personal interest as a Member of the Grand

		Western Canal Joint Advisory Committee and Involve.
B A Moore	7 – Strategic Grants	Personal interest as the Mid Devon representative on Involve

115. MINUTES OF THE PREVIOUS MEETING (00-15-34)

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

116. CUSTOMER CARE POLICY (00-16-07)

Following a report of the Corporate Manager for Digital Transformation and Customer Engagement, the Community Policy Development Group was recommending to Cabinet that the revised Customer Care Policy and Standards be approved.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that this was a periodic review with no significant changes and that the Customer Care Standards had been presented as a separate document.

Consideration was given to the fact that customers approach Members and whether training for Members would be provided. The Cabinet Member highlighted a recent survey sent to Members which requested information with regard to member training.

RESOLVED that the revised Customer Care Policy and Standards Policy be approved.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr C R Slade)

Reason for the decision – There is a need to adopt a customer care standard.

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

117. COMPLAINTS POLICY (00-19-10)

The Cabinet had before it a *report of the Corporate Manager for Digital Transformation and Customer Engagement, requesting approval of the Complaints and Feedback Policy.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the policy has been updated to reflect structural changes and additional guidance.

RESOLVED that the content of the reviewed Complaints and Feedback Policy be approved

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

Reason for the decision – There is a need to have such a policy in place to deal with any issues that arise.

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

118. **STRATEGIC GRANTS AND SERVICE LEVEL AGREEMENT (00-20-25)**

Following a report of the Director of Place, the Community Policy Development Group was recommending to Cabinet that:

1. The total Strategic Grants budget to remain at £138,500 for a period of 2 years, and that individual awards to Strategic Partners to remain at the 2020-2021 levels for this period.
2. The level of grant awards to individual partners for 2022-23 and 2023-24 were therefore recommended as:

Organisation	Award 2021-2022 (£)	Award 2022-2023 (£)	Award 2023-2024 (£)
CHAT	12,500	12,500	12,500
Citizen's Advice	15,500	15,500	15,500
INVOLVE	12,000	12,000	12,000
Mid Devon Mobility	22,000	22,000	22,000
Grand Western Canal	45,000	45,000	45,000
Tiverton Museum	27,500	27,500	27,500
TIS	4,000	4,000	4,000
Total	£138,500	£138,500	£138,500

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the budget allocation for strategic grants for the 2021/22 financial year was £138,500 and that the funding available for the 2022/23 and subsequent years was dependant on the Council's budget setting process. The allocation of grants provided support to external agencies (as set out above) delivering services that advanced the Council's Homes, Community and Economic priorities.

He detailed the work of the working group that had considered the grants and the findings that had been reported.

Consideration was given to:

- The good news that levels of grant funding remained the same; and
- Whether capital grants should be considered
- In response to the latter point, the meeting was informed that the organisations usually linked into other funding streams for capital funding and that the grants provided by the Local Authority were for revenue expenditure.

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

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

Reason for the decision – There was a need to agree the grant funding prior to the approval of the budget for 2022/23

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

119. **NEW LOCAL PLAN – ISSUES CONSULTATION PAPER (00-33-10)**

The Cabinet had before it a *report of the Director of Place requesting approval of the Issues Paper for consultation.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report.

He outlined the work of the Planning Policy Advisory Group and the responses that would be invited to the questions included in the Issues paper. The Cabinet was required to approve the issues paper for public consultation together with supporting documents.

At this point he referred to questions posed in Public Question Time:

- Masterplans were developed for a variety of reasons – to guide development, to become formal planning policy, to guide strategic actions on behalf of an Authority or as a combination of these. As such, Masterplans were a valuable and useful tool for local authorities in supporting the progression of strategic development.
- In this case, a Masterplan was developed for the Tiverton EUE scheme and was subsequently adopted by the Local Authority. The document provided principles for development and was a guidance document – the detail of a scheme always developed over time as specific issues were debated and as the wider policy context develops. This has been the case with Tiverton EUE.
- Some elements of the Tiverton EUE scheme have already been constructed and others are now progressing through the planning system – including the Redrow scheme
- The Redrow scheme already benefits from an outline planning permission which establishes the principle of development and deals with key aspects relating to the scheme. The reserved matters application will come before the planning committee again on the 19 January and it will be for the committee to consider and determine the application in line with the relevant policy documents and considering the officer's recommendation, at that time, as is right and proper.
- The new Local Plan for Mid Devon will have regard to the current NPPF which introduces the use of design codes alongside design guides, and in relation to the National Design Guide and National Model Design Code. This will therefore allow us to have further consideration to design matters, moving forwards.

Consideration was given to:

- The period of consultation and whether this should be increased to a minimum of 8 weeks;
- Whether a bite sized document could be created for the parishes and the general public;
- Priority 5 – improving our health and well-being;
- Junction 27 and whether the statement within the document was accurate and discussions that were taking place with regard to this site;
- Whether the Local Plan policies were being followed by developers;
- General exception sites and how the NPPF was followed;
- The fact that the Local Authority was working in line with the current Local Plan; and
- The need for the consultation document to stimulate responses.

RESOLVED that:

1. The Plan Mid Devon Issues Paper (Appendix 1), its Sustainability Appraisal Scoping Report (Appendix 2) and Equalities Impact Assessment Screening Report (Appendix 3) be approved for public consultation for a minimum period of 8 weeks.
2. Delegated authority be given to the Director of Place (in consultation with the Cabinet Member for Planning and Economic Regeneration) to make such further minor changes to the Issue Paper as he considers appropriate prior to the consultation.

(Proposed by Cllr R J Chesterton and seconded by Cllr R B Evans)

Reason for the decision – the Council is required to review its Local Plan at least every 5 years.

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

120. **LOCAL DEVELOPMENT SCHEME (1-20-24)**

The Cabinet had before it a *report of the Director of Place updating the Local Development Scheme and providing an updated timetable for the production of a new Local Plan for Mid Devon.

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 prepare and maintain a Local Development Scheme for the district.

He explained that the Local Development Scheme was a project plan for the preparation of local development documents, in this case the preparation of a new Local Plan for Mid Devon. The current scheme was approved by the Cabinet in February 2021 at the same time as approval was given for officers to commence the preparation of a new Local Plan. Since those decisions, good progress had been made by officers, including the gathering of technical evidence and surveys, and also the completion of a draft Issues Paper for the new Local Plan.

He added that a number of changes were now needed to the scheme to bring it up to date and comply with legal requirements. He identified the changes to the scheme outlined in the report

RESOLVED that the revised Local Development Scheme be approved for the period from 12 January 2022.

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

Reason for the decision – an updated Local Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004

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

121. **THE CULLOMPTON CONSERVATION AREA MANAGEMENT PLAN (1-23-20)**

The Cabinet had before it a *report of the Director of Place with regard to the Amended Draft Cullompton Conservation Area Assessment and Management Plan (CAMP) and requesting a recommendation to Full Council for adoption.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the consultation period for the CAMP took place between June and August 2021; responses to the consultation was available within the appendices of the report and that overall, responses had been positive. The proposed changes to the CAMP were also outlined within the appendices with a draft management plan for approval by Council.

Consideration was given to:

- The interesting document that had been provided and that officers should be commended;
- The general principles which would fit into an action plan; and
- The impact on the Conservation Area of road traffic

RECOMMENDED to Council that: The draft Cullompton Conservation Area Assessment and Management Plan including proposed alterations to the extent of the Cullompton Conservation Area be approved.

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

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

122. **FORMATION OF A TECKAL COMPANY (1-29-43)**

The Cabinet had before it a * report of the Deputy Chief Executive (S151) considering the need to create a Teckal company.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that there was a need to take account of the development issues at this time, the White Paper from Government was awaited, the Right to Buy was being reconsidered and that the Local Government Association was requesting further

reconsideration of the issue. He highlighted the issues as set out within paragraph 3.3 of the report.

Consideration was given to the future stability of 3 Rivers Developments Limited and the need for a portfolio of development sites, the need to consider Right to Buy and whether the Council had the resource to sustain its own housing strategy

It was therefore:

Noted that at this point in time, there was no need to pursue the creation of a Teckal company to deliver the Council's objectives as per the issues and current landscape referred to in paragraph 3.3 of the report.

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

123. **TAX BASE CALCULATION (1-35-47)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that this was an annual calculation to determine the tax base forecast.

Consideration was given to long term empty properties and whether the tax increase mentioned was the maximum that could be considered – it was confirmed that this was the legislative maximum.

RECOMMENDED to Council:

1. That the calculation of the Council's Tax Base for 2022/23 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **29,811.41** an increase of circa 1,217 Band D equivalent properties from the previous financial year; The increase is in the main due to a greater percentage collection than forecast in the previous year, and a reduction in forecasted CTR burden.
2. That the current collection rate of 96% be increased to 97.5% detailed in paragraph 2.

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

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

124. **2022/23 BUDGET UPDATE REPORT (1-38-14)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) reviewing the revised draft budget changes identified and discussing further changes required in order for the Council to move towards a balanced budget for 2022/23.

The Cabinet Member for Finance outlined the contents of the report stating that the draft budget deficit for 2022/23 had increased to £1.427m and he outlined the main reasons for this as stated within the report. He outlined the Government settlement

that had been notified just prior to Christmas and that there was a need to consider options to reach a balanced budget position. Member engagement was required and he hoped that the Policy Development Groups would be able to consider the options and provide feedback.

Consideration was given to:

- The reduced income from investments, particularly due to slippage in 3 Rivers and the projects that had been delayed
- The Post Hill project would be funded via the Housing Revenue Account to provide in stages 70 units of affordable and social housing mix
- The complexity of void properties

Therefore, the updated budget proposals for 2022/23 for the General Fund, Capital Programme and Housing Revenue Account were noted and it was considered that the proposals should be circulated to the Policy Development Groups for further input prior to a final recommendation regarding 2022/23 budget being made to Cabinet and subsequently by Cabinet to Council.

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

125. **FINANCIAL MONITORING (1-50-59)**

The Deputy Chief Executive (S151) informed the meeting that the revenue position had improved by £200k with the receipt of the revenue from the sale of the Harlequin Valet in Cullompton. Some revenue streams were not bouncing back, that of leisure and car parks and that the income protection received for Local Government was no longer available. He also stated that the Council was now in receipt of a draft Government settlement.

126. **MODULAR BUILD SCHEMES, ST ANDREWS ESTATE, CULLOMPTON AND SHAPLAND PLACE, TIVERTON - PHASE 2 CONTRACTS (1-54-08)**

The Cabinet had before it a * report of the Corporate Manager for Public Health, Regulation and Housing explaining that following the pending completion of Phase 1 design and planning contracts for the construction of 14 Council properties, using a direct award framework, consideration is required for the Phase 2 construction and installation contract for each scheme.

The Cabinet Member for Housing and Property Services provided a response to questions raised in Public Question Time: With regard to whether officers had conducted their own and comprehensive due diligence check on Zed Pods Limited: He replied that the Council confirmed that as usual, in the course of the procurement process, relevant checks were made of companies which were successfully appointed to the panel of suppliers and of the recommended contractors.

Supplier due diligence was just part of the consideration. Once this had been satisfied then there were technical, quality and value for money strands to the SWPA tender evaluation and award process. Further information on the external, independent accreditation of the build quality of these proposals was provided in

Section 3 of the report alongside additional information on the environmental and sustainability credentials of the proposed schemes as set out in Annex B.

With regard to why MDDC officers were not being open and transparent about the contract costs he replied that: the Council determines whether or not matters are publicly available in accordance with the law. This included provision to protect commercial sensitive information.

In response to the questions from Hannah Kearns: the cabinet Member replied that:

- The statement in page 442 of the papers referred to the redundancy of each site in the widest context. Whilst it was acknowledged that the occupancy of the garages at St Andrew's was higher than the exceptionally low usage at Shapland Place, in bringing those sites forward for redevelopment the Council had taken into account several other asset management and cost considerations; these include the cost of modernisation and repairs, the presence of asbestos containing materials at each site and requirements for new surfacing and drainage improvements balanced against a low overall garage rent income and demand.
- All the garage tenants signed-up to a rental agreement that set out a notice period and terms for both parties. I can confirm all appropriate notice was given by the Council as required. As part of this process we would also have provided additional information if desired on other garages still available for affordable rent within the town.
- In essence, what the Council is seeking to do at these locations is to replace limited life-span, low value assets with much higher value long-term properties that will provide an increased rental income and, most importantly, provide much needed additional social housing at for each town.

He then outlined the contents of the report stating that the project had been welcomed by the previous administration and that the authority was now in a position to move the project forward with the award winning Zed Pod company providing excellent designed and carbon neutral properties. The company had been accredited by other local authorities and the public had applauded the schemes.

Consideration was given to:

- Both sites would be for social rent and would be held for secure tenure allocations through the Devon Home Choice system including for those tenants with adapted property needs;
- Checks and balances had been undertaken ;
- The access to Shapland Close had been agreed;
- The versatile project would deliver social housing for residents of Mid Devon;
- Payment terms;
- Whether a local approach was required with a local competitive process;
- The other company that had been considered and the fact that they could not deliver at this stage.

RESOLVED that:

1. Subject to planning permission being granted for the proposed social rented housing development at St Andrews Estate Cullompton and Shapland Place Tiverton:
 - (a) Zed Pods Limited's bid for the Phase 2 works be accepted; and
 - (b) the St Andrews development include an in-house managed and community based competition for public artwork.
2. Delegated authority be granted to the S151 Officer (in consultation with the Deputy Leader and Cabinet Member for Housing and Property Services) to complete the associated Phase 2 contracts.

(Proposed by Cllr R B Evans and seconded by Cllr D J Knowles)

Reason for the decision – the homes will support the delivery of specific objectives in the Housing Strategy 2021-25.

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

127. **INFORMATION SECURITY AND INFORMATION SECURITY INCIDENT POLICIES (2-15-48)**

The Cabinet had before it a *report of the Operations Manager for Performance, Governance and Health & Safety updating the existing policies to reflect current job roles and best practice.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the policies were last reviewed after the data protection requirements were brought into force in 2018, the review of the policies was to update the existing and to reflect on current job roles and best practice.

RESOLVED that the revised Information Security and Information Security Incident Policies be approved.

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

Reason for the decision – there was a need to comply with the Data Protection Act 2018.

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

128. **NOTIFICATION OF KEY DECISIONS (2-15-48)**

The Cabinet had before it and noted it's *rolling plan for January/February 2022 containing future key decisions.

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

(The meeting ended at 12.20 pm)

CHAIRMAN