

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **CABINET** held on 1 February 2022 at 10.00 am

Present

Councillors

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

Apologies

Councillor(s)

D J Knowles

Also Present

Councillor(s)

G Barnell, S J Clist, R J Dolley, Mrs E J Lloyd, R L Stanley,
L D Taylor 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), Richard Marsh (Director of Place), Karen Trickey (District Solicitor and Monitoring Officer), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Paul Deal (Corporate Manager for Finance), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Lisa Lewis (Corporate Manager for Business Transformation and Customer Engagement), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Matthew Page (Corporate Manager for People, Governance and Waste), Darren Beer (Operations Manager for Street Scene), Mike Lowman (Building Services Operations Manager), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Fiona Wilkinson (Operations Manager for Revenues Benefits & Recovery), Jason Ball (Climate and Sustainability Specialist), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

129. APOLOGIES (00-03-59)

Apologies were received from Cllr D J Knowles.

130. PUBLIC QUESTION TIME (00-04-10)

The Leader read a set of questions on behalf of Mr Quinn who was present remotely, referring to Item 23 (3 Rivers Developments Limited) on the agenda: with reference to paragraph 2.8 of the report where it stated that in 2021/22 the Company had borrowed an additional £3.268M and paid the Council £1.209M from sales receipts and paid the Council £414,000 to cover interest payments etc.

1. Are the borrowing figures shown, merely agreed limits or actual amounts which are covered by signed loan agreements?
2. Are the sales receipts payment figures shown, actually loan repayments?
3. Are the sales receipts payment figures shown, just estimates or real amounts that have been banked by the Council?
4. Are the interest payment figures shown, just estimates or real amounts that have been banked by the Council?
5. Up to what date are each of these figures applicable?

The Chairman indicated that answers would be provided when the item was discussed.

131. **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-58)**

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

132. **MINUTES OF THE PREVIOUS MEETING (00-07-12)**

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

133. **BUDGET OPTIONS FOR CLIMATE INVESTMENT (00-07-48)**

Following a *report of the Climate and Sustainability Specialist, the Environment Policy Development Group had made the following recommendation: that the potential additional budget requirements linked to the climate investment opportunities as set out in Annex 1 and 2 of the report be considered.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report highlighting the work of the Net Zero Advisory Group and the aspirations that had come forward from the Policy Development Group which would all be considered as part of the climate change road map

Consideration was given to:

- Schemes that were contained within the Capital Programme in the Medium Term Financial Plan and the possibility of further schemes as highlighted within the report, some of which were set out in the 2022/23 capital programme and the need to continue to bid for funding opportunities; and
- Whether the budget was being used effectively to support the Council's ambitions for carbon neutrality.

RESOLVED that the Environment PDG be thanked for providing a prioritised listing of climate investment opportunities which would be utilised when allocating any additional internal resources or when considering successful external funding bids that may be secured during 2022/23 and in future years.

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

Reason for the decision – The list of aspirations was felt to be useful in providing a roadmap for future schemes that could be delivered when funding was available.

Note *Report previously circulated, copy attached to minutes.

134. **BEREAVEMENT SERVICES FEES AND CHARGES (00-16-46)**

Following a *report of the Corporate Manager for Property, Leisure and Climate Change, the Environment Policy Development Group had made the following recommendation: that the proposed charges for 2022-2023 as set out in Table A of the report be approved.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report stating that the Council provided an essential service for which a charge was made, the revised charges had been benchmarked against other authorities and seemed to be fair.

RESOLVED that the proposed charges for 2022-2023 as set out in Table A of the report be approved.

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

Reason for the decision – the Council continues to ensure that re-investment is made for various maintenance works across the Council's two cemeteries and also continues to provide services as set out in the legislation.

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

135. **WASTE AND RECYCLING OPTIONS (00-18-14)**

Following a *report of the Operations Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendation: that Option 2 be approved subject to Cabinet considering alternative solutions for residual waste for properties where wheeled bins might not be an option.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report highlighting the Waste Strategy, the need for change and the pilot scheme that had taken place for 3 weekly waste collections over a three month period across varied locations in the district. The proposal was not just about saving money but reducing residual waste and increasing recycling. He referred to the issue raised at the Policy Development Group with regard to wheeled bins not being an option and other alternatives that could be considered

Consideration was given to:

- How residents would manage in built up areas to keep residual waste for three weeks
- If dry recycling was increased whether this would impact on the capacity of the current fleet

- Whether the trial results had improved recycling rates and whether the authority was losing income if residents used supermarket recycling skips or the recycling centres
- Whether the authority were considering the recycling of soft plastics
- Capacity issues and the provision of additional bins
- Option 2 would bring the authority in line with the super aligned option documents in the Devon and Torbay Waste Strategy which would create opportunities for joint working in the future
- The lack of detail in the Equality Impact Assessment and the need to consider the disposal of offensive waste
- The various options available and whether a weekly recycling scheme could improve recycling rates
- Officers would consider alternative solutions for properties where wheeled bins were not an option as part of the operational matters to be discussed in the action plan leading up to the implementation of the scheme
- Project details could be presented to members via a briefing session

RESOLVED that Option 2 be approved subject to officers considering alternative solutions for residual waste for properties where wheeled bins may not be an option, subject to a specific requirement to see a detailed plan to address the issues raised before full implementation.

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

Reason for the decision – As there was a need to consider that the current regime would ultimately incur additional costs to the Council, there was a need to consider options available to reduce costs and increase recycling rates.

Notes:

- i) Cllrs R J Chesterton and Mrs N Woollatt requested that their abstention from voting be recorded;
- ii) *Report previously circulated, copy attached to minutes.

136. MDDC LITTER STRATEGY (1-03-23)

Following consideration of a *report of the Operations Manager for Street Scene and Open Spaces, the Environment Policy Development Group had made the following recommendation: that the Mid Devon District Council Litter Strategy in Appendix 1 of the report be adopted.

The Cabinet Member for the Environment and Climate Change outlined the contents of the report highlighting the work that had taken place by the Environment Policy Development Group to present the strategy to the Cabinet for approval. He explained that litter was a problem caused by the minority and that there was a need for continued education.

Consideration was given to:

- The education programme proposed, the use of various social media platforms to promote the strategy and the need for a national plan of education

- Fly-tipping and the issues that this raises

RESOLVED that the Mid Devon District Council Litter Strategy be adopted.

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

Reason for the decision - there is a need for a strategy to set out how the Council would undertake its powers and duties in line with the legislation.

Note *Report previously circulated, copy attached to minutes.

137. **THE TENANT INVOLVEMENT AND EMPOWERMENT STANDARD POLICY (1-11-42)**

Following a *report of the Operations Manager for Housing Services, the Homes Policy Development Group had made the following recommendation: that the draft Tenant Involvement and Empowerment Standard policy be approved.

The Cabinet Member for Housing and Property Services outlined the contents of the report stating that the role of social landlord was very important and that there was a need to encourage engagement and empower tenants within the district.

Consideration was given to repairs and the timescales for attention.

RESOLVED that the draft Tenant Involvement and Empowerment Standard Policy be approved.

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

Reason for the decision - Agreed housing policy provides a framework for decision-making which ensures that customer-facing teams deliver consistency in the discharge of duties to support good housing management. This ensures that both properties and tenancies are managed effectively and reduces reputational risk.

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

138. **CULLOMPTON TOWN CENTRE RELIEF ROAD PROJECT (1-14-38)**

The Cabinet had before it a *report of the Director of Place presenting a recommendation to utilise a further tranche of the Housing Infrastructure Fund (HIF) monies to facilitate the progression of technical work relating to the Cullompton Town Centre Relief Road over the next 12 months. This would support ongoing work and discussions to identify and secure funding to enable the delivery of the relief road and minimise the overall impact on programme (slippage) to the project.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the proposed funding would allow the progression of technical work, putting the authority in a more advanced position for when further funding opportunities were available. Officers had been able to agree that this further draw down would not be at risk of clawback from Homes England. He highlighted the time risk as set out in the report associated with the current spend deadline for

the HIF funding set at 31 March 2023 and the hope that this would be reviewed nearer the time.

He also updated the meeting with regard to feedback from the previous Levelling Up Fund bid which had been encouraging and he hoped that an improved bid could be produced for further funding rounds.

Discussion took place regarding:

- Concerns with regard to the deadline for spending the HIF funding and the possible need to renegotiate the deadline
- The implications for the cricket and rugby clubs in the town with regard to any delay to the scheme
- Concerns with regard to specific development taking place prior to the establishment of the relief road and the impact on the town
- Whether the Highway Authority would update its advice with regard to the number of dwellings that could be built prior to the relief road being in place
- The money set out in the capital programme for the 2022/23 financial year, whether any decision regarding the utilisation of funding from the PWLB to finish the relief road had been made or costed and whether any further funding opportunities existed

RESOLVED that the drawdown and expenditure of a further tranche of the Housing Infrastructure Fund (HIF) funding, totalling £560k be approved, to enable the progression of further feasibility and technical work relating to the Cullompton Town Centre Relief Road.

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

Reason for the decision – there is a need for the scheme to progress with the use of the funding being made available.

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

139. **MEETING MANAGEMENT (1-37-00)**

The Chairman indicated that he proposed to take Item 20 on the agenda as the next item of business.

140. **PERFORMANCE AND RISK (1-37-10)**

The Leader informed the Cabinet that this would be the last meeting that Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety would be attending having taken up a new post elsewhere. He thanked her for her service to the Council for 12 years and wished her well for the future.

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.

Reference was made to the 'Deliver Housing' priority for new social rented council houses and the increased GP referrals to the leisure centres.

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

141. NATIONAL NON DOMESTIC RATES (1-41-56)

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing Members with an update of the income generation and financial implications of the number of Business Rate properties in Mid Devon and to approve the NNDR1 (estimated income to be generated in 2022/23 from business rates).

The Cabinet Member for Finance outlined the contents of the report stating that this was a technical report to calculate the NNDR and allow for the distribution of funds.

RECOMMENDED to Council:

1. That the calculation of the NNDR1 net yield of £14,398,686 from 3,436 Business Rated properties is noted and approved for 2022/23;
2. That the proportions distributed to the respective authorities and Central Government be allocated as per the statutory regulations; and
3. That Members note that Central Government will reimburse the Council through a Section 31 grant to compensate it for the reduction in collectable business rates as a result of introducing various reliefs.

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

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

142. FINANCIAL MONITORING (1-45-32)

The Deputy Chief Executive (S151) provided a verbal update with regard to the financial position to date in respect of income and expenditure, stating that the budget position remained stable, the income protection scheme claims were being audited and that the main income streams were beginning to recover which included: the sale of the Harlequin Valet, income from leisure had increased and Business Rate income had also increased following the establishment of a new supermarket in Tiverton and an industrial estate on the outskirts of Cullompton.

143. CAPITAL STRATEGY (1-47-00)

The Cabinet had before it a *report of the Deputy Chief Executive (S151) proposing the Capital Strategy for 2022/23.

The Cabinet Member for Finance outlined the contents of the report stating that the strategy set out the use of capital for the priorities outlined within the Corporate Plan to include investment in local infrastructure, green issues, 3 Rivers Developments Limited and local housing schemes.

Discussion took place with regard to a strategy for town centre regeneration and the need to seek further funding opportunities to progress the work.

RECOMMENDED to Council that the proposed Capital Strategy for 2022/23 be approved.

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

Note: *Report previously circulated, copy attached to minutes

144. **TREASURY MANAGEMENT STRATEGY 2022/23 (1-51-51)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) outlining the proposed Treasury Management Strategy and Annual Investment Strategy for 2022/23.

The Cabinet Member for Finance outlined the contents of the report stating that the strategy sought to match funding to specific corporate priorities and to allow for the availability of adequate funds for when they were required. He reported that the finances were healthy and that the management of the treasury was controlled through legislation.

RECOMMENDED to Council that the proposed Treasury Management Strategy and Annual Investment Strategy for 2022/23, including the prudential indicators for the next 3 years and the Minimum Revenue Provision Statement (Appendix 1), be approved.

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

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

145. **CAPITAL PROGRAMME (1-53-35)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) seeking approval of the 2022/23 Capital Programme and noting the draft 2023/24, 2024/25, 2025/26 and 2026/27 programmes.

The Cabinet Member for Finance outlined the contents of the report stating that the capital investment was set against the priorities within the Corporate Plan. The programme had been increased from the previous year due to the significant plan to increase investments into improving energy efficiency of the property estate, increasing the HRA housing stock and plans to fund housing developments through 3 Rivers.

Consideration was given to the increase in the Capital Programme and who sets the limits for the capital funding requirement.

RECOMMENDED to Council that:

1. The detailed Capital Programme for 2022/23 of £34,303k be approved and the indicative Capital Programmes across the four remaining years of this Medium Term Financial Plan covering 2023/24 to 2026/27 be noted.

2. That investment in the Council Housing Development schemes can start straight away (prior to 01/04/2022), following Full Council approval, to allow the design stage to commence and enable the prompt delivery of these projects.

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

Note *Report previously circulated, copy attached to minutes.

146. **BUDGET (1-57-50)**

The Cabinet had before it a *report of the Deputy Chief Executive (S151) providing the budget proposals for the General Fund and the Housing Revenue Account for the year 2022/23 and recommending the Band D Council Tax charge for 2022/23.

The Cabinet Member for Finance outlined the contents of the report stating that the shortfall had reduced from a significant level in the autumn of 2021 to a shortfall of £145k which was proposed to be temporarily transferred from the New Homes Bonus EMR to balance the budget. He highlighted the work of the finance officers and the involvement of the Policy Development Groups who had been actively engaged in discussions with regard to the budget.

Consideration was given to:

- Whether the budget would be used to reduce carbon neutrality, the aspirations within the Climate Change Action Plan, the funding bids that had been progressed, the proposed engagement with the public through the State of the District Debate, the work of officers that was taking place with regard to the climate issues and the training that was being progressed
- The strategic priorities that were being financed
- The ambitions for social housing through the HRA, the work taking place within the estate to address decarbonisation issues and the funding opportunities available which were being utilised
- Whether it was prudent to increase borrowing levels for 3 Rivers Developments Limited

RECOMMENDED to Council that:

1. A Council Tax Requirement of £6,523,930, calculated using a Council Tax of £218.84 for a Band D property, an increase of £5 or 2.34% from 2021/22 and a Tax Base of 29,811.41, in accordance with the Local Authorities (Calculation of Tax Base) Regulation 1992, as amended, after the relevant adjustments in respect of the Council tax support scheme approved by Cabinet on 4 January 2022;
2. The overall budgeted Cost of Services within the General Fund budget of £14,785,295 for 2022/23 is approved as detailed across appendices 1 – 3;
3. The 2022/23 budget requires no transfer from the General Fund Balance;
4. A further temporary transfer of £144,879 from the New Homes Bonus EMR to balance the General Fund Budget in addition to the £258,808 already included within previous budget assumptions;

5. HRA budget for 2022/23 be approved as set out in appendix 4;
6. HRA fees/charges are approved based on the attached appendix 5a - b;
7. Work on strategic planning for delivering a balanced budget for 2023/24 is commenced in the Spring.

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

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

147. **POLICY FRAMEWORK (2-15-10)**

The Cabinet had before it a * report of the Chief Executive with regard to the Policy Framework.

RECOMMENDED to Council that the Policy Framework be adopted.

Proposed by the Chairman and seconded by Cllr B A Moore)

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

148. **PAY POLICY (2-16-09)**

The Cabinet had before it a *report of the Corporate Manager for People, Governance and Waste complying with the legislative requirements of the Localism Act 2011 relating to senior pay in particular the role of the Chief Executive, Directors and other senior officers.

The Leader outlined the contents of the report.

Discussion took place with regard to the table on page 254 and it was confirmed that this would be corrected prior to consideration by Council

RECOMMENDED to Council that the Pay Policy be approved for publishing on the Council's website subject to the table on page 254 being corrected.

(Proposed by the Chairman and seconded by Cllr Mrs N Woollatt)

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

149. **ESTABLISHMENT (2-19-00)**

The Cabinet had before it a *report of the Corporate Manager for People, Governance and Waste providing Members with an update on both the establishment of the Council together with its performance.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that this was the annual overview of the performance of the Establishment and explaining how this had been affected by the Covid 19

pandemic. She informed the meeting that charts had been added to aid understanding.

| **RECOMMENDED** to Council that the Establishment be approved.

(Proposed by the Chairman and seconded by Cllr Mrs N Woollatt)

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

150. **UPDATE FROM THE CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (2-20-34)**

The Cabinet Member for Continuous Improvement informed the meeting that 20 complaints were being monitored within the remit of the Director of Place, 10 within the remit of the Director of Business Improvement and Operations and 4 within the remit of the Deputy Chief Executive. Work was also taking place with regard to enforcement issues.

151. **NOTIFICATION OF KEY DECISIONS (2-22-05)**

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

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

152. **3 RIVERS DEVELOPMENT LIMITED - UPDATE (2-22-51)**

The Cabinet had before it and noted a *report from the Deputy Chief Executive (S151) providing an update on current project performance and any key risks.

The Cabinet Member for Housing and Property Services provided the following response to a question raised with regard to whether it was prudent to increase borrowing levels for 3 Rivers Developments Limited. He stated that the proposed £20m was just a proposal, any business proposals presented to the shareholder would be considered in a prudent way and would be dependent on each individual business case for development.

Addressing the questions raised in public question time, the Deputy Chief Executive stated that: the borrowing figures were actual and agreed in line with the loan agreements; the sales receipts payments were actual loan repayments; the sales receipt payments shown were real amounts banked; the interest figures shown were actual amounts and the figures were up until 31 December 2021 as outlined within paragraph 2.2 of the report.

It was then agreed that any further discussion with regard to the report should take place in private session and it was therefore:

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded 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) and Part 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(Proposed by the Chairman)

Returning to open session it was agreed that the report be noted.

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

(The meeting ended at 12.50 pm)

CHAIRMAN