

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 28 June 2022 at 10.00 am

### **Present**

#### **Councillors**

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

### **Apologies**

#### **Councillor(s)**

R J Chesterton

### **Also Present**

#### **Councillor(s)**

S J Penny, J Buczkowski, R J Dolley, B G J Warren and  
Mrs N Woollatt

### **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), Andrew Busby (Corporate Manager for Property, Leisure and Climate Change), Deborah Sharpley (Solicitor), Philip Langdon (Solicitor), Nicola Cuskeran (Interim Corporate Performance Manager & Safeguarding Officer), Paul Deal (Corporate Manager for Finance), Matthew Page (Corporate Manager for People, Governance and Waste), Sarah Lees (Member Services Officer), Jessica Watts (Member Services Apprentice) and Sally Gabriel (Member Services Manager)

## 9. **APOLOGIES**

Apologies were received from Cllr R J Chesterton.

Cllr S J Penny attended the meeting via Zoom.

## 10. **PUBLIC QUESTION TIME (00-03-00)**

The Chairman read a set of questions from Mr Elstone referring to Item 9 on the agenda (Revenue and Capital Outturn 2021/22):

1. Line item No. CA 720 - HIF Schemes of the MDDC 2021/2022 Capital Outturn accounts states the following;

"Per Cabinet report 03/08/21 Tendering process required for this project and revised report to be brought back to Cabinet regarding delivery contract and associated funding at this stage forecast additional cost circa £1.9 million".

Has the Phase 2 junction tender process been completed by Devon County Council and with MDDC's full engagement?

2. If not, what is the target date for the tender process completion and MDDC Cabinets acceptance?
3. In an email dated the 4th December 2020 from the former MDDC Head of Planning and Regeneration to the MDDC Cabinet Member for Planning and MDDC Council Leader the Head of Planning states the following.

DCC has produced two versions of a revised project programme.

Programme 1 starts construction a year later than originally intended [September 2022] avoids summer construction embargo on the A361 and completes construction July 2023.

Programme 2 starts construction January 2022 but will need pulling off site for the summer period and remobilisation autumn 2022 before construction completion February 2022. This 2nd programme already cannot be met as tender documents would require issue mid - December [2020].

Email also states: "Both alternative programmes take construction beyond the funding availability period of the end of December 2022"

Will the Phase 2 junction be constructed and fully operational before of the Housing Infrastructure Fund rebate of £8.2 million deadline date expires?

4. Do MDDC have all the funding arrangements fully in place including in reserve to enable the complete construction of the Tiverton EUE Phase 2 junction, including the bridge over link?
5. What in fact is the current Housing Infrastructure Fund rebate deadline date? Has formal agreement been received for any extension?
6. The original cost of the EUE Phase 2 Junction was estimated it is believed at £10.5 million. Given the massive increase in cost for the Cullompton Relief Road has the cost estimate for the EUE Phase 2 junction increased? If so what is the current cost estimate?
7. What is the revised MDDC target date for having both phases of the Tiverton EUE junctions fully available for public use ?
8. It is believed that the most recent plan was to have the first phase of the Tiverton EUE junction fully available for public use in the autumn of 2022. Is this still the case?

The Director of Place provided the following responses:

With regard to question 1 - The tendering exercise has been undertaken by DCC as MDDC's delivery partner for the project. MDDC has been engaged throughout the tendering exercise.

Question 2 - A report is to be brought before Cabinet in July. This report will provide an update in relation to the tender exercise and seek decisions regarding progression of the scheme. The report will address the other questions (3,4, 6 & 7) raised.

Question 5 - The Government's Housing Infrastructure Fund (HIF) programme runs until March 2024. The Government has not announced any extensions to timetable for the HIF programme.

Question 8 - The current expectation is that still that the link road will open for use in Autumn 2022.

**11. DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-22)**

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

**12. MINUTES OF THE PREVIOUS MEETING (00-9-22)**

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

**13. UNAUTHORISED ENCAMPMENT POLICY (00-10-00)**

Following consideration of a \*report of the Corporate Manager for Property, Leisure and Climate Change, the Community Policy Development Group had made the following recommendation: that the updated Unauthorised Encampment Policy and procedure for managing and enforcing unauthorised encampments as detailed in Annex A be adopted.

The Cabinet Member for Housing and Property Services and the Corporate Manager for Property, Leisure and Climate Change outlined the contents of the report stating that this was a 3 yearly review of the policy and procedures for unauthorised encampments on Council owned land.

Consideration was given to:

- The timescales for eviction from Council owned land
- The number of sites available for gypsies and travellers in Mid Devon
- The number of evictions that had taken place
- Whether the policy and procedures could be condensed

**RESOLVED** that the updated Unauthorised Encampment Policy and procedure for managing and enforcing unauthorised encampments as detailed in Annex A be adopted.

(Proposed by Cllr C R Slade and seconded by Cllr Mrs C P Daw)

**Reason for the decision** – there is a need for an updated policy to be in place.

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

#### 14. **LGA PEER CHALLENGE REPORT (00-20-28)**

The Cabinet had before it a \*report from the Local Government Association (LGA) as part of their peer challenge sector-led improvement programme and were requested to consider the action plan proposed by means of addressing the recommendations from the peer team.

The Leader outlined the contents of the report providing information with regard to the peer review that had taken place.

The Chief Executive highlighted the recommendations, his responses and timeframes for action.

Discussion took place regarding:

- The need for improved communication across the authority
- Improvement required with regard to Member/Officer relations and how that was proposed to be addressed
- The climate change action plan highlighted within the report was already being progressed as was the climate change website

**RESOLVED** that:

1. The LGA report at Appendix A be noted, including the nine specific recommendations contained therein, which was produced as a result of the recent peer challenge process.
2. The action plan at Appendix B be approved with the Cabinet requesting a further update in six months to review the implementation and/or progress of these actions.

(Proposed by the Leader and seconded by Cllr C R Slade)

**Reason for the decision** – the views of colleagues, partners and peers are critical in helping the Council to deliver its ambitions.

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

#### 15. **LEVELLING UP FUND BID AND CULLOMPTON TOWN CENTRE RELIEF ROAD - UPDATE (00-32-11)**

The Cabinet had before it a \*report of the Director of Place informing Members about the second round of the Levelling Up Fund and seeking Members endorsement of resubmitting a bid for the Cullompton Town Centre Relief Road (including associated pedestrian and cycling improvements to the proposed new station site). The bid being updated to include key information and addressing issues raised through bid evaluation.

The Director of Place outlined the contents of the report stating that favourable feedback from Government had been received following the previous bid. He explained that the submission of the Cullompton Town Centre Relief Road to the LUF2 bidding round was considered necessary as it needed to be delivered as soon as possible because:

- Its delivery would unlock environmental and air quality improvements within Cullompton town centre, building on other key initiatives such as the Cullompton railway station and the Heritage Action Zone;
- The scheme provided key infrastructure to unlock the forecasted strategic growth within Cullompton, including the Culm Garden Village.
- The scheme would unlock early capacity at J28 M5 in advance of more significant junction intervention, allowing for planned growth within the adopted Local Plan to come forward. This planned growth was considered vital to sustain the pipeline of housing delivery in order to meet future Housing Delivery Test requirements and as such was critical to the delivery of the adopted Local Plan.
- Historic England had made it clear that the award of the Heritage Action Zone monies in Cullompton was predicated by a clear expectation of its delivery.

The Relief Road scheme was still considered to be a prime candidate scheme for submission given:

- It addressed existing town centre issues which would support the levelling up of Cullompton, to the benefit of existing residents and businesses;
- It would support the unlocking of significant amounts of future growth in and around Cullompton;
- It was well placed for delivery within the required timescale, already benefitting from planning permission and being at an advanced stage of scheme development, and;
- Given the favourable feedback received with regard to the last submission.

He referred to the funding already in place and the support of Devon County Council in the project.

Consideration was given to:

- Questions relating to the short time frame to submit the bid and whether the work had commenced prior to a decision of the Cabinet; the LUF Funding required support of the MP and had that been acquired from the newly elected MP; the estimated costs for delivery and at what point did the balance tip from this scheme being value for money to being unviable and if the bid failed what other options were available. Reference was also made to the conditions of the £10m HIF award already received.
- A bid being put forward by East Devon District Council for the Axminster area and the fact that the MP could only support one project

**RESOLVED** that it be agreed to submit a bid to the second round of the Levelling Up Fund in respect of the gap funding required to deliver the Cullompton Town Centre Relief Road.

(Proposed by the Leader and seconded by Cllr B A Moore)

**Reason for the decision** – The Levelling Up Bid is sought to provide gap funding to supplement those funding sources already identified.

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

16. **MID DEVON (PUBLIC SPACES PROTECTION) (DOG CONTROL) ORDER 2021 - VARIATION (00-49-57)**

The Cabinet had before it a \*report of the Operations Manager for Street Scene and Open Spaces requesting consideration of whether to make a proposed variation to the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (the "PSPO") by adding two locations to the list of areas in the PSPO where dogs are only allowed if on a lead; 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 outlined the contents of the report stating the PSPO had been agreed the previous year however there were omissions that required attention and therefore a variation to the Order was required. He reported that a full public consultation had taken place.

Consideration was given to ways in which small changes to the PSPO could be addressed without the need for major variations to be considered and whether any enforcement had taken place in line with the PSPO.

**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, delegated authority be granted to the Operations Manager for Legal and Monitoring to make the Variation Order (subject to any minor variations as he/she considers appropriate) 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 Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 to show the play area at Siskin Chase, Cullompton attached to this report at Appendix E.

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

**Reason for the decision** – an up to date PSPO is required to allow enforcement if necessary to take place.

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

17. **REVENUE AND CAPITAL OUTTURN 2021/22 (00-55-04)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) presenting the Revenue and Capital Outturn figures for the financial year 2021/22 for both the General Fund and Housing Revenue Account.

The Cabinet Member for Finance outlined the contents of the report stating that the report had previously been received by the Policy Development Groups and Accounts have been passed to Grant Thornton to audit. The 2021/22 year had presented challenges with regard to reduced income but had produced underspends for both the General Fund and the Housing Revenue Account which had highlighted the sound and realistic proposals within the budget. He made reference to the Capital Programme and the ear marked reserves, the returns on loans and the need to now consider the Medium Term Financial Plan and next year's budget.

**RESOLVED** that:

1. The General Fund Outturn achieved in 2021/22 which shows an overall under spend of £29k and the Housing Revenue Account which shows an under spend of £67k be noted.
2. The transfer of the General Fund surplus to the General Fund Reserve be approved which will increase the balance to £2,215k; above the minimum recommended level of £2,000k. Similarly, the transfer of the £67k Housing Revenue Account surplus to the ring-fenced HRA Earmarked Reserves be approved.
3. The Net Transfers to Earmarked Reserves of £408k detailed in the General Fund Service Budget Variance Reports shown in Appendix 1a and 1b and summarised in Appendix 3 be approved,. Note this includes a £1,658k net drawdown of Section 31 Grant to smooth the Collection Fund deficits as legislated by the Government and separately identified on Appendix 1a. Similarly, the Net Transfers to HRA Earmarked Reserves of £1,665k be approved as detailed in the HRA Budget Variance Report shown in Appendix 2 and summarised in Appendix 3.
4. The virement as explained in para 4.6 and the addition to the Revenue Budget of £750k funded from Earmarked Reserves for the purchase of c. 38,000 new waste bins for households as part of the implementation of 3 weekly waste collections, in line with the 1 February Cabinet decision (para 4.7) be approved.
5. The carry forward of £30,763k from the 2021/22 Capital Programme be approved as all of the schemes will be delivered in 2022/23 or later years; long with the transfer to Earmarked Reserves of the unspent £174k.
6. The transfer of Post Hill from the General Fund to the HRA as explained in para 8.8 be approved.
7. The procurement waivers used in Quarter 4 of 2021/22, as outlined in Section 10 be noted.

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

**Reason for the decision** – there is a need for the outturn to be considered together with the carry forward of any surpluses into the following financial year.

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

18. **ANNUAL TREASURY MANAGEMENT REPORT (00-59-00)**

The Cabinet had before it a \*report of the Deputy Chief Executive (S151) providing Members with a review of activities and the prudential treasury indicators on actuals for 2021/22.

The Cabinet Member for Finance outlined the contents of the report.

**RECOMMENDED** to Council that:

1. The treasury activities for the year be noted
2. That the actual 2021/22 prudential and treasury indicators in the report be approved.

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

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

19. **PERFORMANCE AND RISK OUTTURN (1-01-06)**

The Cabinet had before it and **NOTED** a \*report of Corporate Manager for People, Governance and Waste providing Members with an annual review of the Council's performance against the corporate plan, local service targets for 2021/2022 as well as providing an update on the key business risks.

Consideration was given to:

- Home Improvement Loans
- Additional homes provided and the number of affordable homes delivered
- The Community Land Trust site at Chawleigh
- The Risk Register

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

20. **NOTIFICATION OF KEY DECISIONS (1-06-26)**

The Cabinet had before it and noted its rolling \*plan for July 2022 containing future key decisions.

The clerk informed the meeting of a number of items that had moved within the plan.

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

(The meeting ended at 11.09 am)

**CHAIRMAN**