

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 2 April 2015 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Chairman)  
R J Chesterton, N V Davey, C R Slade,  
P H D Hare-Scott, Mrs B M Hull and  
R L Stanley

### **Also Present**

#### **Councillors**

Mrs H Bainbridge, M D Binks, M A Lucas, Mrs J Roach and  
F R Rosamond

### **Also Present**

#### **Officers:**

Kevin Finan (Chief Executive), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Ian Winter (Environmental Health Officer), Andrew Cawdron (Finance Manager) and Sally Gabriel (Principal Member Services Officer)

## **124. APOLOGIES**

There were no apologies.

## **125. PUBLIC QUESTION TIME**

Mr Young – Chairman of Tiverton Neighbourhood Plan referring to Item 9 (Tiverton Town Centre Development Update) requested that his committee be included in any consultation to do with the development of Tiverton and asked why no programme plan or target dates were included in the report?

The Chief Executive stated that the project initiation was only the start of the process; it would take 10-15 years to achieve the vision. The document before the Cabinet today was seeking approval to go to the next stage that of a master planning document. No timescales had been identified as many factors needed to be identified, to include market opportunities, funding and negotiating with developers and consultees.

Mr Young asked whether there was a project plan for covering the market area?

The Chief Executive stated that the need and the costs had been identified but not the funding.

**126. MINUTES OF THE PREVIOUS MEETING (00-04-09)**

The minutes of the meeting on 5 March 2015 were approved as a correct record and **SIGNED** by the Chairman.

**127. REVIEW OF MID DEVON DISTRICT COUNCIL'S PUBLIC CONVENIENCE PROVISION. (00-05-00)**

Arising from a report \* of the Head of Housing and Property Services and a recommendation from the Managing the Environment Policy Development Group, the PDG had recommended that:

(i) The Crediton Town Council £5k contribution be accepted for the 2015/16 financial year and keep both Newcombes Meadow and Market Street toilets open. This contribution to meet 100% costs for the provision of public conveniences in Crediton from 2016/17 onwards.

(ii) The transfer of the Newcombes Meadow convenience from MDDC to Crediton Town Council with the appropriate legal conditions to ensure that the property continues to provide public services for the community be agreed.

(iii) The transfer of the closed St Laurence Green convenience from MDDC to Crediton Town Council, with the appropriate legal conditions to ensure that the property is not sold for profit or used for commercial purposes, be agreed.

(iv) The £1k contribution from Cullompton Town Council be accepted and to negotiate 50% funding post the May election for the remainder of the 2015/16 financial year to prevent closure on the 1 September 2015.

(v) A 100% contribution from Cullompton Town Council be sought, to be in place for 2016/17 to maintain these facilities.

(vi) The three year transition plan providing for full costs to be met by Bampton Town Council in 2017/18 be agreed.

(vii) The asset transfer from MDDC to Bampton Town Council in the 2017/18 financial year includes the appropriate legal conditions to ensure the property continues to provide public services for the Community.

(viii) The £500 contribution from Sampford Peverell Parish Council be approved for the 2015/16 financial year and to continue to monitor usage during 2015/16 with a view to closure between 1 October and 1 April each year

(ix) The three year transition plan providing for full costs to be met by Hemyock Parish council by 2017/18 be agreed.

(x) The transfer of the Hemyock convenience in the 2017-2018 financial year from MDDC to HPC, with the appropriate legal conditions to ensure that the property is not sold for profit or used for commercial purposes, be agreed.

(xi) Any future onward sale of facilities that had been transferred to Town and Parish Councils would be subject to appropriate valuation to agree terms of sale, together with appropriate legal agreements.

The Chairman read an email from Cllr Mrs Woollatt seeking clarification of the cost of transferring public convenience provision to Parishes and querying the issue of the Silverton property.

The Cabinet Member for Housing outlined the contents of the report presented to the PDG and outlined his communications with the legal service regarding implications and the need for pre-emption clauses to be included in any transfer. He updated Members on negotiations that had taken place with regard to Newcombes Meadow and St Laurence Green, Crediton, Cullompton, Bampton and Sampford Peverell. With regard to Sampford Peverell, water usage would be monitored; following receipt of this information, a decision for possible closure from 1 October till 1 April each year may take place. Discussion took place regarding the Silverton property and transfer costs that had been agreed. Concern was raised that a cost of £30K had been negotiated but that other transfers peppercorn rates were being discussed. The use of the property, that of a proposed community well-being centre was raised and whether this was within the remit for permitted use.

It was suggested that a separate report be received regarding the Silverton transfer issues.

It was therefore:

**RESOLVED** that the recommendations of the PDG be approved subject to:

An amendment to (viii) inserting “with a view to closure between 1 October and 1 April each year” after 2015/16.

An amendment to (xi) by removing “ if applicable any claw back amount” and adding “together with appropriate legal agreements”

A further recommendation (xii): that a separate report regarding the previous Silverton toilet facility be brought before the Cabinet within 3 months of the new municipal year.

(Proposed by the Chairman)

Note :

Cllr Mrs J Roach declared a personal interest as Chair of the Group proposing to renovate the Silverton Toilets.

\*Report previously circulated; copy attached to minutes.

## 128. **CONTAMINATED LAND COST RECOVERY POLICY (00-34-19)**

Arising from a report \* of the Head of H R and Development and a recommendation from the Managing the Environment Policy Development Group, the PDG had

recommended that the updated Contaminated Land Cost Recovery Policy be adopted.

Consideration was given to liability, that funding was no longer available from DEFRA and updated legislation.

**RESOLVED** that the revised policy be adopted.

(Proposed by the Chairman)

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

#### 129. **AFFORDABLE HOUSING PROJECTS (00-41-16)**

Arising from a report \* of the Head of Housing and Property Services and a recommendation from the Decent and Affordable Homes Policy Development Group, the PDG had recommended to the Cabinet that delegated authority be given to the Head of Housing and Property Services, in consultation with the Cabinet Member for Housing, to apply for Homes and Communities Agency (HCA) or any other funding for the continued provision of affordable housing in the District.

**RECOMMENDED** that the Scheme of Delegation be amended to give Head of Housing and Property Services, in consultation with the Cabinet Member for Housing delegated authority to apply for Homes and Communities Agency (HCA) or any other funding for the continued provision of affordable housing in the District.

(Proposed by the Chairman)

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

#### 130. **HIGH STREET INNOVATION FUND (00-44-46)**

Arising from a verbal update from the Head of Communities and Governance to the Scrutiny Committee on 16 March, the Committee had recommended that information regarding the amount of monies outstanding in the High Street Innovation Fund be circulated to those that had bid in the past to invite further bids for the funds.

The Head of Communities and Governance requested that the invitation be widened to include town teams and local trade associations.

**RESOLVED** that the request for further bids be received and that the invitation be widened to include town teams and associations.

(Proposed by the Chairman)

### 131. **EFFECTIVE SCRUTINY (00-49-00)**

Following discussion at the Scrutiny Committee on 16 March regarding barriers to effective Scrutiny, the Committee had recommended that officer time to the Scrutiny Committee be increased.

The Chief Executive explained that the Council had set its budget for the forthcoming year and in view of the current economic climate and the fact that it was unlikely that additional Government funding would be forthcoming; the employment of a Scrutiny Officer was unlikely as there was a need for frontline services to be maintained.

It was suggested that contact be made with the university to investigate the possibility of whether there was a role for a post graduate student to undertake research or support for the Scrutiny Committee.

Consideration was given to the need to work more closely with the university and for effective scrutiny.

**RESOLVED** that officers investigate/approach the university or other places of higher education to see whether there was a role for an intern position to act as a researcher or as support for the Scrutiny Committee and that a further report be put before the new Council following this investigation.

(Proposed by Cllr R J Chesterton and seconded by Cllr N V Davey)

### 132. **TIVERTON TOWN CENTRE ENHANCEMENT (1-00-05)**

The Cabinet had before it a report \* of the Head of Housing and Property Services providing Members with an update on the current position regarding the acquisition of Market Walk, Tiverton and future proposals for the regeneration of the town centre being considered.

The Cabinet Member for Housing outlined the contents of the report stating that the redevelopment of the town had been discussed over many years. The proposed Local Plan catered for an increase in population and the town needed to move forward with the purchase of strategic sites. Big companies were showing an interest in the town and there was a need to benefit from this interest.

Consideration was given to the need for a Town Centre Manager to be employed and the involvement of a Tiverton Member on the project board.

**RESOLVED** that:

The report be **NOTED** and the Tiverton Town Centre Regeneration Project Initiation Document be approved;

The appointment of consultants to complete a master planning exercise be approved.

A Tiverton District Councillor be incorporated onto the Project Board.

(Proposed by Cllr N V Davey and seconded by Cllr C R Slade)

Note:

Cllr N V Davey declared a personal interest as a Member of Tiverton Town Council and the Tiverton Portas Group;

\* Report previously circulated; copy attached to minutes.

**133. PROVIDING MEMBERS WITH TOOLS TO CONDUCT BUSINESS ELECTRONICALLY (1-22-35)**

The Cabinet had before it a report \* of the Head of Business Information Services Systems providing an update of the work of the Member Digital Transformation Group.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the Council had been in the process of digital transformation for over a year with a view to completion for all services to work digitally by 2017. A Working Group had been formed to look at the possibility of Members using tablets rather than paper to access agendas and minutes; this had proved very successful for some Members. It was suggested that there would be a need to consider what skills new Councillors would have, some may be able to progress the digital route whilst others may not.

Consideration was given to the Modern.Gov programme which had been integrated into the new website and the available app; its ease of use and the preferred provisions for Members who wished to work digitally.

It was therefore

**RESOLVED** that:

- a) the channel shift to using electronic devices to receive agendas and minutes for meetings be supported; and
- b) the requirements of those Councillors who did not currently wish to use these devices would be respected.

(Proposed by the Chairman)

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

**134. FINANCIAL MONITORING (1-35-30)**

The Cabinet received a verbal update from the Finance Manager in which he updated the Cabinet on the current position and gave a summary of the 2014/15 forecasted outturn as follows:

<b>Usable Reserves</b>	<b>31/03/2014</b>	<b>Forecasted in year movement</b>	<b>31/03/2015</b>
	<b>£k</b>	<b>£k</b>	<b>£k</b>
<b>Revenue</b>			

General Fund	<b>(2,460)</b>	<b>203</b>	<b>(2,257)</b>
Housing Revenue Account	<b>(2,004)</b>	<b>(344)</b>	<b>(2,348)</b>
<b>Capital</b>			
Major Repairs Reserve	-	<b>(559)</b>	<b>(559)</b>
Capital Receipts Reserve	<b>(835)</b>	<b>600</b>	<b>(235)</b>
Capital Contingency Reserve	<b>(963)</b>	<b>599</b>	<b>(364)</b>

Capital programme slippage estimated to be approximately £1.339M.

The Cabinet Member for Finance stated that he was optimistic the outturn would be a balanced budget. A full outturn report would be presented to the Cabinet in June.

**135. PERFORMANCE AND RISK REPORT FOR THE FIRST THREE QUARTERS OF 2014/15 (1-41-47)**

The Cabinet had before it and **NOTED** a \*report of the Head of Communities and Governance providing Members with an update on performance against the Corporate Plan and local service targets for 2014/15 as well as providing an update on the key business risks. The Officer referring to paragraph 2.5 of the report updated Members in that 82 homes were non decent as at the end of December, a third without access, this was because residents had refused access to the properties.

Note: Report previously circulated, copy attached to minutes.

**136. NOTIFICATION OF KEY DECISIONS (1-42-53)**

The Cabinet had before it, and **NOTED**, its rolling plan for April containing future key decisions.

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

(The meeting ended at 4.02 pm)

**CHAIRMAN**