

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 4 June 2015 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, P H D Hare-  
Scott, C R Slade, Mrs M E Squires and  
R L Stanley

### **Apologies**

#### **Councillors**

### **Also Present**

#### **Councillors**

Mrs J Roach

### **Also Present**

#### **Officers:**

Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Christina Cross (Head of BIS), Liz Reeves (Head of Customer Services), Jenny Clifford (Head of Planning and Regeneration) and Sally Gabriel (Principal Member Services Officer)

## 1. **APOLOGIES**

There were no apologies.

## 2. **PUBLIC QUESTION TIME**

There were no members of the public present.

## 3. **MINUTES OF THE PREVIOUS MEETING (00-00-45)**

The minutes of the meeting on 2 April 2015 were approved as a correct record and **SIGNED** by the Chairman.

## 4. **NIGHT TIME ECONOMY (00-01-42)**

Arising from discussions at the Scrutiny Committee who considered the work of the Night Time Economy Working Group at its meeting on 13 April 2015; the following recommendations were put before the Cabinet:

- i) The Waste Service liaise with the Licensing Service to ensure that the litter from late night food premises be kept to a minimum. Should a problem arise with a specific premises a letter be sent to remind them of their duty to keep the area clean.

- ii) The Licensing Officer liaise with the Devon and Cornwall Police with regard to Temporary Extension Notices, to ensure that they are dealt with in a timely fashion and that all of the appropriate people are aware of them.
- iii) The Licensing Officer ensure that measures be put in place to monitor Temporary Extension Notices when offices were closed.

The Cabinet Member for Community Well-Being introduced the item and asked the previous Chairman of the Scrutiny Committee who was present to outline the background to the recommendations. She had been a Member of the Working Group and had spent a Saturday evening in Tiverton with Police Inspector Jane Alford Mole, several issues had been raised and these formed the basis for the recommendations to Cabinet.

Discussion took place regarding the late night venues in Gold Street, a recent licensing application and specific planning conditions which would be investigated by the Head of Planning and Regeneration.

It was therefore:

**RESOLVED** that the recommendations of the Scrutiny Committee be approved.

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

Note: Cllr Mrs M E Squires declared a personal interest as she had made a representation regarding a recent Licensing application in Gold Street.

5. **COUNCIL MOTION 520 (COUNCILLOR MRS J ROACH - 11 MARCH 2015) (00-08-00)**

The Cabinet considered the following Motion referred by the Council:

That this Council resolves to write to the Secretary of State for DCLG to ask that when setting out national planning policy the following issues are taken in to consideration.

There is evidence that developers are now buying up old properties in villages and seeking permission to redevelop those sites to obtain a maximum return. By demolishing the existing building and replacing it with more than one house, or alternatively a much larger house, they are creating major problems for existing neighbours.

The first concern is building too close to boundary walls or undermining those walls. It appears that any redress in these cases is via the Party Wall Act and has to be dealt with by a civil action. This entails the neighbour taking legal action which can be long drawn out and costly to fund just to protect their property. If they do not have the funds then they cannot take action. Many people are reluctant to take legal action or are unaware that they could take this route.

The second concern is about rights of access.

It is not uncommon in villages for access to have been taken for granted over hundreds of years, with no thought given to ensuring it was protected in law.

Development of the land can interfere with historic rights and those who enjoyed access have to resort to civil action at their own expense to maintain their rights. Some of those properties have been passed down through family members without the access rights being formalised”.

Cllr Mrs Roach was invited to speak to the Motion: she outlined issues that had occurred in her Ward.

Discussion followed with regard to: issues that were beyond the the control of the planning system and would be a civil matter, the impact of development on local residents, the issue was outside the remit of the local authority but that the local Member of Parliament would be well placed to lobby the Planning Minister and should therefore be contacted.

It was therefore:

**RESOLVED** that the Council be recommended to reject the Motion.

(Proposed by Cllr R J Chesterton and seconded by Cllr R L Stanley).

## 6. **REVENUE AND CAPITAL OUTTURN 2014/15 (00-17-58)**

The Cabinet had before it a report\* of the Head of Finance presenting the revenue and capital outturn figures for the financial year 2014/15.

The Cabinet Member for Finance highlighted the key messages within the report which were:

- Taking into consideration the redundancy costs and the relocation of the Waste Service the General Fund outturn had only showed an overspend of £90k.
- No money had been taken from Reserves to balance the budget.
- The Housing Revenue Fund showed a healthy balance.
- The Capital Programme had slipped and it was proposed to carry forward the underspend.
- Appreciation of the prompt delivery of the outturn by the finance team.

**RESOLVED** that:

a) the General Fund outturn achieved in 2014/15 which showed an overall overspend of £90k be noted.

b) the net transfers to/from ear marked reserves of £1,082k detailed in the General Fund service budget variance reports shown in Appendix 1 & 2 and summarised in Appendix 4 be approved.

c) the positive position achieved on the Housing Revenue Account which showed an annual saving of £867k be noted and approve the “ear marking” of specific items totalling £1,549k identified in Appendix 4 and the extra £871k shown in paragraph 3.3 be approved.

d) the carry forward of £1,788k (see paragraph 5.2) relating to scheme slippage on the 2014/15 capital programme as all of the schemes will be delivered in 2015/16 be approved

e) the Treasury Management performance achieved in 2014/15 as detailed in paragraph 6 be noted.

(Proposed by the Chairman)

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

## 7. **ANNUAL TREASURY REPORT 2014/15 (00-20-52)**

The Cabinet had before it and **NOTED** a report\* of the Head of Finance informing it of the Council's treasury management performance for 2014/15.

The Cabinet Member for Finance outlined the contents of the report particularly monies placed on deposit and monies borrowed. He highlighted the current financial climate and outlined the investments being made in council housing and commercial property.

Consideration was given to investment opportunities for the next financial year, the detail of which would be received by way of a report to a future meeting.

Notes:

- i) Cllr C J Eginton declared a personal interest as he received a pension from Lloyds Bank;
- ii) Cllr N V Davey declared a personal interest as he was a member of the Royal Bank of Scotland Pension Scheme;
- iii) \*Report previously circulated, copy attached to minutes.

## 8. **REVENUES AND BENEFITS PERFORMANCE (00-24-40)**

The Cabinet had before it and **NOTED** a report \* of the Head of Finance informing it of the performance of the Council Tax, Non Domestic Rates and Housing Benefit teams.

The Cabinet Member for Finance outlined the contents of the report highlighting the overall performance of both the Housing Benefit and Council Tax Collection Teams despite the extra pressures being placed on them as a direct consequence of Central Government imposed legislation.

## 9. **JOINT WORKING WITH NORTH DEVON (00-25-59)**

***The Cabinet had before it a report of the Head of Business Information Services advising it of the need to continue to pursue partnership working, to producing a detailed business case that would allow an informed decision to be made.***

The Cabinet Member for Community Well-Being outlined the contents of the report stating that since October 2014 both North Devon Council and Mid Devon Council had been sharing Mid Devon's Head of Business Information Services. This enabled the preparation of a Business Case to work in partnership with a single ICT service between the two councils. The initial reasoning was to make significant reductions in the cost of delivering services and to create efficiencies because of the ever decreasing settlements from central government. The councils shared boundaries and had similarities and challenges in servicing remote rural communities.

**Consideration was given to:**

- **The fact that there was a need to reduce costs but that the high standards of the service should be maintained and that discussions would continue to take place between officers from both authorities.**
- Two small authorities, sharing ICT and skilled staff provided greater resilience in the current economic climate.

**RESOLVED that:**

- a) The Chief Executive, in consultation with the Cabinet Member, negotiate with North Devon Council for the provision of a joint ICT service.
- b) The form and structure of the joint service be negotiated and reported to a future Cabinet meeting.

(Proposed by Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

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

10. **COMMUNICATION STRATEGY AND MEDIA AND SOCIAL MEDIA PROTOCOL (00-31-56)**

The Cabinet had before it a report \* of the Head of Customer Services providing it with a new Communication Strategy and Media & Social Media Protocol for recommendation to Council.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that it was important that there was effective communication with all our stakeholders, both internally and externally and that the strategy explained how the Local Authority would develop and maintain effective communication.

Internally this will be two-way communication between staff and between staff and elected Members. Externally there needed to be both one-way and two-way communication with the public and other key stakeholders. The Communication Strategy set out how this should be achieved and how to measure the success of the communication strategies used.

The Media and Social Media Protocol had been provided to give advice and guidance to officers and elected Members on how we will deal with media and social media.

Consideration was given to the need for better communication between officers and Members

**RECOMMENDED** to Council that the Communication Strategy and Media & Social Media Protocol be endorsed.

(Proposed Cllr C R Slade and seconded by Cllr P H D Hare-Scott)

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

11. **START TIME OF MEETINGS (00-34-35)**

The Cabinet were requested to consider a start time for its meeting for the municipal year 2015/16.

**RESOLVED** that meetings of the Cabinet continue to be held at 2.15pm.

(Proposed by the Chairman)

12. **NOTIFICATION OF KEY DECISIONS (00-35-20)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for July 2015 containing future key decisions.

Members were informed that the review of the Article 4 Direction for Cullompton had been moved on to the meeting of 27 August 2015.

Note: \* Plan previously circulated; copy attached to the signed Minutes

13. **ACCESS TO INFORMATION ACT - EXCLUSION OF THE PRESS AND PUBLIC (00-37-55)**

Prior to considering Item 14 on the agenda discussion took place as to whether it was necessary 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. The Cabinet decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

**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 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)

14. **EXTERNAL PAINTING AND REPAIRS OF COUNCIL HOMES 2015-2020**

The Cabinet had before it a report of the Head of Housing and Property Services outlining proposals for undertaking the external painting of the Council's homes for the next five years (2015-2020).

**RESOLVED** that the recommendation within the report be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr Mrs M E Squires)

Note: Report preciously circulated.

(The meeting ended at 2.57 pm)

**CHAIRMAN**