

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 22 October 2015 at 2.15 pm

### **Present**

**Councillors** C J Eginton (Leader)  
N V Davey, P H D Hare-Scott, C R Slade  
and R L Stanley

### **Apologies**

**Councillor(s)** R J Chesterton and Mrs M E Squires

### **Also Present**

**Councillor(s)** Mrs A R Berry and F J Rosamond

### **Also Present**

**Officer(s):** Kevin Finan (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Nick Sanderson (Head of Housing and Property Services), Jenny Clifford (Head of Planning and Regeneration), Adrian Welsh (Forward Planning Team Leader) and Sally Gabriel (Member Services Manager)

## **71. APOLOGIES**

Apologies were received from Cllrs: R J Chesterton and Mrs M E Squires.

## **72. PUBLIC QUESTION TIME**

Mr Disney referring to Item 9 on the agenda (Local Development Scheme and Local Plan Review Update) stated that the Government was keen to see delivery of the growth agenda, the continuing delay was not conducive to meeting this agenda, why don't you get on with it and submit the Local Plan and let it take its course.

Mr Berry speaking from a personal point of view and referring to Item 9 on the agenda stated that he would like to see the development of Junction 27 with regard to employment, development of the countryside and the prosperity of Mid Devon which would include increased business rates. You are seeking additional funds and an extension of time to deal with environmental issues for the proposed allocation at Junction 28. My question is, if there is a political will to have significant development at Junction 27 and if it is agreed that it is necessary to protect this once in a life time opportunity then put it into the local plan and invite an application. Wouldn't it be a consistent approach to allow the developers of Junction 27 to also provide the additional necessary information to inform the Local Plan and wouldn't it be a more democratic approach to allow major modifications to the Local Plan at this point as the majority of residents want it for the next generation and for the people of Mid Devon.

The Chairman indicated that that this would be discussed further when the item was debated.

### 73. **MINUTES OF THE PREVIOUS MEETING**

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

### 74. **WASTE EDUCATION AND ENFORCEMENT POLICY (00-05-49)**

Arising from a report of the Head of Finance, the Managing the Environment Policy Development Group had recommended that Council approve the following:

- a) That the Waste and Recycling Enforcement Policy be adopted, subject to the following amendments:
  - i) Waste and recycling should not be put out for collection any earlier than 6.00pm the evening before collection and no later than 6.00am on the morning of collection;
  - ii) Cut flowers and house plants could be disposed of in the blue food waste container;
  - iii) Removal of the statement that waste could be put out for collection in 'black sacks provided by the council'.
- b) That the level of Fixed Penalty Notice for not recycling be set at £75 with a reduction to £50, if paid within 14 days and where fixed penalty notices were not paid prosecution would be pursued.
- c) That power to serve s46 Environmental Protection Act Notices be delegated to the Head of Finance.

The Cabinet Member for the Environment outlined the changes that were taking place within the waste service and the need for a robust enforcement policy. Enforcement would only be taken as a last resort with officers encouraging and educating those people who chose not to recycle. The aim of the policy was to help educate the public on the new scheme so that as much material could be recycled as possible. He felt that the scheme was fair and workable.

Discussion followed with regard to:

- How problem areas would be identified and reported and the three steps to rubbish and recycling enforcement as identified in the report.
- Enforcement with regard to littering.
- An email from Honorary Alderman Attlee regarding issues at Hemyock; it was agreed that the Head of Service contact Mr Attlee.

**RECOMMENDED** to Council that the recommendation of the Policy Development Group be approved

(Proposed by the Chairman)

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

**75. ASBESTOS MANAGEMENT PLAN 2015 (00-17-07)**

Arising from a report of the Head of Housing and Property Services; the Decent and Affordable Homes Policy Development Group, had recommended that the revised Corporate Asbestos Policy and the revised Asbestos Management Plan be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the policy and management plan had been updated to reflect line management changes within the Council, changes in guidance published by the HSE and recommendations from the HSE following an incident the previous year.

**RESOLVED** that the recommendation be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr C R Slade)

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

**76. DRAFT HOUSING STRATEGY 2015-2020 (00-19-25)**

Arising from a report of the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the Cabinet agree to the draft Housing Strategy being sent out for consultation.

The Cabinet Member for Housing stated that the revised strategy covered all aspects of the Housing Service and contained objectives, targets and policies on how the authority intended to manage and deliver the strategic housing role in line with changes to Government housing policy and reforms to the welfare system.

Consideration was given to ongoing changes to Government policy and the need to deliver social housing for local people.

**RESOLVED** that the recommendation be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

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

**77. REGULATION OF INVESTIGATORY POWERS ACT 2000, RIPA POLICY AND PROCEDURES (00-26-51)**

Arising from a report of the Head of Communities and Governance, the Community Well-Being Policy Development Group had recommended that the updated RIPA policy be approved.

The Head of Communities and Governance outlined the contents of the report stating that the policy had been reviewed in light of the Office of Surveillance

Commissioner's report following inspection in April 2015 and in accordance with good practice

**RESOLVED** that the recommendation be approved.

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

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

**78. DECLARATION ON TOBACCO CONTROL (00-29-04)**

Arising from a report of the Public Health and Professional Services Manager, the Community Well-Being Policy Development Group had recommended that the principle of tobacco control be supported and that this Council sign the Local Government Declaration on Tobacco Control.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that smoking was bad for your health and your wealth and encouraged the Cabinet to support the principle of tobacco control.

**RESOLVED** that the recommendation be approved.

(Proposed by the Chairman)

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

**79. LOCAL DEVELOPMENT SCHEME AND LOCAL PLAN REVIEW UPDATE (00-32-47)**

The Cabinet had before it a \*report of the Head of Planning and Regeneration proposing a revised timetable for the review of the Local Plan in the Local Development Scheme (LDS) for Mid Devon and seeking funding approval from Council for additional technical work to inform the submission document.

The Head of Planning and Regeneration outlined the contents of the report stating that there was a need to present a revised version of the Local Development Scheme which reflected the continuing need to prepare a new Local Plan as quickly as possible, but took into account a delay in reaching the submission stage as there was a need to acquire additional technical evidence. The technical work related to access arrangements to the proposed East Cullompton Urban Extension and motorway access improvements in relation to Junction 28. The requirement for detailed design work at this stage of the planning process was not anticipated and the time required to complete the work was estimated to delay the submission of the plan by 6-7 months, the work would be commissioned by Devon County Council and this authority's contribution would be approximately £100,000.

Referring to the questions posed in public question time: with regard to Mr Disney's question regarding the growth agenda, officers were keen to see sustainable growth in the district, this was an unfortunate delay but a very important piece of work was required. With regard Mr Berry's question regarding Junction 27, many

representations had been received both for and against development at Junction 27, there was a need to consider the plan as a whole and therefore the design work at Junction 28 had to be completed to be able to put forward a sound plan to the inspector.

Consideration was given to:

- Concerns regarding the delay in submitting the plan and whether the Government would intervene, the Head of Planning and Regeneration stated that there was already a plan in place and that this work was a revision to that plan and therefore unlikely to cause concern to the Government.
- Clarification with regard to Junction 27 and the fact that the developer could put in a planning application.
- Planning permission for motorway services had already been granted at Junction 27.

It was therefore

**RESOLVED** that the new Local Development Scheme (as shown at Appendix 1) be approved.

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

**RECOMMENDED** to Council that financial approval for up to £100,000 be given to undertake additional technical work as outlined in the report.

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

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

#### 80. **REVIEW OF THE ARTICLE 4 DIRECTION FOR CULLOMPTON (00-48-02)**

The Cabinet had before it a \*report of the Head of Planning and Regeneration considering the outcomes of the review of the Article 4 Direction and seeking the approval of a new Article 4(1) in Cullompton.

The Head of Planning and Regeneration outlined the contents of the report stating that in 2009 as part of the Cullompton Conservation Area Management Plan, an Article 4(2) Direction was introduced. This Direction covered dwellinghouses in the whole conservation area and removed certain categories of permitted development meaning that householders were required to obtain planning permission for those particular property alterations. The categories of permitted development removed were insertion of rooflights to front roof slopes, removal of chimneys, demolition of walls, the addition of porches and replacement of windows and doors to elevations fronting highways, waterways and open spaces. In 2014 the Cabinet had received a report on issues arising from the application of the Article 4(2) and a review was commissioned. The consultant's recommendation was to have a series of revised Article 4 Schedules targeted at individual properties according to the potential for

harm from the different categories of permitted development. A public consultation followed with 10 responses in favour of the approach.

Discussion took place regarding how local residents would be notified.

**RECOMMENDED** to Council that

1. The making of an Article 4(1) Direction under the General Permitted Development (England) Order 2015 be approved with immediate effect in respect of the following categories of permitted development:
  - To control insertion of roof lights to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).
  - To protect chimneys from demolition as indicated in Map 2.
  - To control the addition of porches to 5 terraces of houses as indicated in Map 3.
  - To control the demolition of boundary walls within discrete areas as indicated in Map 4 (within the area outlined in green).
  - To control the replacement of doors in discrete areas as indicated in Map 5 (within the area outlined in green).
  - To control the replacement of windows in discrete areas as indicated in Map 6 (within the area outlined in green).
2. The making of an Article 4(1) Direction under the General Permitted Development (England) Order 2015 be approved without immediate effect in respect of installation of solar and photovoltaic panels to front roof slopes for almost the whole conservation area as indicated in Map 1 (within the area outlined in orange).
3. The cancellation of the current Article (2) be approved Direction subsequent to the new Article 4(1) Direction coming into force.
4. The Design Guide Windows and Doors be approved for publication.
5. The Design Guide Roofs and Chimneys be approved for publication.

(Proposed by Cllr R L Stanley and seconded by Cllr N V Davey)

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

## 81. **MEDIUM TERM FINANCIAL PLAN (00-55-40)**

The Cabinet had before it a \*report of the Head of Finance producing an updated Medium Term Financial Strategy (MTFS) which took account of the Council's key strategies (i.e. Service Plans, Treasury Management Plan, Asset Management Plan, Work Force Plan and Capital Strategy) and demonstrates that it had the financial resources to deliver the Corporate Plan. Included within the over-arching strategy was a Medium Term Financial Plan (MTFP) which modelled potential changes in funding levels, new initiatives, unavoidable costs and proposed service savings.

The Cabinet Member for Finance outlined the contents of the report stating that the main purpose of the Medium Term Financial Plan was to show how the Council would strategically manage its finances over the next 5 years in order to support the delivery of the pledges/objectives detailed in the new Corporate Plan. The plan also identified any gaps so strategic decisions could be made over levels of future spending, taking into consideration continued austerity and the possible removal of the formula grant.

Consideration was given to the need for the Council to become more commercial and continue to consider opportunities for investment.

**RESOLVED** that the updated Medium Term Financial Plan and the proposals outlined in paragraphs 6.2, 6.3, and 9.4 be fully endorsed.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr N V Davey)

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

82. **HALF YEARLY INVESTMENT PERFORMANCE AND REVIEW OF TREASURY MANAGEMENT STRATEGY (1-05-04)**

The Cabinet had before it a \*report of the Head of Finance informing the Cabinet of the treasury performance during the first six months of 2015/16 and requesting it to agree the ongoing deposit strategy for the remainder of 2015/16 and to review the compliance with key Treasury and Prudential Limits for 15/16 outlined in Appendix 1 of the report.

The Cabinet Member for Finance outlined the contents of the report highlighting the current portfolio position.

Discussion took place regarding the need to invest in property to increase income.

**RESOLVED** that the existing policy for investments with banks and building societies be continued.

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

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 a member of Nat West Bank pension scheme;
- (iii) \*Report previously circulated, copy attached to minutes.

**83. FINANCIAL MONITORING (1-06-37)**

The Cabinet had before it and **NOTED** a \*report of the Head of Finance presenting financial monitoring information for the income and expenditure of the 2015/16 financial year.

The Cabinet Member for Finance outlined the contents of the report stating that the forecasted general fund deficit for the current year was £157k and highlighted the most significant service movements in the past month. Most of the functions were achieving budget and he recorded his congratulations to Service Managers for their continued hard work.

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

**84. SCHEDULE OF MEETINGS 2016/17 (1-11-02)**

The Cabinet had before it a \*revised draft schedule of meeting for 2016/17.

**RECOMMENDED** that the schedule of meetings for 2016/17 be approved.

(Proposed by the Chairman)

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

**Revised Schedule of Meetings**

**85. CABINET MEMBER - INDIVIDUAL DECISION (1-11-58)**

The Cabinet **NOTED** that the following decision had been made by the Cabinet member for Planning and Economic Regeneration:

To allocate phase two of the High Street Innovation Fund with a pot totalling £40,000

A total of 16 bids were submitted covering Oakford (1 bid), Bampton (1 bid), Cullompton (2 bids), Tiverton (6 bids) and Crediton (6 bids). A staged process was followed to select the proposals to fund and this is outlined in later sections.

That the following bids for High Street Innovation Funding Phase 2 be accepted:

1. Tiverton Museum of Mid Devon Life- £10,000 for a "Tivvy Bumper" sculpture trail. This project would bring footfall into town and also links to tourism.
2. Cullompton Town team - £7,000 for projects of festival development (food and drink festivals in 2016/17, Christmas festival and town summer festival 2016), pop up museum, sheep noticeboards, travel guide aimed at coach parties and interactive display boards for Cullompton Services to bring visitors into town.
3. Bampton Business Group - £1,275 for producing the Bampton Business Guide. This funding will focus on a centrefold map of the town promoting



local businesses on the High Street. The money will also be used to widen the circulation of the guide.

4. Age UK - £5,000 for Dementia Accessible Tiverton Project. This project would give Tiverton a unique selling point and would potentially increase the number of shoppers and visitors to the town.
5. Cullompton Farmers Market - £9,500 for a Cullompton Farmers Market community shop, which would benefit shoppers and increase footfall in the High Street by creating a destination shop.
6. Crediton Town team – £2,300 for Crediton Flag project 2016. The previous iteration of this project increased footfall/ visitors into the Town.
7. Crediton Town team – £1,500 for town entrance signage design project.
8. Crediton Town team – £1,500 for a design competition for a canopy for the Town Square.
9. Crediton food festival/Crediton Town Team - £1,912 for pop up market stalls for extending the Crediton food festival into the High Street

These bids total to an amount of £39,987. Each bid is subject to an offer agreement and conditions. Should a project fail to be delivered then the monies will be ring fenced to the relevant town. The relevant Economic Development Officer/Town Centre Manager will work with the relevant groups in the towns to redistribute the remaining monies.

## 86. NOTIFICATION OF KEY DECISIONS

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

Members were informed of the following movements:

- The Masterplan – Area B, Tiverton Eastern Urban Extension, the Economic Development Strategy and the Corporate Plan would all move to the December meeting.
- The addition of a Tourism Strategy for the December meeting.
- The addition of a report regarding future joint working with other Local Authorities for 19 November 2015.
- The addition of a report on Devolution to a special meeting of the Cabinet on 2 December 2015.

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

(The meeting ended at 3.30 pm)

**CHAIRMAN**