

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 11 February 2016 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Apologies**

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

Mrs M E Squires

### **Also Present**

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

Mrs F J Colthorpe, R M Deed, R Evans, F J Rosamond  
and Mrs E J Slade

### **Also Present**

#### **Officer(s):**

Jill May (Interim Chief Executive and Head of HR and  
Development), Andrew Cawdron (Finance Manager),  
Jenny Clifford (Head of Planning and Regeneration),  
Gordon Cleaver (Economic Development Manager) and  
Sally Gabriel (Member Services Manager)

## **133. APOLOGIES**

Apologies were received from Cllr Mrs M E Squires.

## **134. PUBLIC QUESTION TIME**

Mrs Ferguson referring to Item 3 on the agenda (Minutes of Previous Meeting) stated that the minutes show that the county and district councils have worked together on details of road provision for an urban extension to Cullompton, and the Cabinet discussed road widths and existing traffic complaints. Why, then, have the county and district councils not worked together to provide any details of roads and access points needed for a quarry and processing plant at Penslade?

The minutes of the Cabinet meeting of 22<sup>nd</sup> October 2015 state that Devon County Council commissioned work to acquire additional technical evidence related to access arrangements to the proposed East Cullompton Urban Extension and that Mid Devon District Council's contribution would be approximately £100,00. Yet there is no information on access arrangements for a quarry and plant at Penslade. Why does a local plan for urban development need more technical evidence on roads in order to be legally sound but a local plan for minerals does not require any?

The Cabinet Member for Planning and Regeneration in response stated that Mrs Ferguson had raised concerns as she considered it is inconsistent that the District Council liaise so proactively with Devon County Council's Highway department on a number of planning proposals but have not done so with regard to minerals proposals at Penslade Quarry.

The fundamental difference between the Penslade Quarry proposal and the examples cited in Mrs Ferguson's question were that these examples related to the District Council's role as local planning authority. Whereas Devon County Council was the planning authority with respect to Minerals applications as well as acting as the Local Highways Authority with responsibility for roads. Therefore, the District Council's jurisdiction did not cover minerals applications or plans. Indeed, the District Council was a consultee only on the County's Minerals' Plan in a similar way to Parish Councils.

Mrs Ferguson had also raised specific concerns regarding the 'tests of soundness' which applied to the Local Plan and whether those also apply to the County's Minerals' Plan. Both plans were required to meet the tests of soundness as set out in the National Planning Policy Framework. The County Council will need to demonstrate the soundness of the Minerals' Plan to the satisfaction of an Independent Inspector. We were aware that Mrs Ferguson took the opportunity to make representation to Devon County with regard to their Minerals' Plan. Mrs Ferguson was aware that Mid Devon District Council also submitted representations to the County Council, which included transport related comments.

The key differences in the approach that we have to take in compiling our Local Plan were that we have to consult with Devon County as a Highway Authority. When Devon County Council compiled their Minerals Local Plan they worked with their own Highways Department to assess any issues.

We do have sympathy with Mrs Ferguson's concerns and we would recommend that she continued to direct her comments to Devon County Council who have responsibility for both Minerals Planning and Highways.

In addition with regard to the Local Plan, the highway network did involve the M5 and therefore we have to liaise with Highway England along with other statutory bodies.

Mr Marshall referring to Item 10 (Tourism Action Plan) on the agenda asked the following questions:

1. Nowhere within the text of Item 10 can I see any reference to the Mid Devon Tourism Study, would Members be aware of any obvious or other reason for the lack of information.
2. I would be interest to know as to whether any Cabinet Members have read the extremely comprehensive and independent 41 page Mid Devon Tourism Study commissioned by this Council?
3. The following question assumes that at least one Cabinet Member has read the Study – therefore in light of the information within the final Mid Devon Tourism Study, would Members consider it good value and good use of public money to carry out further market research into what is lacking in this Council's Tourism Strategy, when information from the last 20-30 years clearly indicates the reasons as to why Mid Devon is consistently the poor relation of tourism within the whole of Devon.

The Cabinet Member for Planning and Economic Regenerations stated that he would provide answers to the questions when the item was discussed however with regard

to question 2, he confirmed that he had read the G L Hearn document, which had formed part of a planning study within the auspices of the Local Plan.

#### 135. **MINUTES OF THE PREVIOUS MEETING (00-11-11)**

The minutes of the previous meeting held on 14 January 2016 were approved as a true record and signed by the Chairman.

#### 136. **MEETING MANAGEMENT**

The Chairman indicated that he would take Item 11 (Leisure Pricing) on the agenda as the next item of business.

#### 137. **LEISURE PRICING (00-11-30)**

Arising from a report from the Interim Chief Executive and Head of HR and Development, the Community Well-Being Policy Development Group had recommended that the Leisure Pricing report be approved subject to the following:

- a) All basic fees, lets and charges be increased by 5% from 1 April 2016;
- b) That discounts for 60+ Zest membership be set at:
  - a. 30% for 2016/17
  - b. 20% for 2017/18
  - c. 10% for 2018/19
  - d. And from 2019/20 be as per the appropriate Zest membership fee;
- c) That concessionary Junior Zest memberships be discounted by 10% from the appropriate junior monthly Zest membership fee;
- d) That a full review of rents, lets and charges be undertaken with a view to further simplifying the tariff structure;
- e) That within six months a full review of Leisure Services income and resources be undertaken to ensure a positive long-term financial result for the service.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that the Policy Development Group had discussed the matter fully and had acknowledged that the pricing scheme needed to be simplified. A variety of different membership tariffs had been introduced over a period of time, to increase sales and generate cash income. However the service could no longer afford to do this. A review of the current pricing literature and information had been undertaken which revealed a complicated structure.

Consideration was given to:

- A review of the whole structure of leisure looking at income and expenditure and that this take place within a period of 6 months and that a further report be presented to the Community Well Being Policy Development Group in September 2016.

- Cllr Deed's request that the wording of the recommendation from the Policy Development be corrected.

It was therefore

**RESOLVED** that

- a) All basic fees, lets, rents and charges be increased by 5% from 1 April 2016;
- b) That discounts for 60+ Zest membership be set at:
  - a. 30% for 2016/17
  - b. 20% for 2017/18
  - c. 10% for 2018/19
  - d. And from 2019/20 be as per the appropriate Zest membership fee;
- c) That concessionary Junior Zest memberships be discounted by 10% from the appropriate junior monthly Zest membership fee;
- d) That within a period of 6 months and by 27 September 2016, a full review of all fees, rents, lets and charges be undertaken with a view to further simplifying the tariff structure;
- e) That within six months a full review of Leisure Services income and expenditure resources be undertaken to ensure a positive financial result for the service in the financial year ending 31 March 2020

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

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

### 138. **CLINICAL WASTE**

Arising from a \*report from the Head of Finance, the Managing the Environment Policy Development Group had recommended that:

- a) A separate clinical waste collection be offered only for hazardous or infectious clinical waste. This meant that offensive waste, such as sanitary protection products, would be collected and disposed of via ordinary residual waste collections;
- b) Additional waste capacity be provided to households generating offensive waste. This would mean providing a black wheeled bin, for the period that offensive waste was being generated. The normal bin supply charge will be waived;
- c) Mid Devon District Council work with healthcare providers to ensure they remove clinical waste that they generated in clients' homes, or that they pay the Council to collect this waste.

The Cabinet Member for the Environment stated that there was a need to rationalise the clinical waste scheme and make it more cost effective.

**RESOLVED** that the recommendations of the Policy Development Group be approved

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

Note: Report previously copy attached to minutes.

139. **HOUSING STRATEGY (00-33-25)**

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised housing strategy be approved once the changes as set out in the report had been implemented.

The Cabinet Member for Housing outlined the report and the consultation process that had taken place identifying the feedback received.

Consideration was given to Community Land Trusts and the potential for more affordable housing to take place

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

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

140. **TENANCY AGREEMENT (00-36-41)**

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the consultation take place with Council tenants in accordance with sections 102 and 103 of the Housing Act 1985 on the proposed changes to the draft Tenancy Agreement.

The Cabinet Member for Housing outlined the report highlighting the proposed changes within the report.

Consideration was given to the possible move away from charging rent over 48 weeks each year to charging rent over 52/53 weeks and the impact that would have on tenants.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

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

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

141. **CAR PARK MANAGEMENT POLICY (00-39-01)**

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised Car Park Management Policy be approved.

The Cabinet Member for Housing outlined the report highlighting the proposed policy changes.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

(Proposed by Cllr R L Stanley and seconded by Cllr P H D Hare-Scott)

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

#### 142. RECHARGE POLICY (00-39-48)

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised Recharge Policy be approved

The Cabinet Member for Housing outlined the report highlighting the proposed changes specifically the tenants responsibility to leave properties in a decent condition.

Discussion took place regarding whether outgoing tenants were pursued financially for any damage to properties.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

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

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

#### 143. GARAGE MANAGEMENT POLICY (00-42-39)

Arising from a \*report from the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the revised Garage Management Policy be approved .

The Cabinet Member for Housing outlined the contents of the report stating that the review reflected changes in good practice and allowed for any legislative changes to be updated accordingly.

**RESOLVED** that the recommendation of the Policy Development Group be approved.

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

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

#### 144. **TOURISM ACTION PLAN (00-44-08)**

Arising from a report from the Head of Communities and Governance, the Community Well-Being Policy Development Group had recommended that the Tourism Action Plan for 2016/17 be approved.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the work programme that was proposed and that tourism had been specifically highlighted within the proposed Corporate Plan.

With regard to Mr Marshall's question, some of the work towards a tourism strategy had already taken place within the GL Hearn document, the Heart of Devon Partnership would work together with Mid Devon Attractions Group but further market research would be required.

The Economic Development Manager stated that the Corporate Plan highlighted tourism underneath the economic objective, further research was required to identify our visitors and who we wanted to attract to area; working with local stakeholders was an important part of this work.

Discussion took place regarding:

- Ongoing projects taking place in the local towns
- The need to improve pavements and tidiness in the towns
- The need for tourist projects to reach rural areas
- Projects that had been run in the Blackdown Hills to attract tourists
- The need to encourage volunteers and work with local people who had individual ideas for specific projects
- Whether further research was necessary

**RESOLVED** that the item be deferred until the next meeting to allow further work to take place with a view to including more rural based actions within the action plan.

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

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

#### 145. **COMMUNITY WELL-BEING - BUDGET RECOMMENDATIONS (1-15-14)**

Arising from a report of the Head of Finance, the Community Well-Being Policy Development Group made the following recommendation that subject to the £500 Member Locality budget being removed, the draft budget be approved.

The recommendation was **NOTED** and would be discussed further during the main budget item.

#### 146. **SCRUTINY COMMITTEE - BUDGET RECOMMENDATIONS (1-16-00)**

The Scrutiny Committee considered the budget proposals at its meeting on 25 January 2016 and made the following recommendations:

a) If the New Homes Bonus was used to balance the budget for 2016/17, that this happen for one year only, and that continued income generation be sought to balance future budgets.

b) That the proposed £21K Locality Budget be invested in schemes to generate long term income for the authority and that the suggested £500 not be issued to individual Members.

c) That this Council investigate whether there was a need to have the current number of Councillors or whether this number could be reduced.

d) That this Council investigate the Committee structure as a whole, with regard to adding an additional Policy Development Group, to ensure that Committees best served the Authority with regard to the Corporate Plan.

The Chairman indicated that recommendations a) and b) would be considered under Item 18 (Budget) on the agenda. With regard to c) the Returning Officer and the Electoral Services Manager be requested to present a report to a future meeting of the Cabinet. Item d) would be considered under Item 16 (Corporate Plan).

#### 147. CULLOMPTON ARTICLE 4 DIRECTION REVIEW (1-16-20)

***The Cabinet had before it a \*report of the Head of Planning and Regeneration seeking approval for the confirmation of an Article 4(1) Direction with immediate effect for 6 categories of permitted development. To seek approval for confirmation of the Article 4(1) Direction covering the additional category of permitted development namely the installation of solar and photovoltaic panels.***

The Cabinet Member for Planning and Economic 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 covering dwellinghouses in the whole conservation area and removed the several categories off permitted development.

On 8 May 2014 Cabinet received a report on issues arising from the application of the Article 4(2) Direction. It was decided to commission a review of the Article 4(2) Direction by private consultants.

The consultant's report recommended a more targeted approach. This was used as the basis for proposed amendments to the Article 4(2) Direction. In addition the consultant recommended that the installation of solar and photovoltaic panels should be controlled as their impact was comparable with that of rooflights on front roof slopes.

Shortly after this (April 2015) the Planning (General Permitted Development) Order was amended. Article 4(2) Directions were revamped and became either Article 4(1) Direction with immediate effect or Article 4(1) Direction without immediate effect. The consultation process regarding solar and photovoltaic panels had taken place.

**Consideration was given to sky dishes within the Conservation Area.**

**RECOMMENDED that:**

- a) Confirmation of the making of an 4(1) Direction 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. (Map 1)
  - To protect chimneys from demolition on individual properties throughout the conservation area.(Map 2)
  - To control the addition of porches to 5 terraces of houses (Map 3).
  - To control the demolition of boundary walls within discrete areas (Map 4).
  - To control the replacement of doors in discrete areas (Map 5)
  - To control the replacement of windows in discrete areas (Map 6)
- b) Confirmation of the Article 4(1) Direction in respect of installation of solar and photovoltaic panels to front roof slopes to come into force on 25<sup>th</sup> February 2016.(Map 7).

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

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

**148. NATIONAL NON DOMESTIC RATES (1-22-28)**

The Cabinet had before it a \*report of the Head of Finance providing Members with an update the income generation and financial implications of the number of Business Rate properties in Mid Devon and requesting it to approve the NNDR1 (estimated income to be generated in 2016/17 from business rates).

The Cabinet Member for Finance outlined the contents of the report explaining the difference between the old and new schemes and the need for the billing authority to forecast the amount of revenue it would generate from business rates.

**RESOLVED that:**

- a) The calculation of the NNDR1 net yield is noted and approved for 2016/17;

- b) The proportions distributed to the respective authorities and central government be allocated as per the statutory regulations; and
- c) Members note and approve 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 reliefs.

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

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

#### 149. **CORPORATE PLAN (1-23-32)**

The Cabinet had before it a \* report of the Head of Communities and Governance presenting Members with the Corporate Plan for 2016-2020.

The Leader outlined the contents of the report highlighting the four proposed priorities and the underlying objectives of the plan. He added that because of concerns raised by the Scrutiny Committee and the Policy Development Groups he proposed that the locality budget be dropped from the “Community” priority and not be progressed at the current time. Considering the view of the Scrutiny Committee with regard to an additional Policy Development Group, he felt that a fourth Policy Development Group leading on the economy would link all the Policy Development Groups to the strategic Corporate Plan.

Consideration was given to the “Away Days” that had taken place to discuss the Corporate Plan and that it had been evident that the economy although identified as a clear priority, was not the centre of discussion. It was felt that a formal Policy Development Group dealing with economic development across the district would highlight the work that needed to take place. Consideration of the proposals before the Standards Committee were also recognised.

| **RECOMMENDED** that the Corporate Plan for 2016-2020 be approved.

Informative Note: That the Cabinet support the idea of a 4<sup>th</sup> Policy Development Group looking at Priority 1 (Economy) within the Corporate Plan, so that each priority had dedicated member involvement for improvement.

(Proposed by the Chairman)

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

#### 150. **FINANCIAL MONITORING**

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 highlighting the projected deficit of £372k and outlining the most significant service movements within the last month.

Consideration was given to slippage in the Capital Programme and it was requested that the programme be split between the General Fund and the HRA for accountancy purposes. It was suggested that in the next financial year, the programme be split further between projects that the authority had direct control over and those which it did not.

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

#### 151. **BUDGET (1-36-13)**

The Cabinet had before it a \* report of the Head of Finance outlining options available in order for the Council to move towards a balanced budget for 2016/17.

The Cabinet Member for Finance outlined the contents of the report explaining that the final grant settlement had now been received (9 February) and that the authority would now receive £349k more in Rural Services Delivery Grant and £32k in Transition Grant for 2016/17. In addition the DCLG had slightly revised the Referendum Limit to allow all District Councils to increase their share of the Council Tax by no more than 2% or up to a cash maximum of £5. This would effectively allow the authority to increase its band D level of Council Tax from £182.15 (which had been frozen since 2010/11) to £187.15, which would equate to an increase of 2.74% and generate additional Council Tax revenue of circa £34.4k. Therefore a reduced amount of the New Homes Bonus would be required to balance the budget.

Consideration was given:

- to the 1% reduction in housing rent that the Government had introduced and the impact of that on how the authority maintained its housing stock
- the need to keep reserves at a decent level
- the fact that Council Tax had been frozen for several years.

**RECOMMENDED** that:

- a) Council Tax be increased by 2.74% to £187.15 (in accordance with the revised referendum limit ability of £5.00) and,
- b) General Fund budget for 2016/17 be approved.
- c) The 2016/17 budget requires no transfer from the General Fund Balance.
- d) The General Fund Budget required a temporary transfer of £326k from New Homes Bonus reserve after the changes announced in the Grant Settlement on 9 February 2016.
- e) HRA budget for 2016/17 be approved – Appendix 3.
- f) HRA fees/charges are approved based on the attached schedule shown as Appendix 4.

- g) Work on strategic planning for delivering balanced budgets in the future be commenced with the new draft Corporate Plan.

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

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

#### 152. **CAPITAL PROGRAMME (1-45-30)**

The Cabinet had before it a \* report of the Head of Finance seeking Council approval for the 2016/17 Capital Programme and that the estimated amounts for 2017/18, 2018/19 and 2019/20 be noted.

The Cabinet Member for Finance outlined the contents of the report stating that he was concerned about the slippage and hoped that the projects that could be controlled would be brought forward as soon as was possible.

**RECOMMENDED** that:

- a) The detailed Capital Programme for 2016/17 be approved and the estimated amounts for 2017/18, 2018/19 & 2019/20 be noted.
- b) To agree to earmark New Homes Bonus (NHB) monies of £1,091k to support the 2016/17 Capital Programme (see para 2.3).

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

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

#### 153. **ESTABLISHMENT (1-46-48)**

The Cabinet had before it a \*report of the Interim Chief Executive and Head of HR and Development outlining the overall structure of the Council showing the management and deployment of officers.

The Interim Chief Executive and Head of HR and Development outlined in the contents of the report.

Consideration was given to the use of agency staff.

**RECOMMENDED** that the Establishment be approved.

(Proposed by the Chairman)

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

#### 154. **POLICY FRAMEWORK (1-48-33)**

The Cabinet had before it a report of the Interim Chief Executive requesting it to endorse the Policy Framework for the year.

The Cabinet considered the policies and the review dates.

**RECOMMENDED** that the Policy Framework be adopted subject to: the Planning Policy Documents being moved from the Planning Committee within the framework to the Cabinet having been considered by the Planning Policy Advisory Group

(Proposed by the Chairman)

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

155. **NOTIFICATION OF KEY DECISIONS (1-50-32)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for February 2016 containing future key decisions.

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

(The meeting ended at 4.07 pm)

**CHAIRMAN**