

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 4 August 2016 at 2.15 pm

### **Present**

#### **Councillors**

C J Eginton (Leader)  
R J Chesterton, N V Davey, C R Slade,  
Mrs M E Squires and R L Stanley

### **Apologies**

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

P H D Hare-Scott

### **Also Present**

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

F J Rosamond

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Head of Finance), Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Jenny Clifford (Head of Planning and Regeneration), Jill May (Head of HR and Development), Liz Reeves (Head of Customer Services), Nick Sanderson (Head of Housing and Property Services) and Sally Gabriel (Member Services Manager)

## **42. APOLOGIES**

Apologies were received from Cllr P H D Hare-Scott.

## **43. PUBLIC QUESTION TIME**

Cllr Les Cruwys a Member of Tiverton Town Council but speaking as a Member of the public and referring to Item 17(options for the Town Hall) on the agenda stated that between June 1972 and May 1974 which was the changeover period from the Borough Councils to the District Council there was a need to develop a structure for the District Council as we see it today. We had 40 Members, no policies, no powers, no money and no buildings. Prior to this in 1971 the 4 local authorities of Cullompton, Crediton, Tiverton Rural and Tiverton Borough had discussed what services they would hand over to the new district authority. Under the Act most areas of power had to be handed over, like the planning authority, but many other areas were at the discretion of the original authority, like parks, cemeteries and property, it was at that time that the Town Hall, The Great House, and St Peter Street along with the parks, were handed over to the District Council. In later years I not only became the Mayor of Tiverton but the Deputy Leader and Vice Chairman of this District Council and in carrying out these roles, I met with many other authorities and we talked about what had been handed over, many authorities had retained much more in the way of buildings and property than Tiverton did. The Town Hall was built and paid for by donations from Tivertonians, and like Peoples Park, the building was given to the people of Tiverton. I understand that you have to take ownership. It would be sacrilege for this outstanding listed building to be lost and the people of the town would not accept it being turned into a nightclub or Poundland. It is without doubt one of the main land marks of the town and its beauty is commented on by visitors

and locals alike. The District Council sold housing stock in Halsbury Road to a housing association for £1 so they could demolish and rebuild new houses and the Clock Tower was sold to the Town Council for a £1. I am asking you to give strong consideration to the Town Hall and the land at the rear being handed back to Tiverton via the Town Council, I understand that you have to show a receipt of the property you dispose of and suggest that the sum of £5 be accepted which is after all more than you paid for it. You have had free use of it for over 40 years.

The Chairman thanked Cllr Cruwys and stated that Members would consider his request.

#### 44. **MINUTES OF THE PREVIOUS MEETING (00-05-57)**

The minutes of the previous meeting held on 7 July 2016 were approved as a true record and signed by the Chairman.

#### 45. **PUBLIC HEALTH ENFORCEMENT POLICY (00-06-59)**

Arising from a report of the Head of HR and Development, a joint meeting of the Community Wellbeing and Decent and Affordable Homes Policy Development Group had recommended that the new Public Health Enforcement Policy be recommended to Council and reviewed every two years.

The Cabinet Member for Community Well-Being outlined the contents of the report stating that it had been considered by the joint Policy Development Group and noted by the Licensing and Regulatory Committees. The new policy encompassed enforcement functions across a number of services within the council.

Members' attention was drawn to the addendum attached to the policy relating to the Regulation of Investigatory Powers Act (RIPA) – paragraph 6.4 which was additional information gained since discussions had taken place at the Joint Policy Development Group. All Members who had originally received the report had been advised of the addendum.

Discussion took place regarding the need for a comprehensive guide to be put in place.

**RECOMMENDED** that the amended policy be approved.

(Proposed by Mrs M E Squires and seconded by Cllr C R Slade)

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

#### 46. **HIGH HEDGES POLICY (00-11-36)**

Arising from a report of the Head of Housing and Property Services, the Managing the Environment Policy Development Group had recommended that the current policy and processes be adopted subject to:

- the word 'determining' being changed to 'processing' within the table at 6.1
- the wording 'refund fee' should read 'consider refund'

- a flat fee of £350 should apply to all applicants with no discount given for those on benefits

The Cabinet Member for the Environment outlined the contents of the report stating that the policy provided the authority to determine complaints by the owners/occupiers of domestic property adversely affected by evergreen hedges over two metres high.

Consideration was given to the fee for determining a complaint

**RESOLVED** that the revised policy as amended be approved and that delegated authority be given to the Head of Housing and Property Services to review the fees on an annual basis.

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

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

#### 47. **PROPOSED CHANGES TO THE TENANCY AGREEMENT (00-11-00)**

Arising from a report of the Head of Housing and Property Services the Decent and Affordable Homes Policy Development Group had recommended that approval be given for the Council to vary the terms of the tenancy agreement by serving a notice of variation to secure tenants in accordance with sections 102 and 103 of the Housing Act 1985.

The Cabinet Member for Housing outlined the contents of the report stating that the Council currently operated nine different tenancy agreements relating to introductory, secure and flexible tenancies, the revised agreement amalgamated those documents into one. As part of the consultation process all current secure tenants had been consulted on the proposed changes, 72 responses had been received.

**RESOLVED** that the revised agreement be approved.

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

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

#### 48. **TENANCY INSPECTION POLICY (00-17-52)**

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 Tenancy Inspection Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the revised policy provided a framework for staff which set out how they could make the best use of the housing stock by carrying out regular tenancy inspections.

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

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

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

49. **FIRE RISK IN COMMUNAL AREAS POLICY (00-20-08)**

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 Fire Risk in Communal Areas policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the review of the policy reflected changes in good practice and legislation and provided a framework for staff which set out how they were to manage fire risk in communal areas.

Consideration was given to obstructions placed in communal areas and clear guidance on the storage of mobility scooters.

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

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

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

50. **CONVERSION OF COMMON ROOMS INTO LETTABLE UNITS (00-23-22)**

Arising from a report of the Head of Housing and Property Services, the Decent and Affordable Homes Policy Development Group had recommended that the proposed 'change of use' of our Common Rooms be approved

The Cabinet Member for Housing outlined the contents of the report stating that the Tenants Together Group had undertaken a full review of the use of commons rooms across the authority, the result of the assessment had been that the rooms were underutilised and that better use could be made of those assets. The review had recommended that:

- The common room at Brewin Road, Tiverton be closed and converted into a one bedroom flat.
- The relocation of the washing/drying room at Brewin Road to the rear of the building with the installation of a chargeable meter system.
- The common room at Woolcott Way, Cullompton be closed and converted into a one bedroom flat.
- The common room at Broad Lane flats, Tiverton be closed and converted into a one bedroom flat.
- Westfield Road flats be refurbished and rebadged to become a new community centre.

Mention was made of the good work taking place by the Tenants Together Group and they were thanked for their work.

**RESOLVED** that the changes of use be approved.

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

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

51. **VOID MANAGEMENT POLICY - SHELTERED HOMES DECORATION (00-25-38)**

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 policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating that 654 properties owned by the Housing Revenue Account had been formally classified sheltered housing, this had since been reclassified as accessible housing, because of the change in age range of the occupiers of the properties. The Tenants Together Group had considered whether it was necessary for the Council to undertake the decoration of every property and that savings could be made

Consideration was given to the 5% of tenants who were unable to redecorate their properties and what service would be provided.

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

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

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

52. **HOUSING SERVICES ALLOCATIONS POLICY (ADDENDUM) (00-28-55)**

Arising from a \* report of the Head of Housing and Property Services the Decent and Affordable Homes Policy Development Group had recommended that the addendum to the Housing Allocations Policy be approved.

The Cabinet Member for Housing outlined the contents of the report stating the Council no longer had any Sheltered Housing stock and therefore there was a need to redefine stock that was originally classed as Sheltered Housing for elderly persons. Amending the policy would enable the Housing Options team to allocate the accommodation to those who had a medical need for this type of home and make the best use of the Council's housing stock.

**RESOLVED** that the addendum to the policy be approved.

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

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

53. **ANNUAL REPORT ON COMPLAINTS, COMMENTS AND COMPLIMENTS (00-30-11)**

The Cabinet had before it and **NOTED** a \* report of the Head of Customer Services providing the annual report on complaints, comments and compliments received as part of the 1.5 million contacts with customers in 2015/16.

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that the Council received contact from customers in a variety of ways for all services. In 2015-16, there were 99,739 visitors to the offices for enquiries or to make payments, 487,248 phone calls received (in the call centre and direct to officers) and over 843,725 emails. Digital contacts were increasing, 29,053 on line forms were received, plus 800 planning applications via the portal, in total 1.5 million contacts from our customers were received during the year.

Consideration was given to:

- the difference between an expression of dissatisfaction and an actual complaint
- the logging of service requests
- Logging calls via the “out of hours” service

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

#### 54. **FINANCIAL MONITORING (00-43-45)**

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 2016/17 financial year.

The Head of Finance outlined the contents of the report stating that the General Fund forecasted a deficit of £202k, it was however early days within the financial year but that the areas of concern were:

- the high costs of vehicle maintenance within the waste service, the waste vehicles would be replaced once the savings agreement with Devon County Council was finalised
- the Leisure staff restructure and below budget income (however targets had been raised and income increased)
- Planning income was down although major applications were expected.

He added that the Housing Revenue Account continued to perform well and income collection was excellent.

With regard to the Capital Programme, Members were advised that within the data provided a deliverable capital programme had been identified.

Consideration was given to the longevity of the New Homes Bonus and its uses.

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

#### 55. **NATIONAL FARMERS UNION - PLEDGE (00-52-40)**

The Cabinet had before it a \* request to pledge support for British Farming in the wake of the EU referendum. The Leader stated that following attendance at the Rural Farming Network the importance of backing the pledge was raised and that the authority must consider how best to support the sector, this would be explored through the Economy Policy Development Group.

**RESOLVED** that the pledge of the National farmers Union backing British Farmers be supported.

(Proposed by the Chairman)

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

56. **NOTIFICATION OF KEY DECISIONS (00-55-54)**

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

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

57. **ACCESS TO INFORMATION ACT - EXCLUSION OF PRESS AND PUBLIC (00-57-54)**

As there was a need to discuss financial issues with regard to the options for the Town Hall, Tiverton it was

**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 respectively 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)

58. **OPTIONS FOR THE TOWN HALL, TIVERTON**

The Cabinet had before it a \* report of the Head of Housing and Property Services considering options with regard to the disposal and future management of the Town Hall.

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

Following discussion it was **AGREED** that the meeting return to open session and it was

**RESOLVED** that option 2 be further explored.

(Proposed by the Chairman)

Notes:

- (i) Cllrs N V Davey and C R Slade declared personal interests as Members of Tiverton Town Council;
- (ii) \*Report previously circulated.

(The meeting ended at 3.30 pm)

**CHAIRMAN**