

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **CABINET** held on 1 December 2016 at 2.15 pm

### **Present**

#### **Councillors**

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

### **Also Present**

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

F J Rosamond

### **Also Present**

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

Stephen Walford (Chief Executive), Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Jenny Clifford (Head of Planning and Regeneration), Liz Reeves (Head of Customer Services), Dawn Harris (Benefits Manager), Catherine Marlow (Conservation Officer), Catherine Yandle (Internal Audit Team Leader) and Sally Gabriel (Member Services Manager)

## **99. APOLOGIES**

There were no apologies.

## **100. PUBLIC QUESTION TIME (00-00-45)**

There were no members of the public present.

## **101. MINUTES OF THE PREVIOUS MEETING (00-00-54)**

The minutes of the special meeting held on 21 November 2016 were approved as a true record and signed by the Chairman.

## **102. MOTION 530 (CLLRS R L STANLEY AND R J CHESTERTON 19 SEPTEMBER 2016) (00-01-56)**

The following Motion had been forwarded to the Cabinet for discussion:

In order to allow a new, productive future for certain agricultural buildings, permitted development rights have been extended allowing for their use to change without planning permission in certain instances. Procedures allow for local consultation but do not currently recognise a need to consult with Parish Councils. Local communities as represented through Parish Councils, are well placed to identify the likely impacts of proposals and could be identified as a required consultee. Impacts may be cumulative where there is a concentration of proposals within a small area and it is considered that the permitted development rights could be worded to recognise cumulative effects. It is requested that Council write to the Minister to bring these

issues to his attention and request that he amend the General Permitted Development Order accordingly.

The Cabinet Member for Planning and Economic Regeneration explained the reasons behind the motion in that he wished to lobby Government Ministers with regard to Parish Councils having some involvement in the permitted development rights process as a consultee. He felt that particularly in rural areas there could be circumstances where a number of schemes were taking place and such development could have a cumulative effect, Parish Councils had a lot of local knowledge and if consulted could provide important information. This was confirmed by the Cabinet Member for Housing.

Consideration was given to: the impact of cumulative development in rural areas and that good planning was something the minister should be aiming for.

**RECOMMENDED** to Council that Motion 530 be supported.

(Proposed by the Chairman)

103. **RECOMMENDATION FROM ENVIRONMENT POLICY DEVELOPMENT GROUP - DRAFT BUDGET (00-09-04)**

Arising from a report of the Director of Finance, Assets and Resources regarding options available in order for the Council to set a balanced budget, the Environment Policy Development Group had recommended that:

- a) Bulky Waste collection fees be increased by £1 from April 2017; and
- b) Garden Waste collection fees be increased by £1 for both size bins from October 2017.

The Cabinet Member for the Environment emphasised that the recommendation was for the 2017/18 budget year and that if approved within the budget would not come into effect until October 2017.

The Director of Finance, Assets and Resources confirmed that any future increases would be considered in the autumn of each year.

**RESOLVED** that the recommendation be approved.

(Proposed by Cllr K I Busch and seconded by Cllr C R Slade)

104. **COUNCIL TAX REDUCTION SCHEME (00-12-00)**

Arising from a report \* of the Director of Finance, Assets and Resources, the Community Policy Development Group had recommended that: the reasons for the proposal, the consultation process and requirement to approve a revised scheme by 31 January 2017 be **NOTED** and that the following be **RECOMMENDED** to Council:

- a) The proposed changes to Council Tax Reduction Scheme from 1 April 2017 as detailed in Appendix 1 subject to an amendment shown in para 4 of this report be approved.

- b) The updated Council Tax Reduction Exceptional Hardship Policy (Appendix 4) be approved.
- c) Delegated authority be given to the Director of Finance, Assets and Resources to make any minor amendments to the scheme where there appears to be ambiguity in relation to wording of the scheme and the Council's intent for the scheme.
- d) The requirement to read and consider the Equality Impact Assessment and consider the impact of the proposed changes be noted.

The Cabinet Member for Finance outlined the contents of the report stating that the Council Tax Reduction (CTR) also known as Council Tax Support was introduced on 1 April 2013 and replaced Council Tax Benefit, which was fully funded by the Department for Work and Pensions. The scheme for Working-age customers (those below the age to claim State Pension) was set out in the Council Tax Reduction Scheme Policy. The requirement to have a policy was within S13A and Schedule 1a of the Local Government Finance Act 1992. He informed the meeting that council tax collection rates remained high.

**RESOLVED** that the reasons for the proposal, the consultation process and requirement to approve a revised scheme by 31 January 2017 be **NOTED**.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr Mrs M E Squires)

**RECOMMENDED** to Council:

- a) The proposed changes to the Council Tax Reduction scheme as detailed in Appendix 1 of the report subject to an amendment shown in paragraph 4 be approved.
- b) The updated Council Tax Reduction Exceptional Hardship Policy (Appendix 4) be approved.
- c) Delegated authority be given to the Director of Finance, Assets and Resources to make any minor amendments to the scheme where there appeared to be ambiguity in relation to wording of the scheme and the Council's intent for the scheme.
- d) The requirement to read and consider the Equality Impact Assessment and consider the impact of the proposed changes be noted.

(Proposed by Cllr P H D Hare-Scott and seconded by Cllr M E Squires)

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

#### 105. **TAX BASE CALCULATION (00-15-28)**

The Cabinet had before it a \*report of the Director of Finance Assets and Resources detailing the statutory calculations necessary to determine the Tax Base for the Council Tax.

The Cabinet Member for Finance outlined the contents of the report stating that this was a statutory function and a legal requirement, the Council would set its budget using Council Tax information as at 30 November each year in accordance with the Local Authorities (Calculation of Council Tax Base (England) Regulations 2012

**RECOMMENDED** to Council that the calculation of the Council's Tax Base for 2017/18 be approved in accordance with The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 at **27,876.12**.

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

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

#### 106. **TIVERTON MEMORIAL GARDEN PROJECT (00-16-34)**

The Cabinet had before it a \*report of the Conservation Officer seeking agreement for the continued work of the Tiverton War Memorial Project working group and its allocated financial resource.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that in 2014 as part of the masterplanning exercise for the centre of Tiverton there had been a desire to relocate the Burma Star memorial and create a new war memorial in the town. A project group had been formed which consisted of representatives from the District Council, Devon County Council Tiverton Town Council, the Burma Star Association and the Royal British Legion. The original relocation site had been at Angel Hill close to the British Legion building, however as a result of feedback received via the public consultation an alternative site was considered in Phoenix Lane. He highlighted the area under consideration adjacent to Gotham House.

Consideration was given to:

- The funding for the project
- The relocation of the curved bench around the Rotary wishing well, possibly to the Pannier Market or Market Walk
- The landscaping of the new memorial garden and the need for it to be an area for contemplation
- The enhancement of Phoenix Lane

**RESOLVED** that the Tiverton War Memorial Project be supported and that work be continued in securing a new war memorial installation and garden setting in Phoenix Lane, Tiverton.

(Proposed by Cllr R J Chesterton and seconded by Cllr C R Slade)

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

#### 107. **FREEDOM OF INFORMATION POLICY (00-25-01)**

The Cabinet had before it a \* report of the Head of Customer Services seeking to review and update the Freedom of Information Policy (FOI) and Environmental Information Regulations (EIR).

The Cabinet Member for the Working Environment and Support Services outlined the contents of the report stating that since 1<sup>st</sup> January 2005 all requests for information received by a public authority have had to be answered in accordance with the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations 2004 (EIR). The only exception to this was a request for personal information where the individual could request their own personal data, called a Subject Access Request (SAR). The main principle behind FOI legislation was that people had a right to know about the activities of public authorities, unless there was a good reason for them not to. Access to information helped the public hold public authorities to account for their actions and allowed public debate to be better informed and more productive. Access to official information could also improve public confidence and trust if government and public sector bodies were seen as being open.

Consideration was given to:

- The cost of running the service
- The need for open data sets to be increased on the website so that more information was available to the public which may decrease the number of FOI requests.

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

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

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

#### 108. **PERFORMANCE AND RISK (00-32-12)**

The Cabinet had before it and **NOTED** a \*report of the Director of Corporate Affairs and Business Transformation providing Members with an update on performance against the corporate plan and local service targets for 2016-17 as well as providing an update on the key business risks.

The Internal Audit Team Leader walked Members through the report and Cabinet Members were invited to highlight issues within their portfolios.

Discussion followed with regard to:

- Rent arrears - performance relating to the collection of rent owed by current tenants was ranked 4<sup>th</sup> out of 310 registered providers who had submitted data. In addition, MDDC ranked 1<sup>st</sup> out of a list of 20 similar sized Councils with retained stock, in relation to this area of performance
- Empty shops in Cullompton
- Food Safety
- Air Quality

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

109. **CABINET MEMBER DECISION - ENVIRONMENT. (00-44-13)**

The Cabinet **NOTED** that the following decision had been made by the Cabinet Member for the Environment:

To give free car parking for the first three Saturday's in December (3<sup>rd</sup>, 10<sup>th</sup> and 17<sup>th</sup>) plus a 4<sup>th</sup> day (Saturday 26<sup>th</sup> November for Tiverton and Cullompton and Saturday 24<sup>th</sup> December for Crediton) in the long stay car parks of:

Multi-storey car park, Tiverton

Station Road, Cullompton

St Saviours Way, Crediton

110. **NOTIFICATION OF KEY DECISIONS (00-46-00)**

The Cabinet had before it and **NOTED**, its rolling Plan for January 2016.

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

(The meeting ended at 3.03 pm)

**CHAIRMAN**