

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **CABINET** held on 30 March 2017 at 2.15 pm

### **Present**

**Councillors** C J Eginton (Leader)  
R J Chesterton, K Busch, C R Slade,  
Mrs M E Squires and R L Stanley

### **Apologies**

**Councillor(s)** P H D Hare-Scott

### **Also Present**

**Councillor(s)** Mrs G Doe, Mrs B M Hull, D J Knowles, R F Radford,  
F J Rosamond and Mrs E J Slade

### **Also Present**

**Officer(s):** Andrew Jarrett (Director of Finance, Assets and Resources), Jill May (Director of Corporate Affairs and Business Transformation), Andrew Pritchard (Director of Operations), Jenny Clifford (Head of Planning and Regeneration), John Bodley-Scott (Economic Development & Regeneration Manager), Catherine Yandle (Internal Audit Team Leader), Lorraine Durrant (Waste and Recycling Officer), Jan Norman (Environment and Enforcement Manager) and Sally Gabriel (Member Services Manager)

## 162. **APOLOGIES**

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

## 163. **PUBLIC QUESTION TIME (00-01-00)**

Jeremy Salter, Tiverton Civic Society referring to Item 13 on the agenda (Motion 535) stated that:

Tiverton Civic Society fully supports the motion by Councillor Knowles. There is, especially in the Harrowby Papers, an enormous wealth of historical records available for Tiverton in the 18<sup>th</sup> & early 19<sup>th</sup> centuries. My own current reading of the 84 letters of Beavis Wood, Town Clerk for 41 years between 1765 and 1806, reveals that Tiverton, with a Royal Charter, was very proud of its status and was immensely loyal to the crown. Even when the finances of the council were, after 1780, in a shocking state, and the Charter Hall was in a ruinous condition, the royal portraits must have had a place of honour and the finance was found to acquire a fine new portrait of George III. In my view these pictures are just as much an important part of Tiverton's heritage as all the other pictures which have been allowed to remain in their present locations.

### Question 1

To what extent did those making the recommendation to remove the six pictures from the Town Hall research their origin and history, as well as the reasons why they are located in the Town Hall?

## Question 2

As far as I am aware, none of these pictures has, in more than 200 years, ever been stolen or seriously damaged. In fact, because they are so easily traceable, pictures are amongst the works of art least likely to be stolen.

If Tiverton Town Council are prepared to fully insure, and provide the necessary security, for these paintings, is there any good reason to remove them?

Surely, pictures should be viewed! Storage is expensive, and if, as been suggested, sale of any of these pictures is being considered, the art market is very subdued, sale values are usually considerably below insurance values, and sale at a reputable auctioneer would cost at least 23% of the hammer price. Apart from reputational issues this really would be 'selling off the family silver' at bargain-basement prices!

The Committee Clerk read responses from the Head of Housing and Property Services:

In 1974 under the Local Government Act of 1972, the then Tiverton Borough Council handed over ownership of the Town Hall to Tiverton District Council, which later became Mid Devon District Council. No financial compensation was paid for this transfer and no details in respect of chattels, fixture or fittings are documented.

Officers together with the Councils' Conservation Officer, with advice from Historic England gave consideration as to whether the pictures had or gave a particular reference to Tiverton and whether they fitted into the Civic function of the building. For this reason the six pictures were deemed not to be listed along with the building and therefore should not form part of the sale.

Officers have not carried out any other extensive research.

Considerations are being given to a proposal from Tiverton Town Council to enable the paintings to be loaned to the Town Council and remain in the Town Hall. Officers would need to ensure that suitable insurance and security considerations are met.

The Cabinet Member for Housing also stated that at an internal meeting held earlier in the week the meeting had agreed that the pictures should be loaned to the Town Council subject to the necessary insurance and security being maintained and that a legal agreement should be drawn up.

Honorary Alderman Mrs Rendle referring to Item 13 on the agenda spoke in support of Cllr Knowles Motion in that the pictures should remain in the Town Hall in Tiverton. Tiverton Town Council should not have to buy back what was already theirs. Many of the paintings have a direct relationship to the town and she identified individual pictures and their historical link to the town. She urged the Cabinet to please allow the paintings to remain in the Town Hall.

Mr Vanderwolfe (Tiverton Town Clerk) referring initially to Item 4 (Review of Street Cleaning) on the agenda asked whether the Cabinet were aware that although the report stated that we have increased our litter picking from 3 to 5 days a week, we

are in fact litter picking 7 days a week, we are therefore giving even more value to Mid Devon. The pickers did use a barrow and we had sent some of the routes that we do to your waste department. We feel that partnership working should be encouraged and would be willing to take up any training that officers in the waste department can offer.

Referring to Item 13 on the agenda (Motion 535) he stated that he firmly supported Cllr Knowles motion, he had had a number of people come to see him and they had strong feelings that the painting should remain in the Town Hall.

#### 164. **MINUTES OF THE PREVIOUS MEETING (00-12-04)**

The minutes of the previous meeting held on 2 March 2017 were approved as a true record and signed by the Chairman.

#### 165. **REVIEW OF STREET CLEANSING (00-13-23)**

Arising from a \* report of the Waste and Transport Manager, the Environment Policy Development Group had recommended that the following be approved:

- a) Land according to EPA be categorised.
- b) Current productivity of service be measured.
- c) Cost option for output frequency rather than input.
- d) Cost different frequencies options(less and more) for the mechanical street sweeping service.
- e) Check schedules against adopted highways maps and address any anomalies.
- f) Reroute schedules into zones so all mechanical sweepers work in the same area at the same time.
- g) Map and review Parish Sweeper routes and evaluate efficiency.
- h) An additional two person parish sweeper team is introduced at cost of £54,500 p.a.
- i) Risk-assess all high speed roads that are litter picked.
- j) Litter picking of the two high speed road verges is reinstated and undertaken twice per year and laybys every two months.
- k) A review of weekend sweeping is undertaken and costed.
- l) Benchmark the cost effectiveness of town council work/grants and review the routes to ensure that is not duplicating work done by the District Council's cleansing service.
- m) If these working arrangement are to continue, provide a service level agreement for three years from April 2018.
- n) If these working arrangements are to continue, inform Town Clerks of future training so their operatives may attend also.
- o) Re-introduction of using NI195 criteria to assess street cleanliness by District Officers once a quarter.
- p) New transfer station to include a skip for road sweepings so they can be composted.
- q) Purchase three split recycling litter bins one for each town centre to assess their success.
- r) Continue to encourage voluntary groups and investigate whether litter picking groups would be happy to litter pick where advised by Parish/Town/District Councils.

- s) Review all existing bin locations and conduct a condition survey.
- t) Pressure wash clean all bins once a year.
- u) Introduce “Any bin will do!” stickers on litter bins.
- v) Street Cleaners to report any bins that are frequently filled with household waste, for District Officers to investigate.
- w) Regular contact with estates to effective joint working.
- x) District Officers and Town Councils to meet once a month to discuss issues.
- y) MDDC to sign the Memorandum of Understanding with Highways England.
- z) Create an “online look up” for street sweeping schedules.

The Cabinet Member for the Environment outlined the contents of the report stating that the aim of the review was to establish the current service arrangements and to identify options for improving performance and efficiency. Benchmarking had been undertaken with other local authorities and against known best practice. He explained the consultation process that had taken place with Town and Parish Councils and partner agencies and the priority areas covered within the review.

Consideration was given to:

- The renaming of the two person parish sweeper team to save confusion and that it should be known as the “two person litter busters team”
- Whether we were legally required to wash the town centre pavements
- Further communication with Town and Parish Councils encouraging local litter picking groups
- Liaison with the Highway Authority regarding programmed main road closures so that litter picking could take place in those areas at the same time
- Issues with youths and litter in the multi-storey car park
- Training for Town Council litter pickers

**RESOLVED** that subject to an amendment to reword recommendation (h) so that it read “An additional two person litter busters team be introduced at a cost of £54,500pa” the recommendations of the Policy Development Group be approved.

(Proposed by the Chairman)

Note:

- i) Cllr C R Slade declared a personal interest as he was a Tiverton Town Councillor;
- ii) \* Report previously circulated, copy attached to minutes.

#### 166. **STREET SCENE ENFORCEMENT POLICY (00-29-26)**

Arising from a \* report of the Waste and Transport Manager, the Environment Policy Development Group had recommended that the new policy be approved by Council:

The Cabinet Member for the Environment outlined the contents of the report stating that an internal review had been undertaken to bring together all the various policies within the service with regard to enforcement under one policy. Working practices had been reviewed as had priorities and IT systems

Consideration was given to the costs of using external companies to undertake enforcement with regard to flytipping and litter. The meeting was informed that this type of benchmarking had taken place.

**RECOMMEND** to Council that the Street Scene Services Enforcement Policy be approved subject to a condition survey of litter/dog bins being undertaken by the waste operative emptying them, freeing up 10% of officer time which would be added to dog fouling patrols, which would then total 30% of officer time as referred to in paragraph 5.5 of the report.

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

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

#### 167. **PRIVATE SECTOR HOUSING FEES AND CHARGES (00-36-14)**

Arising from a \* report of the Director of Corporate Affairs and Business Transformation, the Homes Policy Development Group had recommended that that the revised Private Sector fees and charges be approved.

The Cabinet Member for Housing outlined the contents of the report stating that the Private Sector Housing Team carried out duties to ensure that private accommodation met minimum standards in particular there were regulations for licensing, management and use of house in multiple occupation, carbon monoxide detectors, smoke alarms and hazards within the home. The report outlined the need to revise the fees and charges for these statutory and discretionary services.

**RESOLVED** that the recommendations from the Policy Development Group be approved.

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

Notes:

- i) Cllr C J Eginton declared a personal interest as he was a private landlord;
- ii) \* Report previously circulated, copy attached to minutes.

#### 168. **VULNERABILITY POLICY (NEW) (00-38-44)**

Arising from a \* report of the Head of Housing and Property Services, the Homes Policy Development Group had recommended that the new Vulnerability Policy be approved by Council

The Cabinet Member for Housing outlined the contents of the report stating that this new policy provided guidance on identifying and supporting vulnerable tenants to help them to sustain their tenancy and promote independence.

**RECOMMEND** to Council that the Vulnerability Policy be approved.

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

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

#### 169. **TELECARE POLICY (NEW)**

Arising from a \* report of the Head of Housing and Property Services, the Homes Policy Development Group had recommended that the new Telecare Policy be approved by Council

The Cabinet Member for Housing outlined the contents of the report stating that the new community alarm policy would provide guidance on the lifeline alarm service, this was now available to all residents in Mid Devon and helped those residents remain in their homes. He added that the service was self-financing.

Consideration was given to broader advertising of the service and its importance.

**RECOMMEND** to Council that the Telecare 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.

#### 170. **TIVERTON MARKET SCHEDULE OF TOLLS (00-43-52)**

Arising from a \* report of the Chief Executive and Director of Growth, the Economy Policy Development Group had recommended

- a) The Schedule of Tolls be approved with adoption from 1 April 2017;
- b) The Schedule of Tolls be reviewed annually with the next review presented to the Economy Policy Development Group in March 2018.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that there was a need to standardise the market's pricing policy in a formal way within a schedule of tolls. He outlined the changes from the previous schedule and the benchmarking that had taken place with other markets.

Consideration was given to:

- Comparisons with other markets
- The distribution of charity stalls

**RESOLVED** that the recommendation of the Policy Development Group be approved subject to an additional clause (c) stating that delegated authority be given to the Chief Executive and Director of Growth in consultation with the Cabinet Member for Planning and Economic Regeneration to clarify the wording with regard to charity stalls and pop up stalls.

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

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

#### 171. MID DEVON WALKING GUIDES (00-48-37)

Arising from a \* report of the Chief Executive and Director of Growth the Economy Policy Development Group had recommended that the Council did not update and reprint the walking leaflets as originally produced by the Council in the 1990's but that contact be made with Town and Parish councils to offer them any source material/copyright possible in order to allow them to use local knowledge to update and then reprint as they felt appropriate.

The Cabinet Member for Planning and Economic Regeneration explained that previous walking guides had been very popular and that there had been requests that such guides be reproduced. The Leader felt that guides based on the 3 main areas of the district could be produced and would aid the corporate priorities with regard to public health and tourism, he felt that sponsorship could be gained with local businesses advertising in the guides and that a combination of Options C and D within the report was the way forward.

Consideration was given to:

- That the work could take place in line with the Tourism Action Plan
- Contact could be made with Devon County Council's Rights of Way Officers
- Distribution Networks

**RESOLVED** that Options C and D within the report be progressed.

(Proposed by the Chairman)

Notes:

- i) Cllr R J Chesterton declared a personal interest as Chair of the LEADER Group;
- ii) \* Report previously circulated, copy attached to minutes.

#### 172. TIVERTON EASTERN URBAN EXTENSION - A361 FUNDING (00-54-00)

The Cabinet had before it and **NOTED** a \* report of the Head of Planning and Regeneration reflecting the latest circumstances surrounding the funding of the proposed A361 junction in connection with the Tiverton Eastern Urban Extension.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report explaining the history of the Eastern Urban Extension, the allocation as part of the AIDPD in 2010/11, the masterplan for Area A, the applications that had been forthcoming and the need for the new junction on the A361. He explained the initial bid process, the initial support from the Local Enterprise Partnership which had not come to fruition and the latest package of funding that had been put together by interested parties.

The Head of Planning and Regeneration explained that the time limited funding package now available had required that changes be made to the S106 agreement for the Chettiscombe Estate application which related to the delivery of the southern phase of the A361 junction, this had been approved by the Planning Committee the

previous day. There had been some disappointment that the whole junction could not now be considered at this time but she hoped that future funding bids would see the whole scheme progressed in time.

Consideration was given to:

- The repayment terms of the loan from Mid Devon District Council
- Resurfacing of the southern carriageway only at this stage rather than both sides as previously proposed; it was explained that DCC were looking into this matter via an additional bid for funding
- The traffic figures supplied to the Planning Committee from the Highway Authority
- The consequences of any delay in producing the whole junction.

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

### 173. **STRATEGIC GRANTS AND SERVICE LEVEL AGREEMENT PROGRAMME (1-14-25)**

Arising from a \* report of the Chief Executive and Director of Growth, the Community Policy Development Group had recommended that:

- a) The recommended three-year funding levels set out in paragraph 2.3 of the report be approved with an additional £3k per annum for Citizens Advice;
- b) An allocation of £2k in year 1 and £1k in year 2 be made to the Tiverton Market Drop in Centre which had been unsuccessful in its application to the new Service Level Agreement grant programme, as a transitional arrangement.
- c) The recommended level of grants to other external organisations set out in paragraph 3.0 be approved.
- d) Any remaining funding be held in reserve in case any of those agencies awarded payments encountered problems and required additional support. These payments would be agreed by Cabinet Member decision.

The Cabinet Member for Community Well-Being outlined the contents of the report explaining the new approach to grant funding and the process that had taken place which he felt was very open and transparent with service level agreements allocations now in place.

Consideration was given to:

- The two stage grant application process
- The increase of funding proposed for the Citizens Advice
- How Service Level Agreements would direct how the funding should be spent

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



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

Notes:

- i) Cllr R L Stanley requested that his vote against the decision be recorded;
- ii) \* Report previously circulated, copy attached to minutes.

**174. MOTION 535 - CLLR D J KNOWLES - 14 FEBRUARY 2017 (1-24-25)**

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

This Council resolves to enter into an agreement with Tiverton Town Council to retain at Tiverton Town Hall all the paintings currently on display at Tiverton Town Hall, either by way of long term loan or transfer to Tiverton Town Council, subject to the necessary insurance and security being maintained.'

The Chairman invited Cllr D J Knowles to present his motion to the meeting.

Cllr Knowles outlined the history of some of the paintings in the Town Hall and explained how popular they were with visitors who were shown around the building. He felt that the paintings were part of the history of the town and that they should remain in the Town Hall. The Town Council were purchasing the building and he felt that the contents should have been included in the agreement.

Discussion took place regarding:

- The outcome of a meeting of the Capital Strategy Asset Management Group which had agreed that the remaining paintings should be loaned to the Town Council
- Whether the paintings could have plaques attached to them outlining their history

It was therefore

**RECOMMENDED** to Council that the Motion 535 be supported.

and **RESOLVED** that the remaining paintings (outside the original agreement) be loaned to Tiverton Town Council subject to the necessary insurance and security being maintained by the Town Council.

(Proposed by the Chairman)

Notes:

- i) Cllr C R Slade declared a personal interest as a Tiverton Town Councillor.
- ii) \* Report previously circulated, copy attached to minutes.

#### 175. **PAY POLICY (1-34-07)**

The Cabinet had before a \* report of the Group Human Resources Manager which set out the legislative requirements of the Localism Act 2011 relating to senior pay, in particular the role of the Chief Executive, Directors and other senior officers.

The Director for Corporate Affairs and Business Transformation outlined the contents of the report explaining the pay multiple which was calculated by comparing all taxable earnings for the given year for the Chief Executive compared to mean earning and the lowest paid in the organisation.

Consideration was given to the individual payments to senior officers.

| **RECOMMEND** to Council that the Pay Policy 2017 be adopted.

(Proposed by the Chairman)

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

#### 176. **MEETING MANAGEMENT**

The Chairman indicated that he would take item 16 as the next item of business.

#### 177. **CABINET MEMBER DECISION (1-40-22)**

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

To introduce a £0.18 charge for using the new card payment facility on the new pay and display parking machines being installed.

Reason for Decision: The new pay and display parking machines being installed in the Mid Devon owned car parks in March 2017 have the ability to except payment by credit or debit card. The service charge for each transaction is £0.18. It is proposed that this charge is passed onto the customer in full and paid at the point of purchasing the ticket. This is less than the current transaction charge of £0.20 for using the Ringo system.

#### 178. **PERFORMANCE AND RISK (1-41-59)**

The Cabinet had before it and **NOTED** a \* report of the Director of Corporate Affairs and Business Transformation providing Members with an update on the performance against the Corporate Plan and local service targets.

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

#### 179. **NOTIFICATION OF KEY DECISIONS (1-43-21)**

The Cabinet had before it, and **NOTED**, its rolling plan \* for April/May 2017 containing future key decisions.

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

#### 180. **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC (1-44-00)**

Prior to considering Item 19 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 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)

#### 181. **WINDOW RENEWAL CONTRACT**

The Cabinet had before it a \* report of the Head of Housing and Property Services advising Members on the results for the tendering of the Replacement DGU Programme 2017 – 2020 to Council houses requesting it to confirm the award of the contract.

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

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

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

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

#### 182. **SPECIAL PURPOSE VEHICLE (PROPERTY)**

The Cabinet had before it a \* report of the Director of Finance, Assets and Resources looking at the options available to establish a property housing development company (SPV).

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

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

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

Notes:

i) Cllr Mrs M E Squires requested that her abstention from voting be recorded;

ii) \* Report previously circulated, copy attached to minutes.

**183. SALE OF LAND AT STATION ROAD, TIVERTON**

The Cabinet had before it a \* report of the Head of Housing and Property Services regarding the asset disposal of the closed Station Yard Depot, Blundells Road, Tiverton.

The Chairman of the Scrutiny Committee had agreed that due to the nature of the decision and for it to be made in a timely fashion (as the next Cabinet meeting was not until 11 May 2017) that the General Exception Clause (Access to Information Procedure Rules 15.1) be used to waive the 28 day rule in order to secure the sale of the land.

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

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

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

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

(The meeting ended at 4.35 pm)

**CHAIRMAN**