

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **MID DEVON DISTRICT COUNCIL** held on Wednesday 24 April 2013 at 6.00 pm

Present

Councillors: Mrs B M Hull (Chairman)
Mrs E M Andrews, Mrs H Bainbridge, E J Berry,
M D Binks, Mrs D L Brandon, R J Chesterton,
Mrs F J Colthorpe, W J Daw, R M Deed, J M
Downes, C J Eginton, R Evans, Mrs S Griggs, P
H D Hare-Scott, P J Heal, Mrs L J Holloway, T
G Hughes, D J Knowles, M R Lee, M A Lucas,
E G Luxton, D F Pugsley, R F Radford, Mrs J R
Rendle, Mrs J Roach, F J Rosamond, C R
Slade, T W Snow, J D Squire, Mrs M E Squires,
R L Stanley, Mrs M E Turner, N A Way, K D
Wilson, Mrs N Woollatt and R Wright

Apologies

Councillors: D R Coren, N V Davey, Mrs S M Fox and P F
Williams

122 **MINUTES**

The Minutes of the Meeting of the Council held on 27 February 2013 and of the Extraordinary Meeting of the Council held on 3 April 2013 were approved as correct records and **SIGNED** by the Chairman.

Note: Councillor K D Wilson requested that his abstention from voting be recorded.

123 **CHAIRMAN'S ANNOUNCEMENTS**

(1) **Long Service Awards**

The Chairman reported that prior to the meeting she had presented Long Service Awards to Mrs Sarah Coffey, Planning Support Officer, Mrs Christine Manley, Fitness Instructor (Special Populations) and Mrs Heather Rowcliffe, Business Support Administrator in Property Services, who had all completed 25 years with the District Council.

(2) **Mr Peter Pengelly – Messenger/Steward**

The Chairman reported that Mr Peter Pengelly, one of the Messengers/Stewards, would be retiring at the end of June 2013. She wished him a long and happy retirement.

(3) **Training on Tenants' Housing Complaints**

The Chairman reported that training for Members on tenants' housing complaints would be held on the afternoon of 30 May 2013. Any Member interested in attending should contact Member Services.

(4) **Informal Selection of Vice Chairman of the Council for 2013/14**

The Chairman indicated that after the close of the meeting the Council needed to deal with the informal selection of the Vice Chairman for 2013/14.

124 **PUBLIC QUESTION TIME**

Mrs M Cheatle, referring to a petition she had submitted entitled 'Petition against Mid Devon Council car park price increase', asked the Council to reconsider increases in car park charges particularly those in Westexe, Tiverton. The Chairman indicated that the petition would be referred to the Cabinet.

Mr C McIntyre, referring to his planning application that had recently been determined by the Planning Committee, drew attention to some irregularities he considered had taken place by the Planning Service when dealing with the application. The Cabinet Member for Planning and Regeneration indicated that he had asked the Head of Planning and Regeneration to look into the issues raised by Mr McIntyre and respond to him as quickly as possible. A report on procedures would be submitted to the next meeting of the Planning Committee.

125 **PETITIONS**

The Chairman stated that the petition (referred to in Minute 124 above) submitted by Mrs M Cheatle petition containing 687 valid signatures would be considered by the Cabinet.

126 **NOTICES OF MOTION**

(1) **Motion No. 469 (Councillor D F Pugsley – 1 March 2013)**

The Council had before it a **MOTION** submitted for the first time:-

"The Council recognises that the actual decision is entirely a matter for the Chief Executive but thinks that it would be better if there were a lawyer on the Management Team."

The **MOTION** was not **MOVED**.

(2) **Motion No. 470 (Councillor Mrs J Roach – 6 March 2013)**

The Council had before it a **MOTION** submitted for the first time:-

"This Council resolves to

- a) Include a provision for a shadow cabinet in the new constitution; or
- b) Include a provision for members of the opposition to appoint lead members."

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor D F Pugsley.

In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that the **MOTION** should **STAND REFERRED** to the Audit Committee.

(3) Motion No. 471 (Councillor D F Pugsley – 24 March 2013)

The Council had before it a **MOTION** submitted for the first time:-

"That, since there is no authoritative definition of the word *isolated* in NPP para. 55, the Council and Planning Committee should bring its policy and practice into conformity with the judicial guidance from the High Court and the Court of Appeal for the interpretation of that paragraph."

The **MOTION** was not **MOVED**.

(4) Motion No. 472 (Councillor Mrs J Roach – 9 April 2013)

The Council had before it a **MOTION** submitted for the first time:-

"This Council supports the National Pensioners Convention (NPC) Dignity Code and agrees to become a signatory."

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor Mrs N Woollatt.

In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that the **MOTION** should **STAND REFERRED** to the Community Well-Being Policy Development Group.

127 CABINET – REPORT – MEETING HELD ON 28 FEBRUARY 2013

The Leader presented the report of the meeting of the Cabinet held on 28 February 2013.

128 CABINET – REPORT – MEETING HELD ON 28 MARCH 2013

The Leader presented the report of the meeting of the Cabinet held on 28 March 2013.

Arising thereon:-

(1) Scrutiny Committee – 11 March 2013 (Min 120 (a))

The Council had before it questions* submitted by Councillor N A Way in accordance with Procedure Rule 12.2(1) (a) together with the responses of the Cabinet Member for the Environment. Councillor N A Way asked a supplementary question in accordance with Procedure Rule 12.2(6)(a), namely would people working in Crediton think that Councillor Way was incorrect in thinking that a £2 per day tariff did not exist at the St Saviours Way car park. The Leader responded by stating that the Council was concerned about local businesses and that the Council's car parking charges compared favourably with other areas.

Note: Questions and responses* circulated at the meeting; copy attached to the signed Minutes.

(2) **Pay Policy Report** (Min 121)

The Leader **MOVED**, seconded by Councillor C J Eginton:-

“**THAT** the recommendation of the Cabinet as set out in Minute 121 be **ADOPTED**”

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

129 **SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 11 MARCH 2013**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 11 March 2013.

130 **SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 15 APRIL 2013**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 April 2013.

131 **AUDIT COMMITTEE – REPORT – MEETING HELD ON 19 MARCH 2013**

The Vice Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 March 2013.

Arising thereon:-

(1) **Standards Regime** (Min 73)

The Vice Chairman of the Audit Committee **MOVED**, seconded by Councillor Mrs J Roach :-

“**THAT** recommendation (a) of the Committee as set out in Minute 73 be **ADOPTED**”

The Chairman **MOVED**, in accordance with Procedure Rule 24, that all the Procedure Rules be suspended during consideration of this item of business. Upon a vote being taken the **PROCEDURAL MOTION** was declared to have been **CARRIED**.

During the debate, Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor T W Snow:-

“**THAT** the following wording be substituted under the headings ‘**Declaration of interests**’ and ‘**Dispensations**’ in the revised Code of Conduct attached as Appendix 1:

Declaration of Interests

- 11 Where a matter arises at a meeting which relates to an interest in Appendix A (a Disclosable Pecuniary Interest) the member shall not participate in the discussion or vote on the matter. The member must declare that they have an interest and shall withdraw from the room at the commencement of the consideration of that business.
- 12 Where a matter arises at a meeting which relates to an interest in Appendix A (a Disclosable Pecuniary Interest) which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. The member must declare that they have an interest and shall withdraw from the room at the commencement of the consideration of that business.
- 13 Where a matter arises at a meeting which relates to an interest in Appendix B (a Personal Interest), the member can participate in the discussion and vote on the matter but must declare that they have a Personal Interest.
- 14 In relation to points 11, 12 and 13, the member only has to declare the nature of his/her interest if it is not already entered in the member's Register of Interests or if he/she has not notified the Monitoring Officer of it. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.

Dispensations

Dispensations can be granted where it is considered that:

- a) Without the dispensation, the number of persons who could not take part due to their disclosable pecuniary interest would be so great as to impede the transaction of the business;
- b) Without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- c) Granting the dispensation is in the interests of persons living in the authority's area;
- d) Without the dispensation, each executive member would be prohibited from participating in any particular business to be transacted by the authority's executive as they would have a disclosable pecuniary interest ;
or
- e) It is otherwise appropriate to grant a dispensation

The request for dispensation must be put in writing and must specify the reason for the dispensation and the period for which it has effect. The period specified may not exceed four years."

Following debate, and upon a vote being taken, the **AMENDMENT** was declared to have been **CARRIED**.

Upon a vote being taken, the **MOTION** as **AMENDED** was declared to have been **CARRIED**.

- Notes: (i) Councillors M D Binks, N A Way and K D Wilson requested that their abstentions from voting be recorded;
- (ii) The Chairman reminded the Council that the Procedure Rules now applied to the remaining business

The Vice Chairman of the Audit Committee **MOVED**, seconded by Councillor Mrs N Woollatt:-

"THAT recommendation (b) of the Committee as set out in Minute 73 be **ADOPTED**"

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

132 **AUDIT COMMITTEE – REPORT – SPECIAL MEETING HELD ON 19 MARCH 2013**

The Vice Chairman of the Audit Committee presented the report of the special meeting of the Committee held on 9 April 2013.

Arising thereon:-

- (1) **Revision of Financial regulations of Mid Devon District Council** (Min 80)

The Vice Chairman of the Audit Committee **MOVED**, seconded by Councillor C Slade:-

"THAT the recommendation of the Committee as set out in Minute 80 be **ADOPTED**"

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

133 **MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 12 MARCH 2013**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 12 March 2013.

134 **DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 19 MARCH 2013**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 19 March 2013.

135 COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 26 MARCH 2013

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 26 March 2013.

136 PLANNING COMMITTEE – REPORT – MEETING HELD ON 20 MARCH 2013

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 20 March 2013.

137 PLANNING COMMITTEE – REPORT – SPECIAL MEETING HELD ON 27 MARCH 2013

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 27 March 2013.

138 PLANNING COMMITTEE – REPORT – MEETING HELD ON 17 APRIL 2013

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 17 April 2013.

139 ANNUAL REPORTS OF AUDIT COMMITTEE, SCRUTINY COMMITTEE AND THE POLICY DEVELOPMENT GROUPS

The Vice Chairman of the Audit Committee and the Chairman of the Scrutiny Committee, and the Chairmen of the Managing the Environment, the Decent and Affordable Homes and the Community Well-Being Policy Development Groups presented their Annual Reports* to the Council.

Note: * Reports previously circulated; copies attached to the signed minutes

140 QUESTIONS TO CABINET MEMBERS

Councillor K D Wilson referred to a planning appeal he was currently involved with and asked the Cabinet Member for the Environment whether there had been a change of policy about bringing refuse and recycling bins to the kerbside. The Cabinet Member for the Environment indicated that he would refer the issue to the new Cabinet Member for the Environment.

Councillor T W Snow asked the Cabinet Member for Housing how many affordable homes were sold to the public. The Cabinet Member for Housing indicated that the answer was none.

141 SIX MONTHLY BRIEFING FROM THE LEADER

The Leader of the Council addressed the Council on a number of issues including changes in Cabinet membership from the 9 May 2013, he particularly thanked Councillor R F Radford for all the work he had undertaken as the Cabinet Member for the Environment; current economic regeneration work being undertaken; the need to promote recycling; the importance of working with the voluntary sector; the excellent new gym at the

Lords Meadow Leisure Centre, Crediton; improvements in Housing and the current financial position of the Council.

142 **MEMBERS' BUSINESS**

Councillor Mrs N Woollatt referred to a Saturday morning cinema that she and her husband had been running for children at the Hayridge Centre in Cullompton. Another screen had become available and would be used to show films on the last Friday of each month. Councillor Mrs Woollatt had posters about the additional screen and could provide copies to any Member who could advertise this initiative in surrounding villages.

(The meeting ended at 7.30pm)

CHAIRMAN