

MID DEVON DISTRICT COUNCIL

MINUTES of an **EXTRAORDINARY MEETING** of the **MID DEVON DISTRICT COUNCIL** held on Wednesday 28 May 2014 at 6.00 pm

Present

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

Apologies

Councillors: Mrs E M Andrews, M D Binks, D J Knowles, J R Rendle, Mrs M E Turner, and N A Way

10. **PUBLIC QUESTION TIME**

There were no questions from members of the public present.

11. **MINUTES**

The Minutes of the Annual Meeting of the Council held on 7 May 2014 were approved as a correct record of the previous meeting and signed by the Chairman.

12. **CABINET – REPORT – MEETING HELD ON 28 MAY 2014**

The Leader presented the report of the meeting of the Cabinet held on 28 May 2014.

Arising thereon:-

(1) Community Infrastructure Levy (Minute 11)

The Leader **MOVED**, seconded by Councillor R J Chesterton:-

“**THAT** the recommendation of the Cabinet as set out in Minute 11 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 due to the timescales and to allow Councillors to raise amendments for this item. Upon a vote being taken the **PROCEDURAL MOTION** was declared to have been **CARRIED**.

An **AMENDMENT** submitted by Councillor R L Stanley: that recommendation 1 of Minute 11 be amended removing the original

wording and inserting the following “the Council withdraws with immediate effect the current Community Infrastructure Charging Schedule” was **NOT MOVED**

Councillor R J Chesterton **MOVED** an **AMENDMENT** seconded by Councillor R L Stanley That:

- a) That the Council withdraws with immediate effect the current CIL Charging Schedule and does not implement the current CIL Charging Schedule.
- b) The authority determines that the Charging Schedule ceases to have effect in accordance with Regulation 28 of the CIL Regulations (as amended).
- c) That the Head of Planning and Regeneration be authorised to proceed with the preparation of a new CIL Charging Schedule for Mid Devon.

During the debate, Councillor Mrs J Roach **MOVED** an **FURTHER AMENDMENT**, seconded by Councillor Mrs N Woollatt –

That:

- (a) the Council withdraws with immediate effect the current CIL Charging Schedule and does not implement the current CIL Charging Schedule.
- (b) The authority determines that the Charging Schedule ceases to have effect in accordance with Regulation 28 of the CIL Regulations (as amended).
- (c) That the Head of Planning and Regeneration be authorised to proceed with the preparation of a new CIL Charging Schedule for Mid Devon and that the Council confirms that it will ultimately adopt CIL as opposed to S106 contributions.

That Chairman ruled that the Council would consider Councillor Mrs Roach’s further amendment first.

Following debate, and upon a vote being taken, the Motion was declared to have **FAILED**.

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) Councillor Mrs J Roach requested that her vote in favour of her amendment be recorded;
 - (ii) Councillors Mrs L J Holloway, Mrs J Roach, T W Snow and K D Wilson requested that their abstention from voting with regard to the final motion as amended be recorded;
 - (iii) The Chairman reminded the Council that the Procedure Rules now applied to the remaining business.

13. **NOTICES OF MOTION**

(1) Motion 482 (Councillors: Mrs F J Colthorpe, P H D Hare-Scott, N V Davey, R J Chesterton, R L Stanley, C J Eginton, Mrs B M Hull and C R Slade) – 13 May 2014

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

"This Council resolves to remove Councillor Kevin Wilson from the Planning Committee and the Planning Working Group in view of his recent fraud conviction and dishonesty. Councillor Wilson has been convicted in January of this year at Exeter Crown Court of fraudulently obtaining housing benefit administered by this Council of over £3800. He received a 10-week sentence, suspended for two years, and was ordered to carry out 200 hours of unpaid community work."

The **MOTION** was **MOVED** by Councillor Mrs F J Colthorpe and seconded by the Leader. In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that the **MOTION** should be debated at this meeting.

Following debate, the Leader **MOVED**, in accordance with Procedure Rule 18.4:-

"**THAT** the vote in respect of this item shall be by Roll Call."

There being more than 10 members in favour of the **PROCEDURAL MOTION** that was **AGREED** by the Council.

A Roll Call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION** Councillors:-

Mrs H Bainbridge, E J Berry, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, W J Daw, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, Mrs C Heal, P J Heal, T G Hughes, Mrs B M Hull, M R Lee, R F Radford, C R Slade, Mrs M E Squires and R L Stanley.

Those voting **AGAINST** the **MOTION** Councillors:

Mrs D L Brandon, J M Downes, Mrs L J Holloway, M A Lucas, E G Luxton, Mrs J Roach, F J Rosamond, T W Snow, P F Williams, Mrs N Woollatt and R Wright.

Those **ABSTAINING** from voting Councillors:

R M Deed, J D Squire and K D Wilson.

The **MOTION** was declared to have been **CARRIED**.

(2) Motion 483 (Councillor D F Pugsley) – 16 May 2014

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

That this Council revokes the decision in Minute 96 of the Council Meeting of 15 December 2010 resolving to adopt the Strong Leader model of Executive arrangements, because it is undemocratic.

Councillor D F Pugsley had sought leave of the Council to **WITHDRAW MOTION 483** and that was **AGREED**.

(The meeting ended at 7.45pm)

CHAIRMAN