

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **MID DEVON DISTRICT COUNCIL** held on Wednesday 2 July 2014 at 6.00 pm

Present

Councillors: E J Berry (Chairman)
Mrs H Bainbridge, M D Binks, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, R M Deed, J M Downes, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, P J Heal, Mrs L J Holloway, T G Hughes, Mrs B M Hull, D J Knowles, M R Lee, M A Lucas, E G Luxton, R F Radford, Mrs J Roach, 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: Mrs E M Andrews, Mrs D L Brandon, W J Daw, Mrs C Heal, D F Pugsley, Mrs J R Rendle, F J Rosamond, and P F Williams,

Member	Minute No	Type of Interest
Mrs N Woollatt	20	Personal
N Way	35	Personal

14 **MINUTES**

The Minutes of the Extraordinary Meeting of the Council held on 28 May 2014 were approved as a correct record of the previous meeting and signed by the Chairman.

15 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed Members that prior to the meeting he had made presentations to Mrs Sharon Chumbley (Planning Support) and Mrs Angela Webber (Culm Valley Sports Centre) who had both completed 25 years' service with the District Council.

16 **GOLDEN CARTON AWARD**

Councillors C J Eginton and M A Lucas presented the Golden Carton Award to the Chairman of the Council on behalf of 'ace uk' for the greatest percentage increase in beverage carton recycling in 2013. They stated that they and staff had been delighted to receive the award. The Chairman stated that it was an honour for the authority to be recognised and wished his congratulations to the staff involved to be recorded.

17 **PUBLIC QUESTION TIME**

Mr Cook (on behalf of Dr Bell) referring to item 7 on the agenda (Notices of Motion) stated: As a member of the public I rely on our democratically elected local

representatives to use their own best judgement concerning local issues in my, and my neighbours, best interests. From witnessing the outcome of several Cabinet, Council and Planning Committee meetings relating to the Eastern Urban Extension I have not been convinced that all of our Councillors do act on behalf of those they purport to represent. Letters from residents published in the Tiverton Gazette would seem to support this view.

Surely, you are bound to represent local residents and not be influenced either by party politics or threats of financial 'ruin' from the Planning Department. Is it right that party politics should govern Councillors voting direction? Is it right that Mid Devon Council employees should hold Councillors to ransom over critical decisions? Is it right that Councillors who do speak up in the interests of residents then lose their role by being 'sacked' from 'Cabinet' or Committee?

Your votes today will tell us where you stand on these important issues and I hope the votes will be recorded.

The Chief Executive replied stating that the matter would be debated under Motion 484. Members accepted office as Mid Devon District Councillors not as Ward Members and have to have regard for national guidance, as a Councillor they have to make difficult decisions.

18 **PETITIONS**

There were no petitions from members of the public.

19 **NOTICES OF MOTION**

(1) Motion 483 (Councillor D F Pugsley - 29 May 2014)

The Council had before it a **MOTION** submitted under Procedure Rule 13.1:-

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.

In the absence of Councillor D F Pugsley and in accordance with Procedure Rule 13.3 the **MOTION** was withdrawn.

(2) Motion 484 (Councillor D F Pugsley and Councillors Mrs J Roach - 29 May 2014)

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

This Council regrets the Leader's decision purporting to dismiss Councillor Bob Deed from the Cabinet, because (a) he was a conscientious and hardworking portfolio holder and (b) he did not vote against any policy on which he had been elected."

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 be debated at this meeting.

Following debate, Councillor Mrs N Woollatt **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 Council.

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

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

R M Deed, J M Downes, Mrs L J Holloway, D J Knowles, M A Lucas, E G Luxton, Mrs J Roach, T W Snow, Mrs M E Turner, N A Way, K D Wilson, Mrs N Woollatt and R Wright.

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

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

Those **ABSTAINING** from voting Councillors:-

M D Binks and R L Stanley.

The **MOTION** was declared to have **FAILED**.

20 **CABINET – REPORT – MEETING HELD ON 8 MAY 2014**

The Leader presented the report of the meeting of the Cabinet held on 8 May 2014.

Arising thereon:-

(1) **Managing the Environment Policy Development Group – 23 April 2014** (Min 3)

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

“THAT the recommendation of the Cabinet as set out in Minute 3 be **ADOPTED**”.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor D J Knowles. That: “It be recommended to Council that the following revision to the refuse collection scheme be approved subject to the Audit Committee resolving that they are satisfied that the financial business plan is sound and robust and that there has been a rigorous health and safety assessment (with a positive result) in relation to the demands being placed on the workforce”.

Councillor Mrs J Roach sought leave of the Council to amend her amendment, this was **AGREED**: That “It be recommended to Council that the following revision to the refuse collection scheme be approved:

Provide free boxes for recycling, including one additional box per property of a different colour to permit greater separation;

Remove card from garden waste and collect in black boxes as kerbside recycling;

Remove food from garden waste and collect in a caddy as kerbside recycling;

Collect mixed plastics, excluding film, as kerbside recycling;

Collect household refuse and recycling fortnightly from each premises;

Retain a non-statutory garden waste service (which now excludes card and food) as a fortnightly, all year chargeable service, based on full cost recovery;

Re-use the brown wheeled bins for residual waste containers;

Retain existing paid for bulky waste collection service and the Waste Electrical Equipment (WEE) collection;

Retain the contracted out clinical waste collection service;

Retain assisted collections and update eligibility for the service every two years.

and that the Audit Committee review the financial business plan and health and safety assessment and if appropriate make reports/recommendations to the Cabinet”

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

The Council had before it a question* referring to Minute 4 (Review of the Article 4 – Cullompton) submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 12.2(1) together with a response from the Leader. Councillor Mrs N Woollatt asked a supplementary question in accordance with Procedure Rule 12.2(6) seeking clarification to the answer of question (b) and asking whether the Conservation Officers would take surrounding properties into consideration. The Head of Planning and Regeneration stated that each application would be taken on its merit; however the Conservation Officers would take surrounding properties into consideration.

Notes: (i) Councillor Mrs N Woollatt declared a personal interest as she lived in the Cullompton Conservation Area.

(ii) Questions and responses* circulated at the meeting, copy attached to signed minutes.

21 **CABINET – REPORT – MEETING HELD ON 5 JUNE 2014**

The Leader presented the report of the meeting of the Cabinet held on 5 June 2014.

Arising thereon:-

(1) Policy Framework (Min 21)

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

“THAT the recommendation of the Cabinet as set out in Minute 21 be **ADOPTED”**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor Mrs N Woollatt That:- “a) the Policy Framework be adopted subject to the 'Local Development Scheme' being omitted from the schedule in order that further consideration can be given by Cabinet and then Council to the review date; and b) the Framework be aligned to the budget setting timetable in the future”.

Councillor Mrs J Roach sought leave of the Council to withdraw her amendment and under Procedure Rule 14 (d) put forward a Motion without Notice that “a) the Policy Framework be adopted subject to the 'Local Development Scheme' being reviewed in September 2015 and b) the Framework be aligned to the budget setting timetable in the future”.

Upon a vote being taken, the **MOTION WITHOUT NOTICE** was declared to have been **CARRIED**.

22 SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 19 MAY 2014

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 May 2014.

23 SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 16 JUNE 2014

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 June 2014.

The Council had before it questions* submitted by Councillor D F Pugsley in accordance with Procedure Rule 12.2(1) together with a response from the Monitoring Officer and the Head of Planning and Regeneration.

Note: Questions and responses* circulated at the meeting, copy attached to signed minutes.

24 AUDIT COMMITTEE – REPORT – MEETING HELD ON 27 MAY 2014

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 27 May 2014.

25 AUDIT COMMITTEE – REPORT – SPECIAL MEETING OF 18 JUNE 2014

The Chairman of the Audit Committee presented the report of the special meeting of the Committee held on 18 June 2014.

26 AUDIT COMMITTEE – REPORT – MEETING OF 24 JUNE 2014

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 24 June 2014.

27 MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 13 MAY 2014

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 13 May 2014.

28 DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 20 MAY 2014

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 20 May 2014.

29 COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 27 MAY 2014

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 27 May 2014.

30 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 7 MAY 2014**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 May 2014.

31 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 21 MAY 2014**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 21 May 2014.

32 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 18 JUNE 2014**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 June 2014.

33 **STANDARDS COMMITTEE – REPORT – MEETING HELD ON 4 JUNE 2014**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 4 June 2014.

34 **QUESTIONS**

Questions submitted under Procedure Rule 12.2 had been dealt with earlier in the meeting.

35 **QUESTIONS TO CABINET MEMBERS**

Councillor M A Lucas asked the Cabinet Member for Planning and Economic Regeneration how the broadband speed programme was progressing?

The Cabinet Member and the Head of Communities and Governance stated that they would contact Devon County Council regarding this issue and circulate any response received.

Councillor J M Downes asked the Cabinet Member for Housing whether he was aware that after asbestos surveys had been undertaken by MDDC on all MDDC owned properties that leaseholders, where MDDC is the freeholder, had not been informed of the findings or included in the circulation of information outlining the risks?

The Cabinet Member stated that all tenants had been informed. It was thought that leaseholders had been notified, this may not have been the case. This matter would be corrected and everyone would be contacted by the end of the month.

Councillor J M Downes asked the Cabinet Member for Housing whether he was happy with the current management of asbestos in MDDC properties including risk assessments, working methods, occupier involvement and MDDC liability and would he inform all Members who had Wards with flats and communal areas?

The Cabinet Member stated that officers have been made aware and processes would be put in place, all Members would be notified.

Councillor Mrs L J Holloway referring to meetings between Members and officers to discuss communication issues asked whether the Cabinet Member for the Working Environment and Support Services could tell Members how these recommendations were progressing and provide an update on the Communications Strategy.

The Cabinet Member stated that she would make enquiries and inform Members by email.

Councillor N A Way asked the Cabinet Member for Housing that if there was a problem with asbestos in blocks of flats in Crediton, could in the future all Members be informed of any preventative works that take place.

The Cabinet Member stated that there was a problem in Crediton but that he was not aware of any high risk properties. All workers were advised and fully trained in this matter. All tenants had been told if they had asbestos in 2010 and ongoing renovations to kitchens and bathrooms had shown that there were issues. Planned maintenance was ongoing and it would be difficult to inform Members on a regular basis, however if a specific problem arose, Ward Members would be advised.

Councillor Mrs Roach asked the Leader what was being done about the proposed Area of Outstanding Natural Beauty.

The Leader agreed to find out and report back to the Member.

Councillor K D Wilson stated that he had attended a briefing the previous day on social media. On looking at his twitter feed on youth centres he found the tweets to be out of date.

Councillor Mrs M E Turner addressing the Leader raised concerns regarding the closure of old people homes in Mid Devon, she stated that the Council should be making a stand. The Chairman of Scrutiny stated that the Scrutiny Committee shared Cllr Mrs Turner's concerns and were looking into the matter and following this up with Lead Members at Devon County Council. She would be writing to Devon County Council in the next week asking if they had considered any options under the Localism Act. Councillor Mrs F J Colthorpe stated that now that the Devon County Council Cabinet Decision had been taken, they were seeking expressions of interest from community groups with regard to this matter.

The Leader stated that he was grateful to the Chairman of Scrutiny and the Scrutiny Committee for the work being undertaken with regard to this matter. Many Members voiced their concerns and praised the work of the Scrutiny Committee also highlighting issues with regard to youth services, libraries and day care centres which were also under threat of closure.

Note: Councillor N A Way declared a personal interest as a Member of Devon County Council

36 MEMBERS' BUSINESS

Councillor R M Deed stated that the people of Tiverton had been trying to improve the Minor Injury Unit at Tiverton Hospital; from 8 July 2014 the service would be run by South West Ambulance Service and not North Devon Healthcare Trust.

(The meeting ended at 7.55pm)

CHAIRMAN