

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **MID DEVON DISTRICT COUNCIL** held on Wednesday 3 September 2014 at 6.10 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, 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, D J Knowles, M R Lee, M A Lucas, E G Luxton, D F Pugsley, R F Radford, 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, P F Williams, K D Wilson and Mrs N Woollatt.

### **Apologies**

**Councillors:** Mrs E M Andrews, Mrs D L Brandon, Mrs J R Rendle, N A Way and R Wright.

### 37 **MINUTES (00-01-58)**

The Minutes of the Meeting of the Council held on 2 July 2014 were approved as a correct record of the previous meeting subject to the removal of the Note in Minute 23 (The Chairman of Scrutiny had not approved the answers to the questions that had been provided in her name) and signed by the Chairman.

### 38 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members of his Civic Service taking place on 21 September at Blundells School.

### 39 **PUBLIC QUESTION TIME (00-04- 58)**

Honorary Alderman Mrs Meads asked the following questions:

1. How many appeals against the determination of planning applications by the Inspectorate have resulted in the award of costs against the Council since 1st April 2012 (i.e. during the previous two municipal years, and to date)?

The Chairman of the Planning Committee stated that 7 out of 99 appeals had incurred costs.

2. What is the total amount of costs awarded against the Council as the outcome of these appeals?

The Chairman of the Planning Committee stated that approximately £63,450 of costs had been awarded against the Council (These included several cases where claims had been received, but not yet settled. A claim had yet to be received in one further case)

3. How many of the applications in which costs were awarded against the Council were made in accordance with the advice provided by the planning department?

The Chairman of the Planning Committee stated that there were 2, The Barton, Hittisleigh and Keens, Morebath.

4. Is it the intention of the Council to debate Motion 489 this evening?

The Chief Executive stated that the Chairman had ruled the Motion to be outside the scope of the Council.

Town Councillor Bridger stated that he had intended to commend the Council on its forward thinking with regard to Motion 489, however he understood that this would now not be debated.

40 **PETITIONS**

There were no petitions from members of the public.

41 **NOTICES OF MOTION (00-16-32)**

**(1) Motion 485 (Councillor Mrs N Woollatt – 21 August 2014)**

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

“That this council writes to the relevant Minister to lobby for the legislative proposals referred to in Early Day Motion 277 (see below) to be brought forward.

**GOVERNMENT POLICY ON DERELICT AND ABANDONED BUILDINGS**

**Session:** 2014-15

**Date tabled:** 21.07.2014

Primary sponsor: Gilbert, Stephen

**Sponsors:**

That this House recognises the devastating effect that derelict and abandoned buildings can have on a community, both commercially and on its landscape; notes that such sites can pose a serious health and safety risk, especially as an attraction to homeless and younger people; further notes the effect of land banking as a barrier to regeneration and to sustainable development; and calls on the Government to bring forward legislative proposals to allow local planning authorities to tackle sites in their communities including allowing an administration charge to be levied against property owners to cover costs of safeguarding and assessing the site and to introduce a land value tax on vacant sites, similar to that already imposed in Denmark and discussed in the Barker Review 2003, in line with the value of business rates which would be payable if a permitted development had already taken place”.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs L J Holloway. 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, and upon a vote being taken, the Motion was declared to have been **CARRIED**.

**(2) Motion 486 (Councillors Mrs J Roach and Mrs N Woollatt – 21 August 2014)**

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

'This Council resolves to change from the cabinet system of governance to a modernised committee system within the next two years. The Council recognises that in order for the taxpayers to have faith in the ability of the Mid Devon District Council to make effective and transparent decisions that there has to be a fundamental change in the decision making process. The Council also acknowledges that in a mature democracy there is a need for

inclusive government which enables all members to make a valuable contribution in the running of the Council.'

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 R L Stanley **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:-

D J Knowles, D F Pugsley, Mrs J Roach, T W Snow, P F Williams, K D Wilson and Mrs N Woollatt.

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

Mrs H Bainbridge, M D Binks, E J Berry, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, W J Daw, 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, T G Hughes, Mrs B M Hull, M R Lee, E G Luxton, R F Radford, F J Rosamond, C R Slade, J D Squire, Mrs M E Squires and R L Stanley.

Those **ABSTAINING** from voting Councillors:-

R M Deed, Mrs L J Holloway, M A Lucas and Mrs M E Turner.

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

### **3) Motion 487 (Councillor D F Pugsley – 21 August 2014) (01-01-47)**

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

This Council regrets that it has had to pay so much towards the costs of successful planning appellants.

The **MOTION** was **MOVED** by Councillor D F Pugsley and seconded by Councillor T W Snow. 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, and upon a vote being taken, the Motion was declared to have **FAILED**.

### **4) Motion 488 (Councillor D F Pugsley – 21 August 2014), Motion 489 (Councillor Mrs J Roach – 22 August 2014), Motion 490 (Councillor D F Pugsley – 22 August 2014) (1-29-58)**

The Chairman stated that there would be no discussion on the above Motions having considered them to be irrelevant; comprehensive reasons had previously been forwarded to all Members.

42 **CABINET – REPORT – MEETING HELD ON 8 MAY 2014 (1-38-20)**

The Leader presented the report of the meeting of the Cabinet held on 3 July 2014.

**Arising thereon:-**

**(1) Revised Schedule of Meetings (Min 28)**

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

**“THAT** the recommendation of the Cabinet as set out in Minute 28 be **ADOPTED”**.

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

43 **CABINET – REPORT – MEETING HELD ON 31 JULY 2014 (1-38-20)**

The Leader presented the report of the meeting of the Cabinet held on 31 July 2014.

**Arising thereon:-**

**(1) Designation of Blundell’s Conservation Area and Adoption of Appraisal and Management Plan (Min 36)**

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

**“THAT** the recommendation of the Cabinet as set out in Minute 36 be **ADOPTED”**.

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

44 **SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 14 JULY 2014 (1-40-05)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 14 July 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 Chairman of the Scrutiny Committee.

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

45 **SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 11 AUGUST 2014 (1-44-30)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 11 August 2014.

46 **SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 28 AUGUST 2014 (1-46-36)**

The Chairman of the Scrutiny Committee presented the report of the special meeting of the Committee held on 28 August 2014.

47 **AUDIT COMMITTEE – REPORT – MEETING HELD ON 9 JULY 2014 (1-47-05)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 9 July 2014.

48 **MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 8 JULY 2014 (1-47-40)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 8 July 2014.

49 **DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 15 JULY 2014 (1-47-53)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 15 July 2014.

50 **COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 22 JULY 2014 (1-48-24)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 22 July 2014.

51 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 16 JULY 2014 (1-49-03)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 July 2014.

52 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 13 AUGUST 2014 (1-49-30)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 August 2014.

53 **PLANNING COMMITTEE – REPORT – MEETING HELD ON 27 AUGUST 2014 (1-50-00)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 27 August 2014.

54 **STANDARDS COMMITTEE – REPORT – MEETING HELD ON 30 JULY 2014 (1-50-54)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 30 July 2014

55 **STANDARDS COMMITTEE – REPORT – MEETING HELD ON 28 AUGUST 2014 (1-51-53)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 28 August 2014

56 **QUESTIONS (1-55-00)**

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

57 **ACCESS TO INFORMATION – EXCLUSION OF THE PRESS AND PUBLIC (1-55-33)**

Due to the sensitive nature of the following report the Chairman **MOVED**:

**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 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).

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

Note: Councillor D F Pugsley requested that his vote against the decision be recorded;

58 **TIVERTON TOWN CENTRE DEVELOPMENT**

The Council had before it a report\* of the Chief Executive regarding Tiverton Town Centre Development.

Councillor R L Stanley **MOVED** seconded by the Leader:

**'THAT'**

The recommendation as set out in the report be approved.

Following debate, and upon a vote being take, the **MOTION** was declared to been **CARRIED**

- Notes:
- (i) \*Report previously circulated;
  - (ii) Councillors R M Deed, D F Pugsley and K D Wilson requested that their vote against the decision be recorded;
  - (iii) Councillor Mrs L J Holloway requested that her abstention from voting be recorded;
  - (iv) The audio recording had been turned off for this item;
  - (v) Following discussion on this item the meeting was reopened to those members of the public still present.

59 **QUESTIONS TO CABINET MEMBERS (1-58-03)**

Councillor Mrs L J Holloway sought clarity from the Cabinet Member for the Working Environment and Support Services with regard to one of the recommendations of the Communication Working Group with regard to responses to emails from Members to officers. It had been suggested that a 5 day response period be recommended.

The Cabinet Member for the Working Environment and Support Services agreed that a 5 day response period would be satisfactory and she would encourage this.

Councillor Mrs J Roach asked the Cabinet Member for the Working Environment and Support Services if all the Freedom of Information requests were available on the website as this issue had been raised by members of the public.

The Cabinet Member for the Working Environment and Support Services stated that this issue was being looked at. It was felt that the Torbay example should be followed with regard to sample FOI's being made available on the website.

Councillor Mrs J Roach asked the Cabinet Member for the Environment for an update on waste problems in Silverton.

The Cabinet Member for the Environment stated that any problems with regard to waste issues were updated daily on the website. He explained that there was only a few issues with the collection of black sack waste however issues with regard to black box recycling were being addressed; he intended to raise this with the Head of Service.

Councillor Mrs J Roach informed the Cabinet Member for the Environment that she had been informed of issues with regard to garden waste being left behind.

The Cabinet Member for the Environment requested that he be notified of any particular instances which he would look into.

Councillor Mrs N Woollatt informed the Leader that on several occasions the Chairman of Scrutiny had been informed that her Motions to Council had not been accepted. Members were required to submit Motions in good time, yet they are being rejected after publication. She asked the Leader if he could attend to this issue as the rejection of Motions to Council at such short notice was unacceptable.

The Leader agreed to look into the matter.

Councillor D F Pugsley asked the Leader if he was going to continue to act unconstitutionally by not organising a date for the State of the District Debate.

The Leader stated that he would look into the matter.

Councillor M D Binks questioned the Cabinet Member for the Environment on the timetable for works taking place at Newcombes Meadow.

The Cabinet Member stated that he would liaise with the Head of Housing and Property Services.

Councillor F J Rosamond raised concerns as a previous Chairman of the Scrutiny Committee with the Leader with regard to the distance that seemed to be forming between the current Chairman of the Scrutiny Committee, the Cabinet and the Chief Executive. He felt that Scrutiny should act as a critical friend to the Cabinet and not as an opponent and that the Cabinet should seek assistance from Scrutiny.

The Chairman of Scrutiny stated that she had tried to involve as many people as possible in the work of the Scrutiny Committee; she did feel that she had been undermined by the Chief Executive with regard to her Motions to Council, but that this had nothing to do with Scrutiny. If Members were not happy with her work with the Scrutiny Committee then she would move over.

The Leader stated that he had had meetings with the Chairman of the Scrutiny Committee and agreed that they should get on.

The Cabinet Member for the Environment explained that he had received a written question from Councillor T W Snow who was no longer present, which he intended to read and provide an answer to:

The question was as follows: "As we have had to revisit waste collection rounds, and I have now have Saturday collection, can we have revised figures as to the likely reduction in waste collection from the re-organisation, and what additional costs have been incurred implementing these changes".

The answer was: based on the initial route optimisation analysis it was thought that we could remove 4 rounds, however once the new rounds went live this wasn't operationally possible and the rounds had to be put back in. This has had some cost implications and predicted savings are not now likely to be achieved. This is therefore being shown as a Service overspend in the current year's budget monitoring report.

The 14/15 budget was reduced in line with the predicted savings from route optimisation, circa £65k, made up of fuel, agency staff and hire of refuse vehicles; we are now envisaging that these savings won't be achieved.

There has also been the cost of round catch-up which has led to over-time and the use of agency staff, circa £20k, to get the service back to "normal".

These figures are however for the whole of the District, not just for Cullompton.

A round is only run on a Saturday for catch-up from bank holidays, normal business is Monday to Friday, Cullompton's normal collection day is a Friday.

60 **MEMBERS' BUSINESS (2-16-18)**

Councillor R M Deed stated that in his present position he felt it inappropriate to continue in his role as the appointed Governor on the South Western Ambulance Service NHS Foundation Trust and that he had written to the Chief Executive of South West Councils explaining why he had resigned.

(The meeting ended at 8.55pm)

**CHAIRMAN**