

## **MID DEVON DISTRICT COUNCIL**

**A MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 27 February 2019 at 6.00 pm

**ALL MEMBERS** of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

**[The next meeting is scheduled to be held in Tiverton on Wednesday, 24 April 2019 at 6.00 pm]**

### **STEPHEN WALFORD**

Chief Executive

19 February 2019

**Members are reminded of the need to make declarations of interest prior to any discussion which may take place**

Reverend David Beazley, Saint Hill Baptist Church will lead the Council in prayer.

### **AGENDA**

**1 Apologies**

To receive any apologies for absence.

**2 Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

**3 Declaration of Interests under the Code of Conduct**

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

**4 Minutes (Pages 7 - 16)**

Members to consider whether to approve the minutes as a correct record of the meeting held on 19 December 2018.

The Council is reminded that only those Members present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

6 **Petitions**

To receive any petitions from members of the public.

7 **Notices of Motions**

**(1) Motion 533 (Councillor R B Evans – 13 February 2019)**

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

**Background**

Members are aware that a number of planning applications need to go to Planning Committee for consideration; these applications have an array of detail and associated information for members to consider along with an officer recommendation and report.

Within this suite of reports there is often a detail on affordable housing and the section 106 agreement outlining jointly agreed contributions that will be applied to the build should the application be successful, these agreements are evidently part of the detail members are asked to consider and naturally will assist members in making their informed decision .

It has become apparent that after approval has been received, it is not uncommon for developers/ applicants to seek to alter such agreements retrospectively via negotiations with officers, common reasons sited are funding/ budget related.

This motion is sought to be applied to any planning application that has been considered by the planning committee and evidently agreed where a retrospective application to alter the affordable housing or the section 106 agreement is then received.

**Proposed motion**

Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s for their consideration and input.

Should both the officer dealing and the ward member/s agree to the changes these can be allowed to form the new affordable housing agreement and or section 106 agreements.

Should the ward member/s and officer dealing fail to agree on the

proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement .

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) will be referred without discussion to the Planning Committee.

8 **Reports (a)** *(Pages 17 - 272)*

To receive and consider reports, minutes and recommendations of the meetings held as follows:

(1) Cabinet

- 3 January 2019
- 31 January 2019
- 7 February 2019

9 **Council Tax Resolution 2019/2020** *(Pages 273 - 284)*

To consider a report of the Deputy Chief Executive (S151) setting out the formal Council Tax Resolution for 2019/20.

10 **Reports (b)** *(Pages 285 - 498)*

To receive and consider the reports, minutes and recommendations of the meetings as follows:

2) Scrutiny Committee

- 14 January 2019
- 18 February 2019 – to follow

3) Audit Committee

- 22 January 2019

4) Environment Policy Development Group

- 8 January 2019

5) Homes Policy Development Group

- 15 January 2019

6) Economy Policy Development Group

- 10 January 2019
- 29 January 2019

7) Community Policy Development Group

- 22 January 2019

8) Planning Committee

- 9 January 2019

- 6 February 2018

11 **Special Urgency Decisions** (*Pages 499 - 502*)

To consider a report of the Leader (and Monitoring Officer) regarding decisions taken under Rule 16 (of the Constitution) Special Urgency – October to December 2018.

12 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

13 **Independent Remuneration Panel Report** (*Pages 503 - 522*)

To receive a report of the Group Manager for Legal Services and Monitoring Officer informing Members of recommendations from the review undertaken by the Independent Remuneration Panel to set a Scheme of Allowances from 1 April 2019 until 31 March 2020.

14 **Questions to Cabinet Members**

Cabinet Members will answer questions from Members on their portfolios.

15 **Access to Information - Exclusion of the Press and Public**

During discussion of the following item(s) it may be 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. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Council will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that information may be discussed.

**Recommended** 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 6 respectively of Part 1 of Schedule 12A of the Act,

namely – information which reveals that the authority proposes –

- a) To give under any enactment a notice under or by virtue of which requirement are imposed on a person; or
- b) To make an order or direction under any enactment.

16 **Potential Dissolution of a Parish Council** (*Pages 523 - 526*)

To consider a report of the Monitoring Officer regarding a Parish Council.

17 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.