

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 24 July 2019 at 6.00 pm

Present Councillors

G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, L J Cruwys,
N V Davey, W J Daw, Mrs C P Daw,
R M Deed, R J Dolley, J M Downes,
C J Eginton, R Evans, Mrs S Griggs,
Mrs I Hill, T G Hughes, D J Knowles,
F W Letch, E G Luxton, B A Moore,
Miss J Norton, S J Penny, D F Pugsley,
R F Radford, C R Slade, Mrs M E Squires,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce and
Mrs N Woollatt

Apologies Councillors

Mrs E M Andrews, S J Clist, B Holdman,
R L Stanley, J Wright and A Wyer

20 **Apologies**

Apologies were received from Councillors:

Mrs E M Andrews, S J Clist, B Holdman, R L Stanley J Wright and A Wyer.

21 **Public Question Time (00-04-18)**

Jill Gale referring to Motion 566 stated that: I would like to support the motion 556 that will be put by Councillor Way on banning the use of netting at development sites. This will not only help the wild life at the site but will give the developers the opportunity to reconsider the mass slaughter of trees and bushes that tends to take place at development sites.

On the subject of protecting wildlife I wonder if the council would say what pesticides they use regularly?

The Chief Executive explained that a written response would be sent to Ms Gale as the question had been previously asked by Councillor Mrs Woollatt at the Council meeting in April of this year.

Mr Donovan referring to various meetings stated that: my question is to Councillor Bob Deed as Leader of the Council and refers to agenda item 8, the Cabinet Meetings held on 30th May and 27th June 2019. Councillor Luke Taylor (Leader of the Liberal Democrat Group) and your appointment as Deputy Leader and Cabinet Member for the Environment failed to attend any of the aforementioned meetings.

The Mid Devon electorate will no doubt be shocked at his non-attendance at these meetings given the substantial allowance paid for this senior role. Therefore I ask you what justification is there for Councillor Taylor continuing in his Cabinet positions when attending basic meetings is a basic requirement?

Councillor Taylor responded stating that it was not his original intention to be on the Cabinet and he would not have been if other groups had taken up the positions offered. His policy on election was to see more evening meetings, not all of the Council were retired or could afford to attend meetings during the day. He had a full time job and his ward members were aware of that, he had not attended the Environment PDG but had been to other internal Cabinet meetings. The Cabinet and the Environment PDG meetings had moved to the evenings which would now allow him to attend.

Mr Donovan continued stating that it has been reported that the Council Leader was disappointed with the turnout of new councillors at training sessions:

33%% Greens
51% Lib Dem's
68% Independents
85% Conservatives

Are we seeing a difficulty in Mid Devon District in that we have a rainbow administration that is in place but it is not able to govern effectively? How much longer can this go on?

The Leader responded stating that the point of his email was that the officers put on the training for all members. He was just reporting on the induction programme and that it was just a reminder to them. Members Services would confirm that most member briefings bring only about 25% attendance.

The Chairman of the Council indicated that some of the training sessions were not specific and some were mandatory, some were also not relevant to all members.

Councillor Downes suggested that it would have been useful to have numbers rather than percentage of attendance.

22 Declarations of Interest under the Code of Conduct (00-15-51)

Members were reminded of the need to declare any interests when appropriate.

23 Minutes (00-16-00)

The minutes of the meeting held on 22 May 2019 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 26 June were agreed as a correct record and signed by the Chairman.

24 Chairman's Announcements (00-18-26)

The Chairman informed the meeting that he had recently attended the following events:

- The LAMMAS Fair in Exeter
- Speech day and prize giving at Blundells School
- Bradninch Civic Service
- Tiverton Twinning Association farewell dinner to visitors

This week, he would be attending a ceremony and unveiling at restored mail coach in Clayhidon and would also be attending the Mid Devon Show as Chairman of the Council.

25 Petitions (00-20-05)

There were no petitions presented.

26 Notices of Motions

(1) Motion 554 (Councillor R J Chesterton – 20 March 2019)

The following Motion had been referred to the Community Policy Development Committee for consideration and report:

In light of recent press articles on the subject, this Council believes that

- (i) Parish and town councils should, in reply to any street naming proposal from a developer, be allowed to recommend to this Council that a street be named after an individual, including the living.

The Community Policy Development Group at its meeting on 25 June 2019 considered the Motion and recommended that it be supported.

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

The Policy Development Group also recommended that the following wording be placed in the Council's procedure:

In exceptional circumstances should a proposal be made to name a Street after a living individual, on the grounds of them having made an outstanding contribution to the locality and/or its people, these will be permitted if both approval by the individual and unanimous agreement between the Cabinet Member with delegated authority for the service and appropriate Ward members is received.

Following discussion, the Chairman **MOVED** that the wording to be placed in the procedure be amended to read:

In exceptional circumstances, should a proposal be made to name a street after a living individual, on the grounds of the living individual having made an outstanding contribution to the locality and/or its people, such proposals will be permitted if both

approval by the individual and unanimous agreement between the Cabinet Member with delegated authority for the service and appropriate Ward Members are received.

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

(2) Motion 556 (Councillor N A Way – 8 April 2019)

The following Motion had been referred to the Environment Policy Development Committee for consideration and report:

Mid Devon District Council has a record of environmental protection and protecting wildlife.

Council is greatly concerned by the growing trend across the country of developers using netting over hedgerows and trees at development sites to stop birds nesting and other wildlife using the hedges and trees.

This is wrong and runs against the best interests of supporting and enhancing local wildlife.

We call on all developers not to use netting in Mid Devon. Additionally, we call on Government to ban the use of netting at all sites with planning consent, those sites identified in the Local Plan and the emerging Greater Exeter Strategic Plan.

The Environment Policy Development Group at its meeting on 11 June 2019 considered the Motion and recommended that it be supported.

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

(3) Motion 557 (Councillor J Downes – 9 July 2019)

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

'That this council instructs the Head of Planning, Economy and Regeneration to take the earliest available opportunity in planning policy terms to embed a zero-carbon requirement on all future development taking place in Mid Devon in order to respond to the climate emergency.'

The **MOTION** was **MOVED** by Councillor J M Downes and seconded by Councillor R J Dolley.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that this Motion be dealt with at this meeting.

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

27 Reports - Cabinet - Report of the meeting held on 30 May 2019 (00-51-50)

The Leader presented the report of the meeting of the Cabinet held on 30 May 2019

1. Blackdown Hills - Area of Outstanding Natural Beauty (AONB) Management Plan (Minute 5)

The Leader **MOVED** seconded by Councillor L D Taylor:

THAT the recommendations of the Cabinet as set out in Minute 5 be **ADOPTED**.

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

28 Cabinet - Report of the meeting held on 27 June 2019 (00-53-00)

The Leader presented the report of the meeting of the Cabinet held on 27 June 2019.

29 Scrutiny Committee - Report of the meeting held on 10 June 2019 (00-54-00)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 10 June 2019.

30 Scrutiny Committee - Report of the meeting held on 8 July 2019 (00-54-42)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 8 July 2019.

31 Audit Committee - Report of the meeting held on 25 June 2019 (00-56-10)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 25 June 2019.

32 Audit Committee - Report of the special meeting held on 15 July 2019 (00-56-40)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 15 July 2019.

33 Environment Policy Development Group - Report of the meeting held on 11 June 2019 (00-59-11)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 11 June 2019.

34 Homes Policy Development Group - Report of the meeting held on 18 June 2019 (1-00)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 18 June 2019.

35 Economy Policy Development Group - Report of the meeting held on 13 June 2019 (1-00-47)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 13 June 2019.

36 **Community Policy Development Group - Report of the meeting held on 25 June 2019 (1-02-22)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 25 June 2019.

37 **Planning Committee - Report of the meeting held on 5 June 2019 (1-03)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 5 June 2019.

38 **Planning Committee - Report of the meeting held on 3 July 2019 (1-03-54)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 July 2019.

39 **Standards Committee - Report of the meeting held on 19 June 2019 (1-04-25)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 19 June 2019.

40 **Licensing Committee - Report of the meeting held on 4 July 2019 (1-05-11)**

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 4 July 2019.

41 **Regulatory Committee - report of the meeting held on 4 July 2019 (1-05-43)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 4 July 2019.

1. The Scheme of Delegations for functions of the Regulatory Committee (Minute 9)

The Chairman of the Regulatory Committee **MOVED** seconded by Councillor D R Coren:

THAT the recommendations of the committee as set out in Minute 5 be **ADOPTED**.

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

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

There were no questions submitted under Procedure Rule 13.2.

43 **Outside Body Appointments (1-07-40)**

There was a need to seek nominations to appoint one Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee (Outside Body).

Councillor R B Evans **MOVED** seconded by Councillor B A Moore that Councillor R J Chesterton be appointed as the Council's representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee.

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

There was a need to seek nominations and appoint two Members of the Council to the Mid Devon Locality Committee

The Leader **MOVED** seconded by Councillor B G J Warren that Councillor D J Knowles be appointed as one of the Council's representative's to the Mid Devon Locality Committee.

Councillor G Barnell **MOVED** seconded by Councillor R B Evans that Councillor Mrs N Woollatt be appointed as one of the Council's representative's to the Mid Devon Locality Committee.

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

44 **Questions to Cabinet Members (1-10-40)**

Councillor R B Evans addressing the Cabinet Member for the Environment asked:

Given the recent announcement on our fleet services contract, what assurances have been sought from fleet services on their carbon emissions reduction business plan, what has been built into the contract seeking known carbon emissions measurements taken now in order that any claimed carbon reduction over the period of the contract can be accurately measured and what part of the contract specifically ensures their corporate vision and actions are compatible with MDDC's stated policy aim of zero carbon emissions by 2030.

The Cabinet Member responded stating that a lengthy answer would be provided to Councillor Evans but that he would give a brief summary for the meeting: over the 7 year plan with the fleet on a like for like replacement plan, there has been built in flexibility to change any vehicle for a different type when it is due for replacement and we can increase or decrease the fleet in line with the business. With regard to the emission of vehicles, flexibility that we have on the contract allows us to trail new vehicle types as technology changes over the 7 years. As electric vans and electric refuse vehicles do become available they can be trialled and used in Mid Devon and Exeter as part of the joint process. More information about SSFS can be obtained if required.

Councillor Mrs M E Squires addressing the Cabinet Member for the Environment stated that ash dieback was going to be a problem over the foreseeable future. In Mid Devon there was an abundance of native trees which would need to be felled, this was the responsibility of the landowner, Devon County Council are urging land owners who have trees by the road to take responsibility to minimise the risk to the public and have suggested that the trees to be felled are replaced on a 3 to 1 basis. Over 90% of the ash trees are likely to be affected and with 448,000 falling within distance from the road this is a problem. There are obviously many more trees not adjoining the road, most of the trees that you see are mature and there has been little planting over the last few years, I would like to know what the Cabinet Member

proposes to do to encourage more planting, given that we have the obligation for climate change.

The Cabinet Member responded stating that a full response would be provided with a full written response. He did however inform the meeting that in the parish of Bradninch, there was a clear policy that when property owners asked to remove trees in the community, they were asked to replace the tree, either in their garden or in a specific location, the town council had also carried out extensive tree planting in Bradninch.

Councillor C J Eginton addressing the Leader stated that the Campaign for Local Democracy in Mid Devon had recently announced to the media that they had written to the Leader regarding the administration's plan with regard to the reform of the cabinet system, had the Leader replied to them and if so could he inform Council of his response, if he had not responded when would he be doing so and what would be his response?

The Leader responded stating that he had responded to that letter informing them that he would be looking to review the Constitution in respect of members and public concerns over some things that had happened and that report would come back to the informal Cabinet in September/October and it would be presented to members following consideration. Alderman Nation was aware of the response.

Councillor C J Eginton addressing Councillors: Barnell, Taylor and White (and with a written response requested from Councillor Clist), given that meetings of the Cabinet, Cabinet briefings and other internal meetings involving the Cabinet had been moved to the evenings, Conservative Members were questioning the detrimental effect that this was having on officers work/life balance with the additional evening commitments. He was aware that Councillors Deed and Knowles and Woollatt were able to attend daytime meetings, he asked the 4 Liberal Democrat Cabinet Members individually if they were able to regularly attend day time meetings relating to their Cabinet roles, and given the extra commitment on officers, would they commit to holding all non- publicly attended meetings during the 9-5 working day? If they could not attend day time meetings relating to their Cabinet position, did they believe that the role of the Cabinet Member should be predominately an evening role?

The Cabinet Member for the Environment responded stating that some meetings had been moved to the evenings and some officer comments had stated that evening meetings were a common occurrence in other authorities. There was a mixed bag for times of meetings so that people who did work could become an active member of the Cabinet. With regard to a member of the Cabinet becoming an evening role, he had attended some external meetings during the day and meetings with officers had taken place during the daytime. He was available via email and felt that he was fulfilling the role of Cabinet Member. With regard to the work/life balance of staff, officers did understand that this was a council decision.

The Cabinet Member for Finance stated that he could not attend day time meetings as he had a full time job, he felt that it was important that members of the public could partake in meetings. To engage with the public it was important to schedule meetings when the majority of the public could attend. He referred to the number of candidates that stood for election, was this related to people not having the time to

commit to council work because of day time meetings as they had other commitments such as work and children.

The Cabinet Member for Planning and Economic Regeneration stated that the portfolio was quite onerous and involved a lot of daytime meetings. He supported the set piece meetings going to the evening for the reasons that had been previously described.

Councillor Eginton addressing the Cabinet Member for Planning and Economic Regeneration highlighted the Lib Dem election leaflet and in particular rural transport issues, he questioned the alternatives to buses and what new technologies were proposed and what were the costs to the authority?

The Cabinet Member responded referring to the Green Devon agenda and the need for greener transport arrangements, a long term strategy with regard to electric vehicles, the use of technology and the connectivity agenda alongside Devon County Council and central Government. He referred to the idea of bookable vehicles for the rural areas rather than one bus a day and the idea of subsidising cycle ways; also there is a need to look at the railway system and park and ride facilities. He felt that there were many planning initiatives that he could take forward under the planning portfolio.

Councillor Eginton addressed the Leader with regard to the number meetings the Cabinet members had attended with senior officers to be fully briefed on all aspects of their roles, he requested a written statement detailing the dates and times that Cabinet members had met with directors, group managers and senior officers.

The Leader stated that he would provide a written response.

Cllr R J Dolley addressing the Cabinet Member for Planning and Economic Regeneration stated that there was a need for some joined up thinking with regard to transport services in the area some of which were underused.

The Cabinet Member stated that rural and town transport issues required a joined up approach.

Councillor Mrs F J Colthorpe addressing the Cabinet Member for Planning and Economic Regeneration asked whether he was aware of the work of the Coastal and Market Towns Initiative and the outcomes of the consultation process for this work. The most favoured venture was a cycle way between Tiverton and Exeter and she along with other county councillors, were continuing discussions with regard to this along with a park and ride facility on the Mid Devon side of Exeter, she reminded the Cabinet Member that this was a county matter.

45 Members Business (1-40-00)

Councillor Mrs M E Squires informed the meeting that as Vice Chairman of Devon County Council she had presented awards to community transport providers and that she valued their work. She also represented the District Council on SPARSE and had had discussions with regard to rural transport, she felt that rural buses should be better used by local residents.

(The meeting ended at 7.42 pm)

CHAIRMAN