

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 6 November 2019 at 6.00 pm

### **Present**

#### **Councillors**

L J Cruwys (Chairman)  
Mrs E M Andrews, G Barnell, E J Berry,  
W Burke, J Cairney, R J Chesterton,  
S J Clist, Mrs C Collis, Mrs F J Colthorpe,  
D R Coren, N V Davey, Mrs C P Daw,  
R M Deed, R J Dolley, J M Downes,  
C J Eginton, R Evans, Mrs S Griggs,  
B Holdman, 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, J Wright  
and A Wyer

### **Apologies**

#### **Councillors**

W J Daw, Mrs I Hill, R L Stanley and  
Mrs N Woollatt

### 69 **Apologies**

Apologies were received from Councillors: W J Daw, Mrs I Hill, R L Stanley and Mrs N Woollatt.

### 70 **Public Question Time**

Miriam Hadocks from the Tiverton Tree Team stated: I have been very encouraged by the recent actions of this council and its wholehearted response towards the request to declare a climate emergency and to begin to take action on this declaration. By the development of the Devon Carbon Plan at county level and by the recent people's assembly which more than 60 people attended and the 200 people who marched on the climate strike day all of whom supported a zero carbon Tiverton. Both the assembly and this council have emphasised the need and enthusiasm for extensive tree planting to combat climate change in this town, district and council area. I am encouraged by the emergence of Tiverton Tree Team a voluntary community group and part of 'Sustainable Tiverton' of which I am a part, and the large and enthusiastic response that has been received by them in their action to plant thousands of trees in the local area this winter from landowners, individuals, schools and community groups.

Today I am encouraged by Motion 559, brought by Councillor Bob Evans which states that 'this council agrees to use any and all land within the ownership of the authority that is not suitable for development, for the planting of native British trees' and also that 'This council agrees to work alongside community groups and schools

whenever possible to encourage community ownership and a sense of place and wellbeing within our communities'

Tiverton Tree team have received a donation of almost 1000 trees to be planted on public and community land and monetary donations to buy more. We have many volunteers to plant them and a vision to develop accessible community woodland, enriching the environment and encouraging local people and groups in planting and aftercare.

Time is of the essence in climate mitigation and we plan to start on National Tree Planting Day on 30<sup>th</sup> November and continue beyond that date. This offers district residents and this council the opportunity to take immediate positive action on our joint aims. My question therefore is this, will this council act promptly and decisively on their commendable commitment to combatting climate change by taking this opportunity to talk and work with Tiverton Tree Team in the local community to make available enough land in Tiverton and surrounding area's for publically accessible tree planting projects sufficient for at least 1000 trees or more this November and throughout the winter and will the council with its greater resources commit to donating more trees in addition to the 1000 already donated?

Emily Fitzherbert also from the Tiverton Tree Team stated my question is also related to the same motion about the council planting as many trees as possible on MDDC land. The motion states that land which is not suitable for development should be used for the planting of trees and I was wondering whether it would be possible to define that more precisely, how would you define not suitable for development because technically all land could be suitable for development. My question is how would we define that and can we make it as narrow as possible so that we can find as much land as possible to plant trees on and also within a reasonable timeframe.

Dave Woods stated that inevitably within what we are talking about today is that money is important and I have just come across this recently as a forester. The council has a tree preservation and maintenance policy, clearly defined, but it does say within that there are budget restrictions on how trees maybe replaced or even for tree expansion around Tiverton and trees cost money. So are the Council aware of the Government's urban tree challenge which has just been announced and if so have they made an expression of interest. It is possible to put forward an expression of interest at this stage for funding next year. I think it's quite important to be aware of that and I wondered if they are and also would they consider planting more fruit and nut trees as a part of this process because we feel that this is an important way of connecting with the community.

Sally Chapman thanked Cllr Evans for tabling the motion which is very encouraging. My question is regarding Council tenants in council properties and just referring to the improvement to council property policy where council's tenants can request for alterations and improvements to their properties I am wondering whether within that policy council tenants would be able to request trees to be planted in their garden?

The Cabinet Member for the Environment and Climate Change responded thanking the Tiverton Tree Team for the questions and advising them that the process for the motion as tabled, is for it now to be referred to the Environment Policy Development Group to debate and discuss and to make any recommendations prior to it being referred back to council in due course for a decision. He therefore could not give

responses to many of the points raised as these will be the subject of future discussion.

However he did want to provide some reassurance that, firstly, that this council does take its environmental responsibilities seriously and will be actively looking at ways to reduce harmful emissions and support carbon-reduction methods such as tree planting. Secondly, while the council doesn't have a tree 'warden' as such, it will shortly be recruiting for a Tree Officer who advises on quality and standards of trees from a planning and asset management perspective, providing arboricultural advice to the council as needed. He didn't think the council had any involvement with the Tiverton Tree Team directly and that there were a large number of local community groups,(and that this was something he was involved in within his parish) being formed on a range of specific issues, and that discussions had taken place with groups in various towns who had sustainable groups. With regard to a new policy, that would need to be investigated.

#### **71 Declarations of Interest under the Code of Conduct**

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

#### **72 Minutes (00-14-19)**

The minutes of the meeting held on 11 September 2019 were agreed as a correct record and signed by the Chairman.

#### **73 Chairman's Announcements (00-15-06)**

The Chairman informed the meeting of the following events he had attended since the last meeting:

- The opening of the council development at Turner Rise, Palmerston Park, Tiverton
- The Tiverton Mayor's Charity Dinner
- The West Devon District Council Civic Service at Okehampton
- The Lord Lieutenant's Awards at Rockbeare Manor
- The Volunteer Awards at County Hall
- He had attend the Premier Inn's staff team building day at the chapel in Tiverton Cemetery.

He also informed the meeting that he had received an email from Honorary Alderman AVM Attlee enquiring about Honorary Alderman nominations. He suggested that the Group Leaders meet with the Chief Executive to discuss this matter.

#### **74 Petitions (00-19-50)**

There were no petitions presented.

## 75 Notices of Motions (00-19-56)

### (1) Motion 558 (Councillor J M Downes – 29 July 2019)

The following Motion had been referred to the Cabinet for consideration and report:

That this council should lobby government to bring forward a revised council tax scheme that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

The Cabinet at its meeting on 17 October 2019 considered the Motion and following discussion, Councillor Downes in accordance with Procedure Rule 16.4, suggested that the Motion be amended to read:

That this council should lobby government **to change the council tax scheme to one** that seeks to encourage a system linked to emissions. The scheme should be able to vary council tax to overtly incentivise the construction of properties that can demonstrate high levels of sustainability and energy efficiency, while acting as a penalty for those that don't. Methods to encourage investment in retrofitting to existing properties should also be explored, given the largest proportion of housing emissions will come from existing housing stock rather than new build.

The Cabinet therefore recommended that the Motion (as amended) be supported.

Following a lengthy discussion and upon a vote being taken, the **MOTION** (as amended) was declared to have **FAILED**.

### (2) Motion 559 (Councillor R B Evans – 22 October 2019)

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

It is well known that the planting of trees has an extremely positive effect in the fight against reducing carbon within the atmosphere, each trees sequestration process is known to benefit carbon reduction as each individual **tree** can absorb as **much** as 48 pounds of **carbon** dioxide per year and can **sequester** 1 ton of **carbon** dioxide by the time it reaches 40 years old. Given the above and the climate crisis declared by this council and its stated ambition to be carbon neutral by 2030 I ask that the following motion be supported by all members.

This council agrees to use any and all land within the ownership of the authority that is not suitable for development, for the planting of native British trees.

This council agrees to undertake an area wide audit with the assistance of members and land owners to identify suitable sites both within MDDC ownership and private ownership to maximise opportunities for such activity, to be completed within no more than twelve months from the date of this motion , if approved.

This council agrees to work alongside community groups and schools whenever possible to encourage community ownership and sense of place and wellbeing within our communities.

This council agrees that any and all opportunities should be sought to obtain trees from organisations such as government agencies and relevant charitable organisations. (Woodland Trust, Plant Life, DEFRA / Forestry Commission seeking any funding that may be available).

The **MOTION** was **MOVED** by Councillor R B Evans and seconded by Councillor B A Moore.

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that the **MOTION STAND REFERRED** to the Environment Policy Development Group for consideration and report.

### **(3) Motion 560 (Councillor R J Chesterton – 23 October 2019)**

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

#### **Review of Development Management Policies on Parking**

This Council requests that officers start work on undertaking a review of Mid Devon's development management policies regarding parking on our new estates. These should include the number of parking spaces per property as well as how development management can help ease the transition to electric or hybrid vehicles in the future.

In addition to this, this Council requests that at the earliest available opportunity, and no later than three months after this motion is agreed, a paper is brought to the Planning Policy Advisory Group and Cabinet highlighting some of the possible changes members might have to consider and the best mechanism to bring these about.

The **MOTION** was **MOVED** by Councillor R J Chesterton and seconded by Councillor C R Slade.

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that the **MOTION STAND REFERRED** to Cabinet for consideration and report.

### **76 Reports - Cabinet - Report of the meeting held on 19 September 2019 (00-56-00)**

The Leader presented the report of the meeting of the Cabinet held on 19 September 2019.

### **77 Cabinet - Report of the meeting held on 17 October 2019 (00-59-00)**

The Leader presented the report of the meeting of the Cabinet held on 17 October 2019

#### **1. Heart of the South West Joint Committee Governance Update (Minute 71)**

The Leader **MOVED** seconded by Councillor R B Evans:

**THAT** the recommendations of the Cabinet as set out in Minute 71 be **ADOPTED**.

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

## **2. Treasury Management Strategy and Mid Year Review (Minute 74)**

The Leader **MOVED** seconded by Councillor B A Moore:

**THAT** the recommendations of the Cabinet as set out in Minute 74 be **ADOPTED**.

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

### **78 Scrutiny Committee - Report of the meeting held on 30 September 2019 (1-01-39)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 30 September 2019.

### **79 Scrutiny Committee - Report of the meeting held on 28 October 2019 (1-03-08)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 28 October 2019.

### **80 Audit Committee - Report of the meeting held on 8 October 2019 (1-03-44)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 8 October 2019.

### **81 Environment Policy Development Group - Report of the meeting held on 24 September 2019 (1-04-18)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 24 September 2019.

### **82 Homes Policy Development Group - Report of the meeting held on 1 October 2019 (1-05-06)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 1 October 2019.

### **83 Economy Policy Development Group - Report of the meeting held on 26 September 2019 (1-06-02)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 26 September 2019.

84 **Community Policy Development Group - Report of the meeting held on 8 October 2019 (1-06-47)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 8 October 2019.

85 **Planning Committee - Report of the meeting held on 18 September 2019 (1-07-18)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 September 2019.

86 **Planning Committee - Report of the meeting held on 25 September 2019 (1-07-50)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 25 September 2019.

87 **Planning Committee - Report of the meeting held on 23 October 2019 (1-08-14)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 23 October 2019.

88 **Standards Committee - Report of the meeting held on 9 October 2019 (1-09-05)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 9 October 2019.

**1. Standards Working Group Report – Review of the January 2019 Report from the Committee on Standards for Public Life (Minute 18)**

The Chairman of the Standards Committee **MOVED** seconded by Councillor C R Slade:

**THAT** the recommendations of the committee as set out in Minute 18 be **ADOPTED**.

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

89 **Questions in accordance with Procedure Rule 13 (1-10-39)**

There were no questions submitted under Procedure Rule 13.2.

90 **Special Urgency Decisions (1-10-46)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – July to September 2019.

The Chairman informed the meeting that no such decisions had been taken in this period.

#### 91 **Appointment of IRP Member (1-12-15)**

The Council had before it a \*report of the Group Manager for Legal Services and Monitoring Officer seeking approval of the recommended appointment to the Independent Remuneration Panel for Members' Allowances in Mid Devon.

The Leader **MOVED**, seconded by Cllr R J Chesterton that: Mr Jeremy Filmer-Benner be appointed to the Independent Remuneration Panel until the Annual General Meeting in May 2023

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

Note: \*Report previously circulated, copy attached to minutes.

#### 92 **GESP Member Reference Forum (1-12-15)**

There was a need to seek a nomination to appoint an Independent Group Member to the GESP Reference Forum.

Councillor R M Deed **MOVED**, seconded by Councillor A Wilce that Councillor W Burke be appointed as the additional representative from the Independent Group to the GESP Member Reference Forum.

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

#### 93 **Questions to Cabinet Members (1-13-14)**

Addressing the Cabinet Member for Housing and Property Services, Councillor B A Moore speaking on behalf of Councillor R L Stanley stated that he understood that 5 of the active 'Tenants Together' had resigned on block and bearing in mind that the group took many years to establish, assisted in the early years by the current Leader, he asked the following questions:

- This Council would be interested in hearing reasons for these resignations?
- Bearing in mind that the Tenants Together acted as formal tenant consultee for all housing policies, what is in place to deal with the changed circumstances?
- The Tenants Together was formed as a scrutiny group, during their time they researched and identified significant savings for the HRA, what is in hand to continue their processes
- The Housing Improvement Board was established to review 'value for money' and performance against agreed budgets and targets. It is worthy of note that Tenants Together, along with, in the early days other political representation were invited to attend this to ensure transparency, is it the intention to continue this monthly meeting and will invitations for other representatives be forthcoming? If the intent is not to continue with the format, how is performance going to be reviewed?

The Cabinet Member voiced his total surprise and upset by the resignations, he was struggling to meet them individually as were officers in order to restructure the organisation which benefits this council greatly. He could not update the

council anymore on that position apart from saying that things were ongoing and he was hoping to be able to give some positive news in time.

Councillor C J Eginton addressing all members of the Cabinet present and seeking individual answers stated that following decisions made on the Devon Climate Declaration at the full Council meeting in June 2019 could the members of the Cabinet give him a simple yes or no answer as to whether they supported Extinction Rebellion?

The Chairman ruled that members personal views on the issue were not relevant and therefore that the question need not be answered.

Councillor C J Eginton addressing the Cabinet Member for Finance referred to the leaflet focussed on the Tav Vale Ward when Councillor White was the District Council candidate for the Liberal Democrats in the 2015 elections standing against himself and a Green candidate. Under the heading "bin the garden tax", it stated that the Tories want to charge £50 to have our garden waste collected and by voting for Alex White you can get a local voice opposed to the garden tax, furthermore it tells us that a petition would be presented to the Council, so my first question is that for a 240 L brown bin the cost is £49 for the current year, can you now accept that under the previous Conservative administration at no point has a £50 charge been levied?

The Cabinet Member responded stating that during the campaign Councillor Eginton had told him that he had been sold a pup as there was no way in which they were going to charge residents £50 and what was the charge £49, you are correct, it wasn't £50, so yes I can accept that the charge was not £50.

Councillor Eginton continued stating that as no petition was formally presented to any meeting of the Council on this subject, in retrospect were you incorrect to make this assertion in the leaflet.

The Cabinet Member responded stating that we did collect signatures online and we also collected signatures on paper and there was a big movement in favour of not charging a tax for that collection, we collected about 3000 signatures so it was quite a lot of people, whether or not it was presented to the Council, I am not aware as I was not the person leading the petition, if you say it wasn't presented to the Council, then it wasn't presented to the Council.

Councillor Eginton continued stating that since the scheme was introduced in September 2015 the income to this Council had been £1.634m, will you now admit that you were wrong to oppose the garden waste charge scheme or if you were not wrong how would you have replaced this income to the Council over the last four years and in the future?

The Cabinet Member responded stating that the scheme had raised funds for the Council and times have been extremely tight. Unfortunately as we have been dealing with Tory austerity for the last 4 years and that the Council does need to raise tax to balance our books and it is important that we are fiscally responsible and this Cabinet is going to be so and having reviewed the financial situation that we are in, we do need to continue charging the green tax, which for me is a great

regret as I would have liked to have seen no charge for it, in order to see more people recycling their garden waste.

Councillor Eginton again addressing the Cabinet Member for Finance stated that the Audit Committee on 25 June 2019, 15 July 2019, 27 August 2019 and 8 October 2019 all have one thing in common, Councillor Alex White finance portfolio holder was not present. This being despite 3 of the 4 meetings being evening meetings, can I therefore ask Councillor White if and when he intends attending the Audit Committee meeting for the first time?

The Cabinet Member responded stated that it is not possible for councillors to attend every single meeting, I think that it is quite obvious tonight, you cannot be everywhere at all times. If you want to drive working people from standing as councillors then you are going the right way about it. If you want to promote people who have jobs and young people and others to stand as councillors and take the reins and stand up for their local communities, this is not the way to promote it, I have a 100% attendance for this council at the meetings that I have been required to attend, I am extremely proud of that, I work extremely hard as a ward councillor to represent people and I continue to work extremely hard as a Cabinet Member for our residents here in Mid Devon and I will attend meetings as and when I can.

Councillor Eginton addressing the Leader asked whether he would expect his portfolio holder for Finance, in this case Councillor White to attend meetings of the Audit Committee, yes or no?

The Leader responded stating that he would be happy after this meeting to sit down with him and go through the record of the Cabinet Member for Finance for the last 4 ½ years and it might be interesting to see what information that elicits.

Councillor Eginton again addressing the Cabinet Member for Finance continued, stating that given that Councillor White had been adopted as the Liberal Democrat Parliamentary Candidate for the North Devon Parliamentary Constituency could he categorically assure us that he would immediately resign his position as councillor for Upper Yeo should he be elected as a Member for Parliament?

The Chairman ruled that he would not allow the question.

Councillor Eginton asked the Leader if he could categorically confirm that Councillor White would no longer hold a position in his Cabinet if elected to Parliament.

The Leader responded that should Councillor White be successful on 12 December, then he was entitled to remain as a District Councillor, he as Leader would make a decision on 13 December, if he needed to, in terms of who was in the Cabinet, specifically obviously in respect of Cllr White, although he felt that this was a hypothetical question, until 13 December he did not know what the outcome would be for the North Devon constituency elections.

Councillor Evans addressing the Leader and referring to Armistice Day on 11 November and details outlined in the members weekly newsletter where it stated

that the Chairman, the Vice Chairman and a representative of the Leader would be present in various locations, could he ask what the Leader would be doing, as he was clearly being represented.

The Leader stated that he would be on holiday.

94 **Members Business (1-32-00)**

The Leader referred to the State of the District debate which he hoped would take place in the New Year, he invited members to submit possible topics for discussion.

Councillor F W Letch stated that he would like to thank Councillor Coren on behalf of Crediton Town Council and Crediton Hamlets for attending the Armistice Service on Monday 11 November.

(The meeting ended at 7.34 pm)

**CHAIRMAN**