

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 8 January 2020 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, J M Downes, C J Eginton,
R Evans, Mrs S Griggs, Mrs I Hill,
B Holdman, T G Hughes, D J Knowles,
F W Letch, E G Luxton, B A Moore,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt and J Wright

Apologies

Councillors

W J Daw, R J Dolley, Miss J Norton and
A Wyer

100 Apologies

Apologies were received from Councillors: W J Daw, R J Dolley, Miss J Norton and A Wyer.

101 Public Question Time

Jo Webber speaking with regard to item 6 on the agenda stated that she had a business in Tiverton for 26 years. She provided the following 5 concerns with regard to the increase in car parking charges in the multi storey car park:

- The British Independent Retailer Association recently drew up a 5 point plan to save the high street, included in this was 'give free car parking in town centres to increase footfall'.
- The multi storey car park is the gateway to Tiverton. It is often the first point of contact with our town.
- We need to encourage longer dwell times so people stay longer, buy from more than one shop or business.
- Tiverton needs to encourage people to work in the town centre and the tourists to visit.
- Our success is your success. Thriving business means full car parks and good revenue for Mid Devon. Let Tiverton be known as a vibrant exciting town. It takes teamwork and you have the key to make our town successful or empty. Let's do the right thing

My question is: Where did you base your facts on to support the proposed 200% increase on car parking charges for visitors in the multi storey?

Hon Alderman David Nation referring to the Governance item stated that I would ask you please if you will bear in mind when you consider this item that those of us who are advocating a serious review at the very least if not some changes thereafter do not wish to decrease the efficiency of the Council or anything of that nature. We are concerned about democracy, that means different things to different people and democracy doesn't come cheap, somebody once said. But the reality is that most of us would say that a system where major issues are discussed, a small number, probably no more than your current Cabinet of 7 can overrule the wishes of the majority of the Council of 42. That is clearly not democracy. It is that we would like you to consider, a thorough review of the possibilities. I may remind you that this Council was forced to adopt the constitution and the governance it has now by the Blair Government, a Labour Government, it was then a Conservative Government some years later which allowed councils to deviate from that requirement if they wished and a good many, mostly Conservative Councils, up and down the country have since changed from a Cabinet system to either a modified committee system or something close to it. I think what matters most to people who are concerned about some of the issues that have arisen in this Council in recent years is that you look very carefully indeed at what changes might be worth considering.

Patrick Collier referring to the Governance item stated he had a question about the debate which would be taking place tonight about possible changes to the Governance of the Council. As I understand it the Council as I see here consists of a Conservative Group, a Liberal Democrat Group and various independents. I would like to know whether either of the political groups have already decided their response to this debate before this meeting has taken place. When I attended a debate no so long ago about another matter, the debate was a farce because it was quite apparent that one of the groups had already decided their response before the debate had even taken place.

Steve Bush again referring to the Governance item stated that the Local Labour Party note the recommendation to the Council regarding future governance arrangements and that a politically balanced Governance Working Group be established. We would ask that other parties such as ourselves who do not currently have any seat be represented on the Working Group in order to ensure full political balance and input.

Ana Hendy referring to item 6 on the agenda stated that we in the Labour Party at Tiverton Town Council have noticed with some dismay the cost of parking in Tiverton is set to change quite considerably and that the multi storey car park in particular will become the most expensive car park in Mid Devon. We also note that a petition has been started by business owners in the town against these changes. We also question how these proposed changes will affect the town centre plan which has amongst it the ambition of attracting more visitors.

We are disappointed that MDDC have not consulted us at the Town Council on these changes and I in particular as Town Council representative for Central ward feel that before a final decision is made consultation with the Town Council would be appropriate so that the views of our constituents could be fairly represented and taken into consideration.

Judy Tucker spoke with regard to the Governance item and stated as one of the prime movers of a Campaign for Local Democracy in Mid Devon, she was delighted that the Council was considering this resolution to establish a full review into its governance arrangements. It's never been the objective of this campaign to undermine the Council's efficiency, merely to try to ensure that efficiency is more democratically directed towards the needs and aspirations of all the citizens of Mid Devon than can be the case under the present arrangements. Don't be misled by irrelevant scare stories from the past but look to a better future as the recommendation makes clear, there is time to get things done with careful thought and diligence. Will you keep the communities you represent and the future of all the citizens of Mid Devon foremost in your minds when you consider this issue and support the recommendation to have this review.

Miriam Hadcock referring to Motion 559 stated that she was glad to see the development of the Environment Policy Development Group and the progress made on this motion. She had been delighted to see the progress made by the Tiverton Tree Team. Since we last spoke in the region of £2k has been donated, 100+ local volunteers have given their time and 20 landlords have made offers of land for tree planting. Some of this has been private landowners making their land available for public access for community woodlands and orchards. 5 schools and nurseries have asked to be involved in planting seeds for next year's tree planting which we hope to be going ahead. There has been a large media response. By the end of this week we would have planted 1500 trees and by the end of January we would have planted 3000 trees and 4000 by the end of March. This shows the high level of public popularity for a large scale approach to tree planting in this area. I understand and accept the amendments to the motion to ensure that land appropriate for tree planting is used and that suitable trees are planted there. I appreciate that much of the land is already used for very valuable community purposes which we would not want to detract from in any way.

This still leaves much land available which includes corners of parks, brownfield, road verges, roundabouts, and land prone to flooding or too steep for building, other areas considered include waste land, hedgerows and private gardens etc. Can the Council expand on what would be included in appropriate land, what criteria will be used to assess that and how wide the net will be to ensure that as much land as possible will be made available and not excluded in meeting the necessary targets for a positive impact on climate, habitat and biodiversity and what the clear public demand for this.

102 Declarations of Interest under the Code of Conduct (00-16-44)

Councillor C J Eginton declared a personal interest with regard to Item 6 (Car Parking Petition) as he owned a business in Tiverton.

Councillors: A Wilce and Mrs N Woollatt declared personal interests in Item 8 (Governance recommendation) as they were both supporters of the Campaign for Local Democracy.

103 Minutes (00-17-54)

The minutes of the meeting held on 6 November 2019 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 4 December 2019 were agreed as a correct record and signed by the Chairman.

104 Chairman's Announcements (00-19-58)

The Chairman informed the meeting of the following events he had attended since the last meeting: he had attended the Armistice Parade in Tiverton on Remembrance Sunday and had led the ceremony in Tiverton on 11 November, with the Vice Chairman attending the event in Cullompton and Councillor D R Coren attending the event in Crediton. He had also attended various Christmas carol events during the Christmas period.

105 Petitions (00-21-50)

Mrs Miller presented a petition with 2118 signatures to the Chairman of the Council and outlined the basis for the petition:

We the undersigned want the Mid Devon District Council to not impose excessive fees for local shoppers and workers who use the Multi Storey on a daily basis which may cause them to venture elsewhere and to not take away the free parking currently available at Westexe South and William Street.

In accordance with Procedure Rule 12.2, Mrs Miller addressed the Council raising the following issues: Westexe South car park had a quick turnaround and the free parking allowed people to pop to the shops and have a hair cut within the 30 minutes free parking allowed. Her business had business rates to deal with and rent to pay and that she was afraid that the Westexe part of the town would die. She referred to the free parking available in Gold Street and how the shops benefitted from that, also that the multi-storey car park was used by shop owners and workers in the town and that the shops needed footfall and excessive car parking would not help that.

A debate then took place with the following issues arising:

- The discussions that had taken place with the working group and the recommendations made to the Economy Policy Development Group
- Whether the new charges were excessive and the impact on those who parked all day in the MSCP.
- The 30 minutes free parking that was currently available at Westexe South and at William Street and the need to support local traders.
- The need to encourage the purchase of permits which would reduce the costs.
- The introduction of £1 for 5 hours in long stay car parks that had been put in place in 2011 and the increase to £2 per day which had also proved popular.
- The impact of increased charges on the town and the need to listen to those who had signed the petition.
- The need for a clear recommendation to the Cabinet

It was therefore **RECOMMENDED** to the Cabinet that the decision to increase parking charges in Tiverton specifically the Multi-Storey Car Park and the loss of 30 minutes free parking in Westexe South and William Street be reconsidered.

(Proposed by Councillor N V Davey and seconded by Councillor R J Chesterton).

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

Note: Councillor C J Eginton declared a personal interest as he owned a business in Tiverton.

106 Notices of Motions (00-45-35)

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

The following motion had been referred to the Environment Policy Development Group for consideration and report:

It is well known that the planting of trees has an extremely positive effect in the fight against reducing carbon within the atmosphere, each tree's 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 Policy Development Group at its meeting on 26 November 2019 considered the Motion and following discussion, Councillor R B Evans in accordance with Procedure Rule 16.4 agreed that the Motion be amended to read:

'It is well known that the planting of trees has an extremely positive effect in the fight against reducing carbon within the atmosphere, each tree's 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 appropriate~~ land within the ownership of the authority that is not suitable for development, for the planting of ~~native British suitable~~ 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 Environment Policy Development Group therefore recommended that the Motion (as amended) be supported.

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

Note: The Chief Executive responded to the question posed in public question time stating that discussions had taken place at the Environment PDG with regard to the use of appropriate land for tree planting. There was a need for a clear policy to be put in place and that the asset team were looking into appropriate land within council ownership. The parameters for planting had not yet been set.

(2) Motion 560 (Councillor R J Chesterton – 23 October 2019)

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

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 Cabinet at its meeting on 21 November 2019 considered the Motion and following discussion, RECOMMENDED to Council that Motion 560 be supported subject to further discussion prior to Council with regard to the timeframe for any report to the Planning Policy Advisory Group.

Councillor R J Chesterton in accordance with Procedure Rule 16.4 has agreed that the Motion be amended to read:

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 six 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.

Upon a vote being taken, the **MOTION** (as amended) was declared to have **CARRIED**.

(3) Motion 561 (Councillor R B Evans – 17 December 2019)

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

Development Management Policy

That this council commits to proactively seeking out and exploring that every opportunity is taken to install a carbon neutral power supply option within all new build development from 01/01/2021 but specifically when residential development is being planned.

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 Cabinet for consideration and report.

(4) Motion 562 (Councillor R B Evans – 17 December 2019)

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

That MDDC commits to proactively seeking out and exploring development of a long term partnership with a company / companies that can supply innovative power generation that offers carbon neutral power and where possible seeks to give an income stream back to the authority when operational.

That officers are instructed to seek out and explore such opportunities with available companies with immediate effect in order that MDDC can ensure we are actively addressing our own policy to seeking to be carbon neutral by 2030.

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 Cabinet for consideration and report.

107 Reports - Cabinet - Report of the meeting held on 19 December 2019 (00-50-35)

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

1. Governance Review (Minute 99)

The Leader **MOVED** seconded by Councillor G Barnell:

THAT the recommendations of the Cabinet as set out in Minute 99 be **ADOPTED**.

Consideration was given to:

- The number of members on the working group
- The timescales for the review
- The amount of work and the time it would take to amend governance arrangements which would also require the constitution to be re-written and that there was a need to get on with the business of the council
- The pressing need to address other important issues such as climate change
- The cabinet system versus the committee system and which was the more democratic form of governance
- Agreeing to a review would diminish the possibility of a referendum via a petition
- The potential for alternative and modern governance
- Whether the policy development groups provided inclusive decision-making and the different ways in which members could be heard
- How the democratic process evolved and the positive benefits a review could bring
- The informal nature of a working group meeting in private and the involvement of local stakeholders

Councillor F W Letch **MOVED** in accordance with Procedure Rule 19.4

'THAT the vote in respect of this **MOTION** shall be by Roll Call'

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, G Barnell, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, J M Downes, Mrs S Griggs, Mrs I Hill, B Holdman, D J Knowles, F W Letch, E G Luxton, L D Taylor, Ms E Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt and J Wright

Those voting **AGAINST** the **MOTION**: Councillors E J Berry, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, R B Evans, T G

Hughes, B A Moore, S J Penny, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires and R L Stanley.

The **MOTION** was declared to have been **CARRIED**.

Note: Councillors A Wilce and Mrs N Woollatt declared personal interests as supporters of The Campaign for Democracy.

2. Schedule of Meetings (Minute 107)

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

THAT the recommendations of the Cabinet as set out in Minute 107 be **ADOPTED**.

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

108 Scrutiny Committee - Report of the meeting held on 2 December 2019 (1-38-56)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 2 December 2019.

109 Scrutiny Committee - Report of the meeting held on 6 January 2020 (1-39-56)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 6 January 2020.

110 Audit Committee - Report of the meeting held on 10 December 2019 (1-39-38)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 10 December 2019.

111 Environment Policy Development Group - Report of the meeting held on 26 November 2019 (1-40-14)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 26 November 2019.

112 Homes Policy Development Group - Report of the meeting held on 3 December 2019 (1-41-02)

Councillor D R Coren presented the report of the meeting of the Group held on 3 December 2019.

113 Economy Policy Development Group - Report of the meeting held on 28 November 2019 (1-41-53)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 28 November 2019.

114 Community Policy Development Group - Report of the meeting held on 10 December 2019 (1-42-27)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 10 December 2019.

115 Planning Committee - Report of the meeting held on 20 November 2019 (1-43-00)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 20 November 2019.

116 Planning Committee - Report of the meeting held on 17 December 2019 (1-43-44)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 17 December 2019.

117 Questions in accordance with Procedure Rule 13 (1-44-29)

There were no questions submitted under Procedure Rule 13.2.

118 Leader's 6 Monthly Update (1-44-42)

The Leader addressed the Council stating that the Council was 7 months into the new administration. It had been his wish that a cross party Cabinet could have been formed and he still hoped that this would change.

The Cabinet fully considered all reports that were put before them, this sometimes led to delays in decision-making as fresh views and value for money were considered.

The new Corporate Plan was almost ready.

There had been much discussion about the council's subsidiary company 3 Rivers. This would be fully discussed at the Cabinet meeting on 13 February, all members were encouraged to attend as this may help to dispel some misunderstandings and perceptions.

119 Appointment of Independent Persons (1-49-58)

The Council had before it a *report of the Group Manager for Legal Services and Monitoring Officer recommending the appointment of an additional Independent Person.

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

- a) Mr Rob Jeanes be appointed as the Council's second Independent Person for a term of 4 years to 1 January 2024; and
- b) Delegated authority be given to the Monitoring Officer to re-appoint Mr John Smith as an Independent Person from 14th December 2020, should he be

willing to continue in the role at that time, such appointment (if made) to be for a term of 4 years to 14 December 2024.

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

Note: *Report previously circulated.

120 Outside Body Appointment (1-51-47)

There was a need to seek a nomination for the appointment of an Armed Forces Champion for Mid Devon to represent the Council on the Devon Armed Forces Community Well-Being Partnership and other forums.

Councillor R B Evans **MOVED**, seconded by Councillor R J Chesterton that Councillor C R Slade be nominated.

Councillor Mrs N Woollatt **MOVED**, seconded by the Leader that Councillor D J Knowles be nominated.

Upon a vote being taken it was **RESOLVED** that Councillor D J Knowles be appointed as the Armed Forces Champion.

121 Questions to Cabinet Members (1-54-12)

Councillor D F Pugsley addressing the Cabinet Member for Planning and Economic Regeneration asked what were his plans for the buffer zone between the Garden Village and Kentisbeare?

The Cabinet Member responded stating that no decision had been made and that no policy had been formed to date, workshops continued to take place with community groups, the Parish Council and local residents and he looked forward to working closely with Councillor Pugsley.

122 Members Business (1-56-00)

Councillor D R Coren raised two issues:

- He complimented Councillor John Downes on his recent swim for charity, 1416 lengths of the swimming pool which equalled the 22 miles of the channel.
- He informed the meeting of a recent incident where Councillor Stuart Penny had saved the life of a child who had been found choking.

The Council showed their appreciation to both members.

(The meeting ended at 8.00 pm)

CHAIRMAN