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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 28 October 2020 at 6.00 pm

### **Present**

#### **Councillors**

L J Cruwys (Chairman)  
Mrs E M Andrews, G Barnell, E J Berry,  
W Burke, 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,  
B A Moore, Miss J Norton, S J Penny,  
D F Pugsley, R F Radford, C R Slade,  
Mrs M E Squires, R L Stanley,  
Ms E J Wainwright, B G J Warren, A Wilce,  
Mrs N Woollatt and J Wright

### **Apologies**

#### **Councillors**

J Cairney, L D Taylor, A White and A Wyer

#### **73 Apologies (00-07-31)**

Apologies were received from Councillors: J Cairney, L D Taylor, A White and A Wyer.

#### **74 Protocol for Remote Meetings (00-07-48)**

The protocol for remote meetings was **NOTED**.

#### **75 Public Question Time (00-08-10)**

Mrs Hill referring to Item 8 (Motion 564) on the agenda, stated that, point 1 of the motion is well agreed with the majority of people, but we are increasingly living in a polarised society in which both helpful and unhelpful conversations are taking place at this moment about societal issues and problems and it is encouraging that this motion speaks about inclusion, because if we were able to be really inclusive, we would not need to worry about such things like diversity, race, gender etc. However, this is a difficult thing to judge due to our own personal experiences, we all have unconscious biases and personal experiences which affect the way in which we respond to our fellow man and situations.

Businesses as do councils write policy documents which are designed to show that they care about such things such as discrimination and equality, however these are quite often put away and ignored until a time when they need to be updated or complaints are made and they need to be referred to. Policies are strategic documents which point in a particular direction, they are not working documents but explain how the direction will be achieved or are found to be wanting, to show the process of improvement or resolution and if they stray towards process they fail to stay strategic.

The work of the customer working party highlighted some of these issues and I can see easily how that piece of work dovetails into this motion. My question is this and it stems from my own experience of the council in the short time that I was a member, if this motion is passed, what is the intention; as an important direction pointer, how will it be implemented for the Council members, for officers, for workers and for residents? Would the Council consider publishing an easily understood information bulletin that informs our customers of their rights with regard to this simple topic. So in simple language, I want to know how you will translate policy into procedure and into action; monitoring is yet another question. But I do believe that this motion goes some way to supporting a helpful way of separating and simplifying these 2 things, policy and procedure and enabling meaningful conversations to take place about some very emotive issues.

The Chairman indicated that answers would be provided during the debate on this item.

**76 Declarations of Interest under the Code of Conduct (00-12-57)**

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

**77 Minutes (00-13-17)**

The minutes of the meeting held on 26 August 2020 were agreed as a correct record.

The minutes of the extraordinary meeting held on 30 September 2020 were agreed as a correct record.

**78 Chairman's Announcements (00-19-23)**

The Chairman stated that this would be the last meeting of the Council to be held in the current year and he wanted to thank everyone for their attendance and hard work. Attending virtual meetings did not come naturally to many members and therefore he wished to thank the council for making it work during these difficult times.

**79 Petitions (00-20-34)**

No petitions had been presented.

**80 Notices of Motions (00-20-50)**

**(1) Motion 564 (Councillors: Miss Wainwright and Miss J Norton – 15 October 2020)**

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

**Council resolves to:**

1. Practice equality, fairness and inclusion, and to play its part in creating an equal society for all. There is no place for sexism, racism, bigotry, discrimination or intolerance of any form in our society.
2. Acknowledge that language is a powerful tool for change and inspiration, as well as ignorance, oppression and damaged relationships, and should be used thoughtfully and respectfully. Many people who do not have a voice in the public domain have to suffer the consequences of inaccurate or insulting language.
3. Review and, if needed, update member training, to equip all members with the language and tools needed to actively promote diversity and inclusivity.
4. Ask that the Chair of Scrutiny request a report detailing the options for how Mid Devon District Council can implement the relevant recommendations for Local Authorities (where not already in place) listed in the Fawcett Society/LGiU report: 'Does Local Government Work for Women?' (1). (The population of Mid Devon is around 80,600, and is 49% male and 51% female. This proportion is not reflected in the makeup of MDDC).
5. Ask that the Chairs of the Equality Forum and Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
6. Show leadership by creating a diversity and inclusion strategy, and seek input from residents and local organisations that have expertise, to ensure the council is inclusive towards diverse and hard-to-reach communities in its recruitment, member representation and service provision. As part of this, review and update the MDDC equalities policy.
7. Explore further opportunities to increase inclusivity, diversity and representation in Mid Devon District Council, including but not limited to amongst women, minority ethnic communities, young people, and carers.

(1) *The Fawcett Society and Local Government Information Unit report, 'Does Local Government Work for Women?' found that structural and cultural barriers hold back women's participation in local government. The practices and protocols of local government create unnecessary barriers to participation particularly for women with caring responsibilities. <https://www.fawcettsociety.org.uk/does-local-government-work-for-women-final-report-of-the-local-government-commission>*

The **MOTION** was **MOVED** by Councillor Miss E Wainwright and seconded by Councillor Miss J Norton.

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

Following discussion: Councillor R B Evans **MOVED** seconded by Councillor C R Slade that in accordance with Procedure Rule 15.1(e) that Item 4 be referred to the Scrutiny Committee and Items 1, 2 3, 5, 6 and 7 be referred to the Standards Committee.

Upon a vote being taken, the referral of the Motion to other Committees was **AGREED**.

**81 Cabinet - Report of the meeting held on 3 September 2020 (00-46-06)**

The Leader presented the report of the meeting of the Cabinet held on 3 September 2020.

**1. Tiverton Eastern Urban Extension (Area B) Masterplan (Minute 228)**

This recommendation was **NOT MOVED** due to the need for additional work to take place within the masterplan.

**82 Cabinet - Report of the meeting held on 1 October 2020 (00-47-30)**

The Leader presented the report of the meeting of the Cabinet held on 1 October.

**1. S106 Governance (Minute 239)**

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

**THAT** the recommendations of the Cabinet as set out in Minute 229 be **ADOPTED**.

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

Reason for the Decision - There remains a need to agree governance arrangement for S106 agreements even in light of likely legislative change which would require a further review. The arrangements set out in Appendix 1 had been updated following consultation with Parish and Town Councils and input by the Planning Policy Advisory Group.

**2. Mid Devon District Council – Emergency Budget (Minute 241(d))**

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

**THAT** the recommendation of the Cabinet as set out in Minute 241(d) be **ADOPTED**.

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

Reason for Decision: The Heritage Action Zone (HAZ) project relating to Cullompton (which spans the 4 years from 2020/21 to 2023/24) is expected to result in up to £270k expenditure in 2020/21. It can be noted that £130k is funded from external bodies with the balance coming from existing ear- marked reserves.

**83 Scrutiny Committee - Report of the meeting held on 14 September 2020 (00-55-05)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 14 September 2020.

**84 Scrutiny Committee - Report of the meeting held on 12 October 2020 (00-55-40)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 October 2020.

**85 Audit Committee - Report of the meeting held on 22 September 2020 (00-56-38)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 September 2020.

**86 Environment Policy Development Group - Report of the meeting held on 8 September 2020 (00-57-15)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 8 September 2020.

**87 Environment Policy Development Group - Report of the special meeting held on 19 October 2020 (00-58-00)**

The Chairman of the Environment Policy Development Group presented the report of the special meeting of the Group held on 19 October 2020.

**88 Homes Policy Development Group - Report of the meeting held on 15 September 2020 (00-59-10)**

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 15 September 2020.

**89 Economy Policy Development Group - Report of the meeting held on 10 September 2020 (00-59-50)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 10 September 2020.

**90 Community Policy Development Group - Report of the meeting held on 22 September (1-00-28)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 22 September 2020.

**91 Joint Policy Development Group - Report of the meeting held on 20 October 2020 (1-01-12)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Joint PDG held on 20 October 2020.

**92 Planning Committee - Report of the meeting held on 9 September 2020 (1-02-46)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 9 September 2020.

93 **Planning Committee - Report of the special meeting held on 23 September 2020 (1-03-40)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 23 September 2020.

94 **Planning Committee - Report of the meeting held on 7 October 2020 (1-04-22)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 October 2020.

95 **Licensing Committee - Report of the meeting held on 15 October 2020 (1-05-10)**

The Vice Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 15 October 2020.

96 **Regulatory Committee - report of the meeting held on 15 October 2020 (1-05-31)**

The Vice Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 15 October 2020.

97 **Questions in accordance with Procedure Rule 13 (1-06-09)**

There were no questions submitted under Procedure Rule 13.2.

98 **Special Urgency Decisions (1-06-27)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in this period.

99 **Governance Working Group Update (1-06-47)**

The Council had before it and **NOTED** a \*briefing paper from the Chairman of the Governance Working Group.

Councillor B A Moore outlined the contents of the paper explaining that he had taken over the chairmanship of the Group in mid September and that the group had moved forward with several actions. An external information gathering session had been organised for the evening of 23 November. Publicity would be forthcoming over the next few days. Due to the poor response of the internal consultation an additional members workshop would be organised for the end of November/beginning of December to receive members views on the governance arrangements and all members were encouraged to attend.

Due to the impact of the pandemic and consequential delays, the working group would not be able to report to Council by the end of December as previously requested and that it was likely that an extraordinary of Council would be required in the first quarter of 2021 to consider a report and recommendations from the working group.

Note \*Briefing paper previously circulated, copy attached to minutes.

#### 100 **Allocation for Other Bodies (1-11-11)**

The Council had before it a revised \* allocation of seats (with options) for other bodies reflecting the current membership of the Council.

Councillor R B Evans **MOVED** seconded by Councillor R M Deed that Option (1) be approved .

Councillor Mrs N Woollatt **MOVED AN AMENDMENT** seconded by Councillor Miss E Wainwright that Option (3) be approved.

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

With Council confirming the following that:

Councillor D F Pugsley (subject to his agreement) would take a seat on the Development Delivery Advisory Group.

#### Notes:

- i) Councillor D F Pugsley due to a loss of internet connection was unable to confirm whether he would agree to take the seat on the Development Delivery Advisory Group;
- ii) \*Allocation of seats for other bodies previously circulated, copy attached to the minutes.

#### 101 **Questions to Cabinet Members (1-29-59)**

Councillor A Wilce addressing the Cabinet Member for the Environment asked: are you aware that the expired Dog Control PSPO did not undergo any consultation or evidence gathering process to justify the need for such an Order, since it was a transitional Order arising from the new ASB legislation and that therefore, it is necessary for this Council to carry out that work now, before issuing a new Order?

The underlying principle should be that dog controls are the least restrictive required to achieve a defined and measurable outcome. What are they for Mid Devon?

The Government itself, the LGA, and others have said that incidences of nuisance – as opposed to acts of disorder – should be enforced by byelaws and not PSPOs. Where is the evidence of there being such a serious anti-social behaviour issue as to warrant criminalising dog owners?

The Cabinet Member responded stating that the issue would be discussed at the cabinet meeting the following evening, he was only aware of the 2014 Order but would provide a written response to the member following the Cabinet meeting.

Councillor F W Letch addressing the Deputy Leader asked that with the Conservative Group holding 4 Cabinet seats, would the Conservative Group no longer be seen as the opposition?

The Deputy Leader replied stating that that the Cabinet still remained under the leadership of an independent Leader as agreed by Council in 2019. The Conservative Group had 17 seats and were not the majority party. Until they became the majority party they would remain the official opposition.

Councillor G Barnell addressing the Cabinet Member for Housing and Property Services/Deputy Leader asked the following:

1. At Scrutiny Committee on 12<sup>th</sup> October you were asked about the latest forecast for the losses anticipated on the St George's site in Tiverton that is currently being built out by 3Rivers Developments Ltd. We were informed that the answer had been given at Cabinet on 1<sup>st</sup> October. There was no answer given to this question at Cabinet on 1<sup>st</sup> October other than we should expect an answer at the following Scrutiny Committee. At tomorrow's Cabinet meeting the ruling Conservative Group are proposing a further loan of taxpayers money of £1.4 million to 3Rivers. The Cabinet report on this subject claims that 3Rivers will break even by the financial year 2022/23. However the report provides only very sketchy financial evidence to support this claim. Please can the Deputy Leader tell members what are the forecast losses on the St George's site?
2. At Scrutiny Committee on 12<sup>th</sup> October you stated that the expected completion date for the St George's site in Tiverton had been moved back to 2022. Contractors started building on this site in early 2018. At Cabinet in September the Leader of the Council told us that the anticipated completion date for this site was December of this year. Why is there now an additional and very lengthy delay of up to two years in completing this development?

Given that Cabinet will be discussing the future funding of 3RDL tomorrow and that the answers to these questions may be deemed commercially sensitive I am asking that a written answer is provided to Members only in time for tomorrow's meeting of Cabinet.

The Cabinet Member/Deputy Leader stated that a written response would be provided to all members prior to the Cabinet meeting the following day.

Councillor B Holdman addressing the Deputy Leader asked if the Conservative Group were still the opposition party how could he be Deputy Leader of the Council and Leader of the opposition party.

The Deputy Leader responded stating that he was the Leader of the Conservative Group, a group of 17 members, as the Council had 39 Members, the Conservative Group did not hold a majority that was held by a coalition of other members.

Councillor R Dolley addressing the Cabinet Member for Planning and Economic Regeneration asked about the ring fencing of S106 and the monies promised to local organisations which had not been received.

The Cabinet Member responded stating that if Councillor Dolley provided him with the details of his concern and if any other members had similar concerns that they

also forward the details, he would look into the matter, speak to the Head of Planning, Economy and Regeneration and respond.

Councillor S J Clist stated that the youths of the district was enthused by the upgrades to the 2 play areas at Westexe, Tiverton and at Cheriton Bishop and the one at Hemyock which had been funded locally. Which fund was funding the upgrades, how much was left and how could people apply.

The Chairman stated that a written response would be provided to the member.

Councillor D R Coren informed the meeting that the Cheriton Bishop play area upgrade had been funded from S106 monies.

#### 102 **Members Business (1-45-50)**

There was no members business raised under this item.

(The meeting ended at 7.46 pm)

**CHAIRMAN**

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# Minute Annex

Written Response to Question posed at Council on 28 October 2020 from the Director of Corporate Affairs and Business Transformation.

Dear Mrs Hill

You asked a question at Council last week and I am replying to you with an answer to that question.

'Motion 564 was not passed at the Council meeting held on the 28<sup>th</sup> October however this motion has prompted questions both within the Member and the Officer cohort. As a result a meeting has been set up in November to explore the issues raised. It is hoped that this will lead to action, although of course just what that will be is not appropriate to speculate at this time.'

Thank you for submitting your question and as per the response it is hoped that in due course further information on this important subject will be available. If I can be of any further assistance please contact me,

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