

## Mid Devon District Council

### Cabinet

**Thursday, 23 April 2020 at 6.00 pm**

The meeting will be held remotely

**Next ordinary meeting**

**Thursday, 7 May 2020 at 6.00 pm**

**Important - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.**

**To join this meeting, please click the following link:**  
<https://zoom.us/j/95226219098?pwd=dU1VYVVoRWfjeldPbEVDN2x0b2RkQT09>

Meeting ID: 952 2621 9098

Password: 849999

One tap mobile

+442080806592,,95226219098#,,#849999# United Kingdom

Dial by your location

+44 208 080 6592 United Kingdom

+44 330 088 5830 United Kingdom

## Membership

Cllr R M Deed

Cllr L D Taylor

Cllr G Barnell

Cllr S J Clist

Cllr D J Knowles

Cllr Ms E J Wainwright

Cllr A White

Cllr Mrs N Woollatt

## **A G E N D A**

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

1. **Apologies**  
To receive any apologies for absence.
2. **Public Question Time**  
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

3. **Declarations of Interest under the Code of Conduct**  
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
4. **Minutes of the Previous Meeting** (*Pages 5 - 18*)  
Members to consider whether to approve the minutes as a correct record of the meeting held on 13 February 2020.
5. **Environment Educational Policy** (*Pages 19 - 74*)  
Following a report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group have made the following recommendations: that subject to the suggested amendments (as attached):
- i) Fixed Penalty Notices for fly tipping be increased from £200 to £400 and the powers to use CCTV footage be adopted to assist with fly tipping Fixed Penalty Notices and to include this within Council policy (Appendix A).
  - ii) The new powers set out in the Littering from Vehicles Regulations (Policy) 2018 be adopted and this be included within the new Council policy (Appendix B).
  - iii) Changes to the Council Compulsory Recycling Policy be adopted following government guidance (Appendix C).
  - iv) The amended Abandoned Vehicle (Act) legislation be adopted and included within the Council Policy (Appendix D) which will enable Officers to investigate vehicles within the 'open air'.
  - v) The Stray Dog Policy (Appendix E) be updated and authority sought for the Environment and Enforcement Manager to be the officer appointed under section 149 of the Environmental Protection Act 1990 to keep the public register which contains the prescribed particulars of, or relating to dogs seized under this section.
6. **Public Spaces Protection Order** (*Pages 75 - 252*)  
Following a report of the Group Manager for Street Scene and Open Spaces, the Environment Policy Development Group have made the following recommendation that:
- i) Authority be given to consult with members of the public and other relevant stakeholders to introduce a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.
  - ii) The fixed penalty for breach of the order be set at the maximum level permitted of £100.

7. **Climate Change Advisory Group** (*Pages 253 - 256*)  
Arising from a report of the Head of Legal (Monitoring Officer), the Environment Policy Development Group have made the following recommendations: that
  - (a) a Net Zero Advisory Group be established;
  - (b) the membership of the Group comprise eight Members – 3 Conservative, 2 Liberal Democrat, 2 Independent and 1 Green (not politically balanced); and
  - (c) the terms of reference be finalised by the Group, unless the Cabinet wishes to set the general terms in line with those in this report.
8. **Car Parking Management Policy** (*Pages 257 - 268*)  
Following a report of the Group Manager for Housing, the Homes Policy Development Group has made the following recommendation: that the revised policy be approved.
9. **Garage Management Policy** (*Pages 269 - 280*)  
Following a report of the Group Manager for Housing, the Homes Policy Development Group has made the following recommendation: that the revised policy be approved.
10. **Cullompton and Wellington New Railway Stations Project - Governance, Process, Project Funding and Next Steps** (*Pages 281 - 292*)  
To consider a report of the Head of Planning, Economy and Regeneration setting out the proposed governance arrangements in order to establish clear lines of decision making for the project and to identify the next steps for taking forward the project.
11. **Cleaning Contractors** (*Pages 293 - 312*)  
To consider a report of the Group Manager for Property and Commercial Assets reviewing the results of the tender exercise for the corporate cleaning that includes offices, leisure centres and public conveniences.
12. **Notification of Key Decisions** (*Pages 313 - 324*)  
To note the contents of the Forward Plan.
13. **Access to Information - Exclusion of the Press and Public**  
During discussion of the following item(s) it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of

this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

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

**Recommended** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

**14. To consider the sale of 19 High Street, Cullompton (Former Harlequin Valet Site) (Pages 325 - 342)**

To consider a report of the Group Manager for Property and Commercial Assets recommending the sale of the site under a statutory power of sale.

**Stephen Walford**  
Chief Executive  
Wednesday, 15 April 2020

**Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you require any further information, please contact Sally Gabriel – [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard.

The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

## 5. Public Access

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least five minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance.

However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## **9. Declaration of Interests**

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function. The Chair will call each member of the Committee to speak in turn and will continue in this way until no member has anything more to add.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove



them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues**

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with



the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.