

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**THE ANNUAL MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 11 May 2022 at 6.00 pm

**ALL MEMBERS** of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

**This will be followed by an Extraordinary meeting of the Council**

**PLEASE NOTE:** - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

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Meeting ID: 838 5825 2503

Passcode: 042014

One tap mobile

08003582817,,83858252503#,,,,\*042014# United Kingdom Toll-free

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Meeting ID: 838 5825 2503

Passcode: 042014

**STEPHEN WALFORD**

Chief Executive

3 May 2022

## AGENDA

### 1 **Chairman of the Council**

To elect the Chairman of the Council for the municipal year 2022/23.

### 2 **Apologies**

To receive any apologies for absence.

3 **Minutes** (*Pages 5 - 12*)

To approve as a correct record the Minutes of the Meeting of Council held on 27 April 2022.

4 **Vice Chairman of the Council**

To elect the Vice Chairman of the Council for the municipal year 2022/23.

5 **Chairman of the Scrutiny Committee**

To elect the Chairman of the Scrutiny Committee for the municipal year 2022/23.

6 **Allocation of seats and appointment of of Members to Committees, Policy Development Groups and politically proportioned Working Groups**

To consider the seat allocation report and to appoint members to the various bodies. (To follow)

7 **Appointments to Outside Bodies** (*Pages 13 - 14*)

To consider the list of appointments to outside bodies and seek representatives to the vacant positions available.

8 **Scheme of Delegations**

To agree the existing scheme of delegations as set out in Part 3 of the Constitution. (The Scheme of Delegation sets out the levels of decision making within the Council, outlining those to be made by Council, the Cabinet, individual Cabinet Members, those Committees with regulatory functions and officers).

9 **Programme of Meetings**

To approve the programme of ordinary meetings of the Council for the year 2022/23:

6 July 2022  
31 August 2022  
26 October 2022  
14 December 2022  
22 February 2022  
26 April 2022

### Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [REVISEDMeetingProtocolupdateMarch2022.docx.pdf \(middevon.gov.uk\)](#)

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 27 April 2022 at 6.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
G Barnell, J Bartlett, E J Berry,  
J Buczkowski, W Burke, J Cairney,  
R J Chesterton, S J Clist, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, L J Cruwys,  
N V Davey, R M Deed, R J Dolley (Vice  
Chairman), J M Downes, C J Eginton,  
R Evans, P J Heal, B Holdman,  
D J Knowles, F W Letch, Mrs E J Lloyd,  
B A Moore, Miss J Norton, S J Penny,  
D F Pugsley, Mrs E J Slade, C R Slade,  
Mrs M E Squires, R L Stanley, L D Taylor,  
B G J Warren, A Wilce, Mrs N Woollatt,  
J Wright and A Wyer

### **Apologies**

#### **Councillors:**

Mrs S Griggs

### **In attendance**

#### **Councillors:**

Mrs C P Daw and A White

#### **141 Apologies - (00-07-39)**

Apologies were received from Councillor Mrs S Griggs.

Councillors: Mrs C P Daw and A White attended the meeting via Zoom

#### **142 Public Question Time (00-08-00)**

Mr Quinn referring to Agenda Item 4, the minutes of the previous meeting outlined his concerns with regard to the accuracy of Minute 137 (Appointments to Committees and other Internal Bodies) highlighting what was actually said and that he had already requested senior officers to correct the inaccuracy and the decision based on it, to which they had refused saying that it was for Members to correct the Minutes.

He therefore asked:

Members, please will you uphold the Constitution and correct Draft Minute 137 by replacing the words shown as Motion (a), with the exact words used by Cllr Evans in the Motion that was voted on?

The Chairman responded stating that Mr Quinn had been properly informed and that the approval of the minutes was the responsibility of the Council, rather than officers.

Mr Rowe referring to the Planning Minutes of 2 March 2022 and the questions he had raised at that meeting, which he felt had not been answered. He referred to his

Stage 1 and Stage 2 complaints and that he had now received a response from the Director of Place arranging to meet him but was concerned with the delay in the response. He informed the meeting that the Ward Member had now arranged to meet with him. He added that the responses had only come once he had demonstrated outside the council offices. He asked what committee holds this council to account and how do I contact them?

The Chairman indicated that Mr Rowe would receive a written response.

**143 Declarations of Interest under the Code of Conduct (00-14-02)**

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

**144 Minutes (00-14-02)**

Subject to an amendment to Minute 137 (Appointment to Committees and other internal Bodies) stating that the whole of the paragraph commencing (a) be deleted and replaced with:

Councillor R B Evans **MOVED**, seconded by Councillor R J Chesterton that: (a) That the spare seat that belongs to the scrutiny committee is awarded by a vote at full council to the conservative group.

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

The minutes of the meeting held on 23 February 2022 (as amended) were agreed as a correct record and signed by the Chairman.

**145 Chairman's Announcements (00-19-54)**

The Chairman informed the meeting that he had attended civic services on behalf of the Council held by the following authorities: North Devon, Plymouth, Exeter and Devon County Council and that he had hosted the Mid Devon civic service in Hemyock. He had also attended a tree planning event at Rock House.

**146 Petitions (00-21-10)**

There were no petitions presented.

**147 Notices of Motions (00-21-17)**

No Motions had been received.

**148 Cabinet - Report of the meeting held on 8 March 2022 (00-21-45)**

The Leader presented the report of the meeting of the Cabinet held on 8 March 2022.

**149 Cabinet - Report of the meeting held on 5 April 2022 (00-23-10)**

The Leader presented the report of the meeting of the Cabinet held 5 April 2022.

Discussion took place with regard to Minute 181 and borrowing arrangements for 3 Rivers Developments Limited (3RDL), the meeting was informed that the 3RDL Business Plan would need to be reviewed. A full comprehensive written response to Council would be provided.

**150 Scrutiny Committee - Report of the meeting held on 21 March 2022 (00-27-04)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 March 2022.

**1. Recommendations from the Motion 564 Spotlight Review (Minute 136)**

The Chairman of the Scrutiny Committee **MOVED** seconded by Mrs E Lloyd:

**THAT** the recommendations within the report be **ADOPTED**.

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

**151 Scrutiny Committee - Report of the meeting held on 19 April 2022 (00-36-39)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 April 2022.

**152 Audit Committee - Report of the meeting held on 22 March 2022 (00-37-22)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 March 2022.

**153 Environment Policy Development Group - Report of the meeting held on 8 March 2022 (00-38-25)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 8 March 2022.

**154 Homes Policy Development Group - Report of the meeting held on 15 March 2022 (00-39-06)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 15 March 2022.

**155 Economy Policy Development Group - Report of the meeting held on 17 March 2022 (00-40-08)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 17 March 2022.

**156 Community Policy Development Group - Report of the meeting held on 22 March 2022 (00-40-50)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 22 March 2022.

**157 Planning Committee - Report of the meeting held on 2 March 2022 (00-41-36)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 March 2022.

**158 Planning Committee - Report of the meeting held on 16 March 2022 (00-42-21)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 March 2022.

**159 Planning Committee - Report of the meeting held on 30 March 2022 (00-42-59)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 30 March 2022.

Consideration was given to the sensitive nature of Minute 183 and why it had not been discussed when the detail was made public on the website following that meeting. The Council were informed that at the time, the issue had been of a sensitive nature.

**160 Planning Committee - Report of the meeting held on 20 April 2022 (00-47-00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 20 April 2022.

**161 Questions in accordance with Procedure Rule 13 (00-47-51)**

There were no questions submitted under Procedure Rule 13.2.

**162 Appointment to Committees and Other Internal Bodies (00-48-00)**

The Council had before it a \*table setting out the proposed allocation of seats on Committees following the recent by-election, group changes and also the resolved increase in the Audit Committee size from 7 to 9 seats for 2022/23.

The District Solicitor and Monitoring Officer explained that following a recent meeting of the Group Leaders a revised table had been circulated which provided a column for ungrouped independent members and allocated those members some of the spare seats available within the allocation. Officers had since been advised that the Non-Aligned Group had less members than previously advised and therefore the allocation would be amended to that affect for the Annual Meeting.

Consideration was given to:

- The original table supplied with the agenda which did not include a column for ungrouped independent members which was felt to be unfair
- Whether the ungrouped independent members should be given a choice
- Whether a detailed report setting out how the allocation had been put together could be provided in the future
- Whether the other internal meetings were proportioned appropriately
- The Group Leaders had rejected the strictly legal option the last time, why had the same option been presented again (the Group Leaders had now met)



- How the table of allocations had been presented last time and how it had been presented at this meeting (this was the approach agreed by the Group Leaders)

Councillor J M Downes **MOVED**, seconded by the Leader that: the approach of the Group Leaders giving a percentage of the allocation to the ungrouped independent members be confirmed.

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

Note – Table previously circulated, copy attached to minutes.

### 163 **Leader's Six Monthly Update to Council (1-01-48)**

The Leader addressed the Council reflecting on the last six months highlighting the impact of the pandemic on the authority, the easing of restrictions and then the rapid increase in Covid cases which had led to a combination of increased restrictions and uncertainty in the local economy. He highlighted the level of performance given the challenges arising from the pandemic in the delivery of Council services and the number of successes which had been mentioned in the Corporate Plan midpoint review.

He listed a selection of significant achievements praising officers as he did so:

- The Council Tax Energy Rebate – he informed the meeting of the latest data with regard to payments made
- Business Rates grants – the delivery of grants
- Test and trace – the delivery of the payment scheme
- Street Scene – the workforce who had maintained the waste and recycling services during a difficult winter and the successful trial of three weekly bin collections
- Covid 19 – the daily and weekly statistics that had been provided to show how the infections was present amongst different teams and where there were opportunities to reduce illness
- The State of the District Debate – the successful debate focused on the climate change agenda
- Housing success – the planned modular housing development in Cullompton which had been shortlisted for four awards in the South West's Construction Excellence Awards; the development of the new Housing Strategy and the response to the refugee crisis

He then outlined the Leaders external commitments on various stakeholder bodies.

### 164 **Special Urgency Decisions (1-15-05)**

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 that period

**165 Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (1-15-41)**

The Chairmen of the Audit Committee and the Scrutiny Committee and the Chairmen of the Environment, Homes, Community and Economy Policy Development Groups presented their Annual Reports\* to the Council.

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

**166 Questions to Cabinet Members (1-16-27)**

Councillor Letch addressing the Cabinet Member for Housing and Property Services stated that over the last few months he had noticed five void properties close to his home and that only one had been re-let, would it be possible for the Cabinet Member to request a list of dates from September 2021 to identify when the properties became void and when they were re-let, the Council was losing money and local people were waiting to be housed.

The Cabinet Member responded stating that it was important for Members to receive as much information as possible and he would be requesting from officers a monthly void update and would share this information with Members.

Councillor Letch then addressed the Leader asking for clarification of the Independent Groups outlined in the allocation.

The Leader responded stating that to have a number of Independent Groups in Local Authorities was not unusual, but he did take Councillor Letch's point and would address this matter in his column in the Gazette and as requested in the Crediton Courier.

Councillor Holdman addressing the Cabinet Member for Environment and Climate Change referred to the three weekly bin collection scheme and asked when this would commence? He also asked about the areas that had formed part of the trial and who had been responsible for running the trial.

The Cabinet Member stated that he had also received similar questions from Councillor Taylor and would therefore respond to both. The date for the commencement of the scheme had not been confirmed, but the autumn was the target. A 1000 properties in four areas (urban and rural) had formed the pilot which had been organised by the Waste and Recycling Department. All the relevant data had formed part of the report to the Environment PDG and the Cabinet. Officers had been tasked to look at several issues which included bin storage and a Members briefing had been arranged for 14 June when further information with regard to the scheme would be available.

Councillor Taylor asked an additional question of the Cabinet Members for Environment and Climate Change and Community Well-Being stating that whilst the Council continued to promote an increase in recycling rates by three weekly bin collections and dual bins in town centres, were there any plans for the three sports centres to have food waste collections for staff and also for those workers in Phoenix House.

The Cabinet Member for Community Well-Being stated that he had no opposition to this and would discuss this further at his monthly meeting with officers.

The Cabinet Member for the Environment and Climate Change stated that he was keen to see as much recycling as possible to include food waste and that Street Scene officers would be investigating how food waste could be accommodated across the Council.

Councillor Clist addressing the new Deputy Leader asked whether he supported Extinction Rebellion (a question asked the other way round two years previously).

The Deputy Leader stated that no, he did not support Extinction Rebellion.

Councillor Barnell addressing the Leader asked about his policy for replacing Cabinet Members (three over the last year) and none of those had been performance or policy related and how those sackings related to the people of Mid Devon?

The Leader stated that he would not respond with reasons, in each case he had felt it was justified; it was within his remit to choose his Cabinet

#### **167 Members Business (1-36-09)**

Councillor Clist congratulated 2 members of the public within his Ward who had recently delivered supplies to Ukraine.

Councillor Evans paid tribute to the Housing and Property Services for their excellent work whilst he had been the portfolio holder.

Councillor Dolley congratulated a landowner who had provided land to form a footpath from Rackenford Meadow which would make the route safer.

Councillor Wilce requested that clear voting for and against any proposal be made clear during the meeting.

The Leader highlighted the exhibition for the Post Hill housing development which had been held at Tiverton Golf Club, which had received an excellent public response and urged Members to make every effort to attend.

Councillor Mrs Squires echoed the Leader's comments and made reference to the planned passive homes being developed.

(The meeting ended at 7.47 pm)

**CHAIRMAN**

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# Agenda Item 7

## Outside Body Annual Appointments 2022/2023

Outside Body	Representative/s current	For 2022/23	Appointment Length
Blackdown Hills AONB Partnership	Cllr S J Clist		Annual
Broadpath Landfill Liaison Committee	Cllr R Evans		Annual
Building Control Joint Committee	The Leader Cabinet Member for Planning and Economic Regeneration	The Leader Cabinet Member for Planning and Economic Regeneration	Annual
Business Forum Mid Devon	Cabinet Member for Planning and Economic Regeneration	Cabinet Member for Planning and Economic Regeneration	Annual
Community Safety Partnership		Cabinet Member for Community Well-Being	Annual
Culm Garden Village Delivery Board	The Leader Cabinet Member for Planning and Economic Regeneration	The Leader Cabinet Member for Planning and Economic Regeneration	Annual
Cullompton Town Team (2 Cullompton Town Members)	Vacant		Annual
Devon Districts Forum / Devon Local Government Steering Group	Leader	Leader	Annual
Devon Historic Buildings Trust	Cllr G Barnell		Annual
Devon Rail Forum	Cllr J M Downes		Annual
Gypsy and Traveller Forum	1. Cabinet Member for Planning and Economic Regeneration 2. Cabinet Member for Housing 3. Vacancy for a District Councillor	1 Cabinet Member for Planning and Economic Regeneration 2 Cabinet Member for Housing 3.....	Annual

Outside Body	Representative/s current	For 2022/23	Appointment Length
Heart of the South West Joint Committee	Leader		Annual
Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee	Cllr C J Eginton – <b>BUT MUST BE A NON CABINET MEMBER</b>		Annual
INVOLVE – Voluntary Action in Mid Devon	Cllr B A Moore		Annual
OkeRail Forum	Cllr J M Downes		Annual
South West Councils	Leader	Leader	Annual
South West Councils Employers Panel	Cabinet Member for the Working Environment and Support Services	Cabinet Member for the Working Environment and Support Services	Annual
3 Rivers Developments Limited	Delegated to the Cabinet to agree a Member for this post.		Annual
Tiverton Town Centre Partnership (3 Tiverton Town Members)	Cllr W Burke Cllr Mrs C P Daw Cllr B Holdman		Annual