

MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in the Phoenix Chambers, Phoenix House, Tiverton on Wednesday, 26 October 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:

[The next meeting is scheduled to be held in Tiverton on Wednesday, 14 December 2022 at 6.00 pm]

Please Note: this meeting will take place at Phoenix House and members of the Public and Press are able to attend via Zoom. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Join Zoom Meeting

<https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus06web.zoom.us%2Fj%2F85364719393%3Fpwd%3DeHZ0K2szSFFGU041OCtOSm9JMVGQT09&data=05%7C01%7Ccaseaman%40middevon.gov.uk%7Cfabb067d7877411265ea08dab0ee93bd%7C8ddf22c7b00e442982f6108505d03118%7C0%7C0%7C638016835965000986%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=UD5ID3jh5U2QnmjTWij%2BvubFjsD%2BbBKklldiO5mVjtE%3D&reserved=0>

Meeting ID: 853 6471 9393

Passcode: 164854

One tap mobile

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STEPHEN WALFORD

Chief Executive

18 October 2022

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

AGENDA

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**

To record any interests on agenda matters.

4 **Minutes** (*Pages 9 - 18*)

To consider whether to approve the minutes as a correct record of the meeting held on 31 August 2022.

5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

6 **Petitions**

To receive any petitions from members of the public.

7 **Appointment of the Council's Monitoring Officer**

At the meeting of Council in August 2022, an interim Monitoring Officer was agreed in order to ensure the Council had a duly appointed Monitoring Officer in place. Following a recruitment process, it is now recommended that Council appoints Maria De Leiburne as its Monitoring Officer on a permanent basis.

8 **Notices of Motions**

1. Motion 580 (Councillor B Warren – 9 October 2022)

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

To ensure that motions are recorded in the minutes of meetings in the exact form they are voted upon across all Committees of the Council, the relevant procedure rules shall be revised to extend this specific requirement to Cabinet, Committees and Sub-Committees. This would ensure that the permanent recordings of all meetings comprehensively record the items being voted upon and would strengthen the integrity of the public record, thus being in accordance with the Nolan Principles of Public Life. Therefore:

This Council RESOLVES that the Constitution Part 4 Section 1 Rule 26 (Application to Committees and Sub-Committees) of the Council Rules of Procedure is amended forthwith so as to apply rules 20.1 and 20.2 to meetings of the Cabinet, Committees and Sub-Committees.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.

2. Motion 582 (Councillor A Wilce – 10 October 2022)

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

The High Court has found that meetings held under the Local Government Act 1972:

“involves participants gathering to meet face-to-face at a designated physical location and “attending” a meeting involves physically going to that location, a requirement that this meeting is to be “open to the public” or “held in public” means that members of public must be admitted in person to the place where the meeting is being held...”

“As we have said, requirements that meetings be “open to the public” or “held in public” are imposed by several different statutory provisions, but they all deal with the same subject matter and may therefore be described as in pari materia. They are therefore “to be taken together as forming one system, and as interpreting and enforcing each other”...”

“But such broadcasting or live-streaming does not, on its own, satisfy the requirement for the meeting to be “open to the public” or “held in public” ...”

[2021] EWHC 1145 (Admin)

This approach was supported by the Lawyers in Local Government, Local Government Association and Association of Democratic Services Officers

In addition, the Secretary of State for HC&LG stated that he considers that:

“the legislative scheme should be interpreted consistently”, and that:

“references to a meeting being “open to the public” or “held in public” should equally be interpreted as referring to physical attendance by the public.”

This Council RESOLVES that the Standards Committee is tasked to

1 Review the Remote Meetings Protocol, and also consider whether or not it should form part of the Constitution; and

2 Consider whether any formal proceedings of the Council should be held online:

- that are required to be 'open to the public' or 'held in public'; or,
- where members are required to 'attend' or be 'present'; or,
- where any notice that is required to be given that must specify the 'place' where those proceedings are to be conducted;

and to make recommendations to Council, accordingly

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.

3. Motion 583 (Councillor E Lloyd – 13 October 2022)

This Council resolves to:

1. Recognise this Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution, in line with its local strategy and the National Planning Policy Framework and working with other agencies to do so.
2. Recognise that deterioration of water quality occurs due to cumulative impact of multiple sewage discharge events, or "sewage overload".
3. Compile an evidence base that assesses the cumulative impact of wastewater / sewage discharge on local rivers, wildlife and the health of residents, and factor this into decisions made in new iterations of the local plan, including the overall level of future development.
4. Ask the Scrutiny committee, or other appropriate committee, to invite a senior representative of South West Water, the Environment Agency and Natural England, to attend a meeting to answer questions on the current levels of sewage discharge.
5. If it does not already do so, ask South West Water in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage and whether they have capacity to do so; and whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas. If it does have this information, make a request to share it.

6. Request that officers update members with a report on:

a) what they do to maintain flood defences and channels that fall under the responsibility of MDDC,

b) what they do to protect main rivers and private water courses (and how often inspection/enforcement is undertaken by MDDC or the Environment Agency),

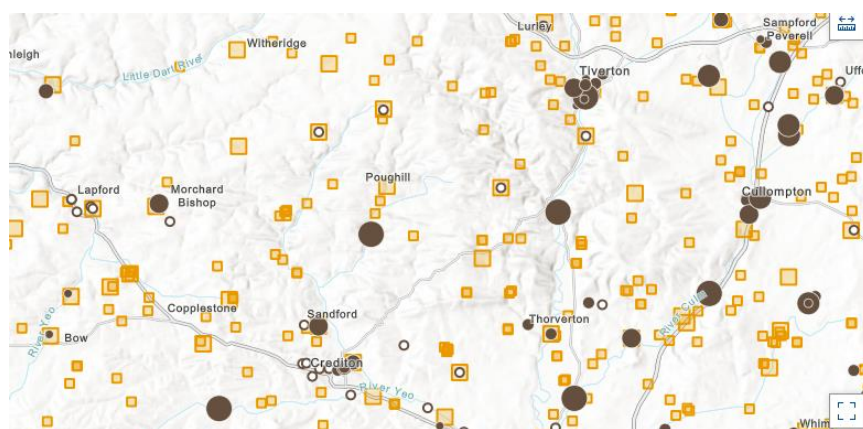
c) the information currently required in reports relating to the impact of large developments on local watercourses (e.g. the impact of sewage outflow into watercourses),

d) whether any large developments have been recently approved (or are under consideration) without suitable sustainable drainage systems in place and reasons why,

e) the tools currently available to MDDC to protect local rivers, and what other tools, policy or resources they'd like to see that would help MDDC fulfil its obligation to protect rivers and seas

Background

Residents are concerned about water quality and the impact of regular wastewater discharge, which includes untreated sewage, into our local rivers and seas and the impact on wildlife and on human health. The UK has the dirtiest rivers in Europe. Here in Mid Devon, in 2021, South West Water discharged sewage into local rivers and seas over 2,068 times, totalling over 20,853 hours of sewage discharge in just one year (monitoring was carried out on 53 of the 93 storm overflows). The map below shows where the sewerage network discharged treated sewage and overflows of untreated sewage and storm water into rivers in England & Wales in 2021. (Source: Rivers Trust Map at <https://theriverstrust.org/key-issues/sewage-in-rivers>)



Key:

- Brown circles: Storm overflows with Event Duration Monitoring
- Clear circles: Storm overflows without Event Duration Monitoring
- Yellow squares: where treated sewage is discharged into rivers

(this can also pose a risk to public health. In some cases, harmful bacteria levels in treated sewage can be many times higher than the minimum public health standards for bathing waters)

Releasing sewage into rivers no longer occurs only as a result of severe storms but is an everyday occurrence even in 'normal' rainfall. The amount of rainfall will increase as the climate changes. There is cumulative overload on the sewage and wastewater system. Whilst there are long term commitments, there are no plans in place which will address the immediate unacceptable situation either locally by South West Water or by national government. Both the local strategy and national planning policy requires a robust approach to both water quality and pollution. As far as we're aware, it is not practice to ask water companies to report on cumulative impact i.e. whether or not development may lead to any potential increase in 'emergency' discharge into rivers and seas.

In accordance with Procedure Rule 14.4, the Chairman of the Council has decided that this Motion (if moved and seconded) be dealt with at this meeting.

9 **Reports** (*Pages 19 - 108*)

To receive and consider the reports, minutes and recommendations of the recent meetings as follows:

1. Cabinet
 - 6 September 2022
 - 22 September 2022 (Special)
 - 4 October 2022 (to follow)
2. Scrutiny Committee
 - 21 September 2022
 - 17 October 2022 (to follow)
3. Audit Committee
 - 27 September 2022
4. Environment PDG
 - 11 October 2022
5. Homes PDG
 - 28 September 2022
6. Community PDG
 - 27 September 2022
7. Economy PDG
 - 29 September 2022
8. Planning Committee

- 7 September 2022
- 5 October 2022

9. Standards Committee
- 19 October 2022 (to follow)

10. Regulatory Sub Committee A
- 20 October 2022 (to follow)

10 **Appointment of Committees, Sub-Committees, Working Groups and other internal bodies**

Allocation to follow.

It is recommended:

- (a) that the Council approve the allocation of seats on Committees and other Council Bodies as shown on the schedule;
- (b) that Members be appointed to Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (c) that Members also be appointed to Working Groups and other Internal Bodies in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats in (a) above;
- (d) that the Chief Executive be authorised to make changes to membership of Committees, Working Groups and other Internal Bodies as may be notified to him from time to time by the relevant Political Group to which those seats have been allocated by the Council;
- (e) that the appointments to seats remaining to be filled by ungrouped Members shall be made at this meeting

11 **Questions in accordance with Procedure Rule 13**

To deal with any questions raised pursuant to Procedure Rule 13 not already dealt with during the relevant Committee reports.

12 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency – no decisions of this kind have been made since the last meeting.

13 **Questions to Cabinet Members**

To receive answers from the Cabinet Members to questions on their portfolios from other Members.

14 **Members Business**

To receive any statements made and notice of future questions by Members.

Note: the time allowed for this item is limited to 15 minutes.

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Zoom.

If you want to ask a question or speak, email your full name to 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. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Sarah Lees on: E-Mail: aseaman@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.