

**MINUTES** of a **MEETING** of the **COUNCIL** held on 24 April 2024 at 6.00 pm

**Present**

**Councillors**

F W Letch (Chairman)  
G Duchesne (Vice Chairman), C Adcock,  
M D Binks, D Broom, E Buczkowski,  
J Buczkowski, J Cairney, G Cochran,  
F J Colthorpe, C Connor, S J Clist,  
L J Cruwys, A Cuddy, G Czapiewski,  
J M Downes, M Farrell, A Glover,  
C Harrower, B Holdman, S Keable,  
L G J Kennedy, L Knight, N Letch, J Lock,  
J Poynton, R Roberts, S Robinson, L Taylor,  
H Tuffin, G Westcott, A White, J Wright and  
D Wulff

**Apologies**

**Councillor(s)**

B Fish, R Gilmour, M Jenkins and N Woollatt.

**Also Present**

**Officer(s):**

Stephen Walford (Chief Executive), Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leiburne (Director of Legal, HR & Governance (Monitoring Officer)), Richard Marsh (Director of Place & Economy), David Parker (Democratic Services & Policy Research Officer), Stephen Walford (Chief Executive) and Laura Woon (Democratic Services Manager) and David Parker (Democratic Services & Policy Research Officer),

**Councillors**

**Online**

N Bradshaw, S Chenore

**143 APOLOGIES**

Apologies were received from Councillors: B Fish, R Gilmour, M Jenkins and N Woollatt

**144 PUBLIC QUESTION TIME**

**Barry Warren**

The minutes of the Standards meeting did not become available to the public until some 5 weeks after the meeting and they have only appeared as a supplement to the Council Agenda. They were still not on the website under the Standards Committee at the time of preparing these questions for submission.

**Question 1:**

What is the reason for this extended delay please?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

Although we try to publish the draft minutes to the website quickly as possible, due to other work commitments this was the earliest it was able to be published.

On page 7 of the draft Standards minutes as published with the Supplementary Agenda at minute 29 Councillor A Glover is shown as being elected as the Vice Chairman when she was already the Chairman.

**Question 2:**

This appears to be an error. When and how will it be corrected?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

The published draft minutes to the Standards committee at minute 29 had been corrected and those minutes would be agreed at the next Standards Committee meeting in June.

**Question 3:**

The questions I asked are shown in the minutes but I can find no public record of the answers I was given. Why is this please?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

The public questions and answers document had been published alongside the draft minutes of the Committee.

**Question 4:**

Is it because I had asked who had recommended committee make a decision which was considered illegal - the Leader told me, in the written response, that this was considered to be irrelevant?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

It was stated as irrelevant as proposed changes were put forward.

My other questions related to Scrutiny Committee Meeting of the 18th March 2024. There is no audio published for this meeting yet the minutes have been approved at the meeting held on the 15th April 2024. There is no audio link as yet to that meeting either, nor are there minutes.

**Question 5:**

Why has the audio link for the Scrutiny meeting of 18th of March still not been made available please?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

With the new Audio Visual system installed the recording had to be converted to a suitable format in order to publish via sound cloud to become available online. The IT department were currently working through the outstanding recordings, but were currently short staffed.

**Continued from Barry Warren:**

Although minutes are not verbatim they should surely be factually correct. The minutes show that the Cabinet Member for Planning and Economic Regeneration advised that the Council were looking to have 2 Planning Enforcement Officers. If the audio recording were publicly available one could hear that when the Chair raised the point that the Council would have 2 Enforcement Officers the Cabinet Member said "There will be three Enforcement Officers". The Chair of Scrutiny responded, "Great. So we can firmly put it on the record – three enforcement officers. Thank you, Scrutiny Committee. The current Conservative MP for Bridgwater can shut up too. Well done, Steve. Thank you very much." But the words of the Chair "Three Enforcement Officers" have not been "Firmly put on Record".

**Question 6:**

If not verbatim - how is it proposed to properly record the true facts in the public minutes?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

Minutes of meetings were to record the main issues discussed and resolutions made by the Council. The audio recordings were available to provide the full meeting as the minutes were not verbatim.

**Supplementary question:**

Why do the Scrutiny Committee minute's state 2 enforcement officers and not the 3 as per the recording?

**Nick Quinn**

If any Cabinet or Committee meeting cannot be attended 'live', it is currently very difficult, afterwards, to find out what happened. The Council has spent tens of thousands of pounds on a new audio/visual system for Council meetings, but there is a depressing lack of publication of the Audio Recordings of these meetings (and the minutes are quite often delayed as well).

**Question 1:**

Since the 5th March 2024 only five meetings have had Audio Recordings published; when will the Audio Recordings of all the other meetings be published?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

With the new Audio Visual system installed the recording had to be converted to a suitable format in order to publish via sound cloud to become available online. The IT department were currently working through the outstanding recordings, but were currently short staffed.

**Question 2:**

The minutes contain a condensed written record of the meeting, which should accurately convey the significant content of the meeting. How can the accuracy of the minutes be confirmed unless the Audio Recording of that meeting has been published?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

We currently have a delay in uploading the recordings to the website, we can ensure this will be resolved shortly.

**Question 3:**

I am sure that every Member is heartily sick of the Public raising the subject of 3 Rivers, but please will every Member of this Council take the time to read the "Grant Thornton Interim Auditor's Annual Report for 2022/23", that was presented to the Audit Committee on 26 March 2024?

**Response from the Director of HR, Legal and Governance (Monitoring Officer):**

The Chairman acknowledged Mr Quinn's reference to the report received by the Audit Committee and thanked him for highlighting it.

**Paul Elstone:**

**Question 1:**

At the Audit Committee Meeting of the 26<sup>th</sup> March, I asked the following question.

Why were the full reasons behind 3 Rivers paying nearly twice as much above the land market valuation and for the "pig in the poke" Bampton site not investigated?

I received the following written response from the Cabinet Member for Finance

*"The purchase of the land was a commercial undertaking in the commercial market. The council were not involved in the transaction".*

*"We would welcome and ask you to reflect on how you are choosing to describe this development as it would seem a deliberate attempt to belittle this project and potentially do reputational damage which may undermine future sales revenue".*

Both these statements warrant a response.

Firstly, that during the time of the Bampton land purchase discussions, the Councils S151 Officer was a Director of 3 Rivers, despite an audit report months previously saying he should stand down, That the Councils Chief Executive was the sole functioning Council shareholder representative of 3 Rivers.

Secondly, it is not a deliberate attempt to belittle this project. It is a further attempt to reveal why I and others consider there has been a Dereliction of Duty by those involved.

To be clear, I can tell Full Council that Cabinet sent an email, in May 2020, to the Chief Executive stating that they were

Quote - *"Unanimous that the Bampton Site should not be purchased. As we have said before, anyone looking at this site would come to the conclusion that it is a pig in a poke "*. Unquote

The current Council Leader plus others in the room were party to this email and can confirm its content.

Given this clear instruction from Cabinet, why did these Council Officers allow the Bampton Site planning application and development preparations to continue

unconstrained and at significant cost then allow the site to be purchased at well in excess of its land value?

**Question 2:**

Why was this important evidence not presented to the 3 Rivers Working Group as part of their investigation?

**Question 3:**

Given the gravity of the situation and with further and I believe damning evidence available and evidence in which the Council Leader was in some way involved, will he now agree to implement a full investigation into the Bampton site land purchase?

**Tim Bridger:**

The question relates to public question time. The Leader is adamant that the Council was the most open and transparent on record. Yet if the public questions that had been asked over the last six to seven months about 3 Rivers that had been answered, there would have not been the need for the 3 Rivers report by the Scrutiny Committee. Every time a direct question had been asked from members of the public about 3 Rivers the responses had been evasive, non-existent or absolutely nonsense. The amount of public money that had been wasted on the project and well informed, qualified people that had asked direct questions and had not received the answers they should.

The Grant Thornton audit had been the closest the Council would get in audit terms to a massive slap in terms of how the project had been handled by the Council and the clear up from the project. We as a Council are going to be saddled with the cost in perpetuity virtually as there will be no way of making the money back.

I would like to counter the claim of the Leader of open and transparency because if they were they would start by legitimately openly answering publics question and not seeking to hide behind evasive answers.

**Question 2:**

Rubbish collections in regards to the 321 project, this had been a disaster in communal areas due to the amount of black sacks that have been left. Statistic illiterate reasons that had been put around to justify, including claims that somehow collection rates had improved and there had not been a long enough time frame. The Council could be thinking about after investing the money in the policy under the previous administration, this administration could commit to the return of two weekly collections, if habits had changed this would not impact the overall recycling rates and reduce the overflow on rubbish sacks in communal areas.

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

None were declared under this item.

#### 146 **MINUTES**

The minutes of the meeting held on the 21<sup>st</sup> of February were agreed as a correct record and signed by the Chairman.

#### 147 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had the following announcements to make:

- In March he attended an assembly at Cullompton Community College and visited the Young Carers Action Day Webinar.
- In April he had attended the celebration of the Mid Devon District Council 50<sup>th</sup> anniversary and thanked the officers for the memorabilia that was presented from over the years.
- The opening of 'The Flock that Rock' Swan Trail and he had visited the Canal to celebrate the 50<sup>th</sup> Canal Barge company.
- He attended a funeral and paid his respects on behalf of the Council to Honorary Alderman Eileen Andrews.
- He had attended the Friends of Tiverton Hospital Annual General Meeting and was the first Chairman to attend.
- He had attended Devon County Council's Civic Service in Exeter.

#### 148 **PETITIONS**

There were no petitions presented.

#### 149 **NOTICES OF MOTIONS**

There were no motions received.

#### 150 **CABINET- REPORT OF THE MEETING HELD ON 5 MARCH 2024**

The Leader presented the report of the meeting of the Cabinet held on 5 March 2024.

1. Customer Care Policy ( Minute 126)

The Leader **MOVED** seconded by Cllr S Keable

That the recommendations of the Cabinet as set out in minute 126 be **ADOPTED**.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

#### 151 **CABINET- REPORT OF THE MEETING HELD ON 2 APRIL 2024**

The Leader presented the report of the meeting of the Cabinet held on 2 April 2024.

1. Silverton Neighbourhood Plan ( Minute 134)

The Leader **MOVED** seconded by Cllr J Wright.

That the recommendations of the Cabinet as set out in minute 134 be **ADOPTED**.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

Reason for the Decision- There was a need for the Council to 'make' (adopt) the Silverton Neighbourhood Plan, following its local referendum, under Section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) and to publish a statement setting out the decision and the reasons for making this decision under the Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. The Devon Serious Violence Strategy ( Minute 143)

The Leader **MOVED** seconded by Cllr S Clist.

That the recommendations of the Cabinet as set out in minute 143 be **ADOPTED**.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

152 **SCRUTINY - REPORT OF THE MEETING HELD ON 19 FEBRUARY 2024 AND 18 MARCH 2024**

The Vice- Chairman of the Scrutiny Committee presented the report of the meeting held on 19 February and 18 March 2024.

153 **AUDIT COMMITTEE - REPORT OF THE MEETING HELD ON 26 MARCH 2024**

The Chairman of the Audit Committee presented the report of the meeting held on 26 March 2024.

154 **ECONOMY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON THE 7 MARCH 2024**

The Chairman of the Economy Policy Development Group presented the report of the meeting held on 7 March 2024.

155 **COMMUNITY POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 26 MARCH 2024**

The Chairman of the Community Policy Development Group presented the report of the meeting held on 26 March 2024.

156 **ENVIRONMENT POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 12 MARCH 2024**

The Chairman of the Environment Policy Development Group presented the report of the meeting held on 12 March 2024.

**157 HOMES POLICY DEVELOPMENT GROUP - REPORT OF THE MEETING HELD ON 19 MARCH 2024**

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 19 March 2024.

**158 PLANNING COMMITTEE- REPORT OF THE MEETING HELD ON 13TH MARCH 2024**

The Chairman of the Planning Committee presented the report of the meeting held on 13 March 2024.

**159 REPORTS OF THE STANDARDS COMMITTEE MEETING ON THE 13TH MARCH 2024**

The Chairman of the Standards Committee presented the report of the meeting held on 13 March 2024.

This covered minute number 31

At minute number 31 **RECOMMENDATION** to full Council:

- That the Constitution be amended as per the list within Appendix 1.
- That delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per Appendix 1 and any other amendments required to reflect the changes.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

(Proposed by Cllr A Glover seconded by the Leader of the Council)

The Leader of the Council highlighted the following:

- At the Standards meeting, many aspects of the Constitution were discussed as the Council looked to continued to improve the processes and to make the running of meetings better but also to ensure public participation.
- I was heartened in advance of that meeting to receive communications from members of the public over concerns at some of those proposed changes.
- The difference was that this administration listened to those concerns and made changes to those proposed changes, and it was those changes you would be voting on tonight.
- Constitutional changes needed to happen with ever changing dynamics and processes in the smooth functioning of Council business.
- Statements and questions from the public would still be made at all Council meetings and public questions included at Planning Committees, where we continue to be one of the only Councils in the Country to allow this.



- Most of the changes to the Constitution revolved around changes to the management structure, some wording and the requirement for questions or statements to be relevant to an agenda item – except for the case at Full Council where a question or statement could be made that was around any aspect of Council business.

He was proud of the achievements of this Council over the last 12 months. We had worked together, cross party to deliver improvements to this Council. We have held engaging debate, challenging questions and have put the Council on a sound footing as we moved forward. Coming through soon would be our new Corporate Plan which would detail our aims and objectives over the coming years and was based on our manifesto pledges and would ensure this Council sets smart targets that delivered to the residents who elected us.

As part of these proposals we had streamlined the current make up of our Policy Development Groups (PDG's) to ensure their focus was aligned to the new Corporate Plan. These would ensure proper policy setting as opposed to tick box exercises that we see now and would focus each PDG on their respective areas of expertise to deliver on our commitments. There would be efficient programming meetings and actual policy setting.

To do this, we proposed an additional PDG to help deliver on these vital policy changes and to deliver to our residents. The new proposed PDG's would be Planning, Environment & Sustainability, Homes, Economy & Assets, Community, People & Equalities, Service Delivery & Continuous Improvement.

On the supplementary paperwork and within the next month the Cabinet roles would change to reflect the new PDG's. This was not about standing still but about moving forward and allowing all Members of this Council to be involved in all elements of Council business.

These changes would see the PDG's move from bi monthly to quarterly, however the requirements of its Members and Chairs would not change with the programming panel meetings and more working groups striving towards policy setting. This was a step in the right direction for better governance and I hope you would join me in supporting these amendments.

Proposed changes to Policy Development Group **RECOMMENDATION** to full Council:

- That from the start of the municipal year there be five (5) Policy Development Groups: Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets; Service Delivery & Continuous Improvement.
- That the Constitution was amended to reflect the changes to the PDGs.
- That delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs in conjunction with the Leader.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

(Proposed by Cllr A Glover seconded by the Leader of the Council)

## 160 **ANNUAL REPORTS OF AUDIT COMMITTEE, SCRUTINY COMMITTEE AND THE POLICY DEVELOPMENT GROUPS**

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

Note: \*Reports previously circulated.

## 161 **SEATING ALLOCATION**

The Council had before it a table \* setting out the revised allocation of seats on Committees and other Council bodies.

Arising thereon:

Appointment of Committees and Allocation of Seats on Committees and other Council Bodies

The Chairman **MOVED**:

(a) That the Council approved 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 had been allocated by the Council.

(e) That the appointments to seats remaining to be filled by ungrouped Members should be made at this meeting.

Cllr G Westcott **MOVED** an **AMENDMENT** and seconded by Cllr L Taylor to swap the ungrouped seat on the Planning Committee to the Green seat and swap their Green group seat on Economy Policy Development Group to the Ungrouped seat.

Cllr L Taylor **MOVED** that Cllr N Woollatt to take up the Ungrouped seat on the Standards Committee.

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

## 162 **SCHEDULE OF MEETINGS**

The Council had before it the revised\* Schedule of Meetings for 2024/2025.

The Chair **MOVED** that the Schedule of meetings 2024/2025 be approved.

Following discussion and upon a vote being taken the **MOTION** was declared to have been **CARRIED**.

## 163 **QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 11**

There were no questions submitted under Procedure Rule 11.2.

## 164 **SPECIAL URGENCY DECISIONS**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency, none had been taken since the last meeting. The Chairman informed the meeting that no such decisions had been taken in that period.

## 165 **QUESTIONS TO CABINET MEMBERS**

The Chairman informed the meeting that no were no questions to Cabinet Members.

## 166 **MEMBERS BUSINESS**

There were no issues raised under this item.

(The meeting ended at 18.52)

**CHAIRMAN**