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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 29 April 2015 at 6.00 pm

Present Councillors

Mrs H Bainbridge, E J Berry, M D Binks,
Mrs D L Brandon, R J Chesterton,
Mrs F J Colthorpe, D R Coren, N V Davey,
W J Daw, R M Deed, J M Downes,
C J Eginton, R Evans, A V G Griffiths,
P H D Hare-Scott, P J Heal,
Mrs L J Holloway, T G Hughes,
Mrs B M Hull, D J Knowles, M R Lee,
M A Lucas, E G Luxton, R F Radford,
Mrs J Roach, F R Rosamond, C R Slade,
T W Snow, J D Squire, Mrs M E Squires,
R L Stanley, Mrs M E Turner, N A Way,
P F Williams, K D Wilson, Mrs N Woollatt
and R Wright

Apologies Councillors

Mrs E M Andrews, Mrs S Griggs,
D F Pugsley and Mrs J Rendle

136 **Apologies**

Apologies were received from Councillors Mrs E M Andrews, Mrs S Griggs, D F Pugsley and Mrs J R Rendle.

137 **Minutes (00-01-45)**

The minutes of the Meeting of the Council held on 25 February 2015 were agreed as a correct record and signed by the Chairman.

138 **Chairman's Announcements (00-02-03)**

The Chairman informed Members that:

- prior to the meeting he had presented a Long Service Award to Richard Keith-Hill who had completed 25 years service with the District Council.
- Councillor P F Williams (Lead Member for Member Development) had presented him with the South West Charter for Member Development which he had received on behalf of the Council and he thanked those involved in the work of gaining the Charter.

139 **Public Question Time**

There were no members of the public present.

140 Petitions

There were no petitions from members of the public.

141 Notices of Motions (00-03-08)

(1) Motion 515 (Councillor Mrs N Woollatt – 20 January 2015)

The following motion had been referred to the Managing the Environment Policy Development Group for consideration and report:

That this Council:

1. Bans the sale or use of sky lanterns when issuing licences for open-air events
2. Bans the release of sky lanterns from MDDC property
3. Urges Devon County Council to consider a similar ban as at (2.) on its property

The Managing the Environment Policy Development Group at its meeting on 10 March considered the proposal. Following consideration of the views of the Group and in accordance with Procedure Rule 15.6(a) Councillor Mrs N Woollatt had requested that her motion be altered to read as follows:

This Council:

- a) Provide advice and guidance to organisers of events and changes could be made to guidance notes to require applicants to provide information regarding the sale and release of lanterns at events;
- b) Uses the Licensing regime to promote a voluntary ban on the use of lanterns;
- c) Bans the release of sky lanterns from MDDC property;
- d) Urges Devon County Council to consider a similar ban as at (c) on its property.

The Policy Development Group had considered the revised proposal and recommended that it be supported.

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

(2) Motion 514 (Councillor Mrs J Roach – 19 January 2015)

The following motion had been referred to the Decent and Affordable Homes Policy Development Group for consideration and report:

That this Council considers and investigates the possibility of applying to the Secretary of State to transfer Charlton Lodge to Mid Devon District Council (Localism Act Sect 15) to enable Mid Devon District Council to provide a scheme similar to the Abundant Life Project being run at Dartington.

The Decent and Affordable Homes Group at its meeting on 17 March considered the proposal and had recommended that it be supported.

Following debate, Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 18.4:

“THAT the vote in respect of this item shall be by Roll Call”.

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors Mrs H Bainbridge, M D Binks, E J Berry, Mrs D L Brandon, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, W J Daw, R M Deed, J M Downes, C J Eginton, R Evans, A V G Griffiths, P H D Hare-Scott, P J Heal, Mrs L J Holloway, T G Hughes, Mrs B M Hull, D J Knowles, M R Lee, M A Lucas, E G Luxton, R F Radford, Mrs J Roach, F J Rosamond, C R Slade, T W Snow, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner, N A Way, P F Williams, K D Wilson, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: None.

The **MOTION** was declared to have been **CARRIED**.

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Chairman of the Decent and Affordable Homes Policy Development Group.

Notes:

- i) Questions and responses circulated at the meeting, copy attached to signed minutes;
- ii) Councillor Mrs F J Colthorpe declared a personal interest as two of the homes mentioned were in her County Division and she had received correspondence regarding this matter;
- iii) Councillors E J Berry, R F Radford, Mrs M E Squires and N A Way declared personal interests as they had received correspondence regarding this matter.

(3) Motion 516 (Councillor Mrs J Roach – 22 January 2015)

The following motion had been referred to the Decent and Affordable Homes Policy Development Group for consideration and report

“That this Council resolves to investigate the possibility of acquiring Charlton Lodge, Orchard Lea and Bampton residential Homes in order to meet unmet housing needs in this district.”

The Decent and Affordable Homes Group at its meeting on 17 March considered the proposal and had recommended that it be supported.

Following debate, Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 18.4:

“THAT the vote in respect of this item shall be by Roll Call”.

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors Mrs H Bainbridge, M D Binks, E J Berry, Mrs D L Brandon, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, W J Daw, R M Deed, J M Downes, C J Eginton, R Evans, A V G Griffiths, P H D Hare-Scott, P J Heal, Mrs L J Holloway, T G Hughes, Mrs B M Hull, D J Knowles, M R Lee, M A Lucas, E G Luxton, R F Radford, Mrs J Roach, F J Rosamond, C R Slade, T W Snow, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner, N A Way, P F Williams, K D Wilson, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: None.

The **MOTION** was declared to have been **CARRIED**.

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Chairman of the Decent and Affordable Homes Policy Development Group.

The **MOTION** was declared to have been **CARRIED**.

Notes:

- i) Questions and responses circulated at the meeting, copy attached to signed minutes;
- ii) Councillor Mrs F J Colthorpe declared a personal interest as two of the homes mentioned were in her County Division and she had received correspondence regarding this matter;
- iii) Councillors E J Berry, R F Radford, Mrs M E Squires and N A Way declared personal interests as they had received correspondence regarding this matter.
- iv) Councillor R L Stanley declared a personal interest as he had been in discussions regarding Barnfield;
- v) Councillor K D Wilson declared a personal interest as he had worked at Orchard Lea and Barnfield.

(4) Motion 518 (Councillor M D Binks – 24 February 2015)

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

That this Council wishes to express its concerns to the Minister of State for Culture and the Digital Economy, about the slow rate of installation of High Speed Broadband to large rural areas of Mid Devon, as without this everyday need, especially to farmers and other rural businesses, our local economy will not flourish and rural isolation will not be reduced.

The **MOTION** was **MOVED** by Councillor M D Binks and seconded by Councillor W J Daw.

In accordance with Procedure Rule 13.4, the Chairman of the Council had ruled that this Motion to be dealt with at this meeting.

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

Note: Councillor K D Wilson requested that his abstention from voting be recorded.

(5) Motion 519 (Councillor M D Binks – 24 February 2015)

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

That this Council wishes to express apprehension about the consultation process regarding the future of Crediton Hospital, and would like to relay those concerns to the Minister for Health, hopefully ensuring that he will rigorously scrutinise all the evidence given in that consultation process, therefore ensuring that a fair and equitable decision is arrived at.

In accordance with Procedure Rule 13.4, the Chairman of the Council has decided to allow this Motion (if moved and seconded) to be dealt with at this meeting.

The **MOTION** was **MOVED** by Councillor M D Binks and seconded by Councillor C R Slade.

In accordance with Procedure Rule 15.6(a) Councillor M D Binks requested that his motion be altered to read as follows:

That this Council wishes to express apprehension about the consultation process regarding the future of Crediton Hospital, and would like to relay those concerns to the Secretary of State for Health, ensuring that he will rigorously scrutinise all the evidence given in that consultation process, therefore ensuring that a fair and equitable decision is arrived at.

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

(6) Motion 520 (Councillor Mrs J Roach – 11 March 2015)

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

That this Council resolves to write to the Secretary of State for DCLG to ask that when setting out national planning policy the following issues are taken in to consideration.

There is evidence that developers are now buying up old properties in villages and seeking permission to redevelop those sites to obtain a maximum return. By demolishing the existing building and replacing it with more than one house, or alternatively a much larger house, they are creating major problems for existing neighbours.

The first concern is building too close to boundary walls or undermining those walls. It appears that any redress in these cases is via the Party Wall Act and has to be dealt with by a civil action. This entails the neighbour taking legal action which can be long drawn out and costly to fund just to protect their property. If they do not have the funds then they cannot take action. Many people are reluctant to take legal action or are unaware that they could take this route.

The second concern is about rights of access.

It is not uncommon in villages for access to have been taken for granted over hundreds of years, with no thought given to ensuring it was protected in law. Development of the land can interfere with historic rights and those who enjoyed access have to resort to civil action at their own expense to maintain their rights. Some of those properties have been passed down through family members without the access rights being formalised.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor Mrs N Woollatt.

In accordance with Procedure Rule 13.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Cabinet.

142 **Cabinet - Report - Meeting held on 5 March 2015 (00-59-00)**

The Leader presented the report of the meeting of the Cabinet held on 5 March 2014.

Arising thereon:-

(1) Pay Policy (Min 119)

The Leader **MOVED**, seconded by Councillor Mrs B M Hull:-

“THAT the recommendation of the Cabinet as set out in Minute 119 be **ADOPTED”**.

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

143 **Cabinet - Report - Meeting held on 2 April 2015 (1-00-53)**

The Leader presented the report of the meeting of the Cabinet held on 2 April 2015.

Arising thereon:-

(1) Affordable Housing Projects (Min 129)

The Leader **MOVED**, seconded by Councillor R L Stanley:-

“THAT the recommendation of the Cabinet as set out in Minute 129 be **ADOPTED”**.

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

Note: Councillor Mrs J Roach declared a personal interest in Minute 127 as Chair of the Group proposing to renovate the Silverton Toilets.

144 **Scrutiny Committee - Report - Meeting held on 27 February 2015 (1-10-12)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 27 February 2015.

145 Scrutiny Committee - Report - Meeting held on 16 March 2015 (1-10-36)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 March 2015.

146 Scrutiny Committee - Report - meeting held on 13 April 2015 (1-11-06)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 13 April 2015.

(1) Planning Policy Procedures (Min 175)

The Chairman **MOVED**, seconded by Councillor Mrs L J Holloway:-

“THAT the recommendation of the Scrutiny Committee as set out in Minute 175 be **NOTED**”.

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

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Chairman of the Scrutiny Committee

Notes: Questions and responses circulated at the meeting, copy attached to signed minutes.

147 Audit Committee - Report - Meeting - held on 24 March 2015 (1-15-02)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 24 March 2015.

148 Managing the Environment Policy Development Group - Report - Meeting held on 10- March 2015 (1-18-11)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 10 March 2015.

149 Decent and Affordable Homes Policy Development Group - Meeting - held on 17 March 2015 (1-20-07)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 17 March 2015.

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Chairman of the Decent and Affordable Homes Policy Development Group.

Note: Questions and responses circulated at the meeting, copy attached to signed minutes;

150 Community Well-Being Policy Development Group - Report - Meeting held on 24 March 2015 (1-21-06)

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 24 March 2015.

151 Planning Committee - Report - Meeting held on 4 March 2015 (1-21-56)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 March 2015.

152 Planning Committee - Report - Meeting 18 March 2015 (1-25-33)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 March 2015.

153 Planning Committee - Report - Meeting - 1 April 015 (1-26-11)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 1 April 2015.

154 Planning Committee - Report - Meeting held on 22 April 2015 (1-26-49)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 22 April 2015.

155 Standards Committee - Report - Meeting - held on 11 March 2015 (1-29-32)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 11 March 2015.

156 Standards Committee - Report - Meeting held on 25 March 2015 (1-29-53)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 25 March 2015.

157 Standards Committee - Report - Meeting held on 15 April 2015 (1-30-19)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 15 April 2015

(1) Updates from Constitution Working Group – (Min 76)

The Chairman **MOVED**, seconded by Councillor P F Williams

“THAT the recommendation of the Standards Committee as set out in Minute 76 be **ADOPTED**”.

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

158 **Questions**

Questions submitted under Procedure Rule 12.2 had been dealt with earlier in the meeting.

159 **Independent Remuneration Panel Report - April 2015 (1-32-57)**

The Council had before it a report * of the Head of Communities and Governance informing Members that the current Members Allowances Scheme expires when the District Council election takes place in May 2015, there is therefore a need to make recommendations for a scheme to be in place following the election.

The Chief Executive outlined the content of the report.

The Chairman of the Council **MOVED, THAT:**

- a) The current scheme with no changes be extended for a period of 3 months from the day after the District Council election until 31 July 2015.
- b) An interim scheme be implemented (which may include some minor changes to the current scheme and which will be presented to full Council for consideration on 15 July 2015) for the period between 1 August 2015 and 31 July 2016.
- c) A fundamental review be undertaken of Mid Devon's Members Allowances Scheme between August 2015 and Spring 2016 with a report presenting the Panel's views and findings coming before Council in July 2016. This will recommend a scheme of allowances from August 2016 onwards.

The **MOTION** was declared to have been **CARRIED**.

Note:

- i) Councillor T W Snow requested that his abstention from voting be recorded;
- ii) *Report previously circulated copy attached to minutes.

160 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (1-34-44)**

The Chairmen of the Audit Committee and the Scrutiny Committee, and the Chairmen of the Managing the Environment, the Decent and Affordable Homes and the Community Well-Being Policy Development Groups presented their Annual Reports* to the Council.

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

161 Six Monthly Briefing from the Leader (1-35-24)

The Leader of the Council addressed the Council on a number of issues:

- The current financial position: the finalising of the General Fund accounts for 2014/15 was underway with an estimated overspend of £150k, taking into consideration the redundancy costs and the relocation of the Waste Service, other services had underspends in the last financial year. There was a reduced pay bill equivalent to 40 full time positions. Revenue collection was currently at a high level and the authority had maintained a 0% increase on its portion of Council Tax.
- Housing: for the first time in decades, the authority had built new Council houses.
- Waste and recycling: the move to a new site had proved successful; a new recycling scheme would be put in place in the autumn with the inclusion of all plastics.
- Leisure: a lot of money had been invested in the leisure centres, increased income had been realised.
- He thanked Members for their contribution over the past four years, all of whom had been committed to the role and he named those not seeking re-election and wished them well.

162 Questions to Cabinet Members (1-40-56)

Councillor Mrs N Woollatt asked the Cabinet Member for Environment about waste collections and highlighted an article in the Gazette which referred to rubbish put out on the streets on Good Friday. She asked whether action would be taken against people who put their rubbish out early? Had the changes to waste collection on bank Holidays been publicised, should there not have been a reminder on social media?

The Cabinet Member stated that the Council did advertise changes to collection times on the website and charts distributed each year highlighted the change to collection dates, these were also published in Mid Devon Talk. He would look into the matter regarding the use of social media.

Councillor K D Wilson speaking to the Leader highlighted the issue of poor communication between officers and Members and outlined examples where he felt he had not been included.

The Leader stated that he felt communication had improved, although he felt it could be better. He stated he would do what he could if re-elected.

Mrs J Roach speaking to the Cabinet Member for the Environment asked the following questions:

Was the Multi Storey Car Park definitely going to incorporate a Premier Inn?

Would the Shopmobility centre remain in place?

Where had the £1 for 5 hours parking sign gone?

Ward Members need to be informed about any issues taking place in their Wards?

The Cabinet Member replied stating that he had been informed that the parking banner had blown off in the wind and that he would look into the matter. There was

no decision regarding the Premier Inn, he understood that discussions were still taking place. There was no threat to the Shopmobility centre at the present time.

The Leader stated that communication with Members was necessary.

Councillor Mrs Roach speaking to the Cabinet Member for Housing raised an issue regarding the fitting of a kitchen in her ward and that the residents had been informed that it may take 3 weeks to fit, this would cause unnecessary problems for the tenants.

The Cabinet Member asked that he be forwarded the details of the case and that he would look into the matter.

Councillor Mrs M Turner asked the Chief Executive about the Town Hall and whether the public had been consulted on its future.

The Chief Executive explained that space had been made in Phoenix House following staff reduction which had allowed for an additional space for meeting rooms. There would be the capacity to contain large numbers in a meeting room, which could well host the Planning Committee. Whether to hold all meetings in Phoenix House would be a decision for the Council to make in the future.

163 **Members' Business (2-00-18)**

Councillor K D Wilson suggested that the blind in the Council Chamber be mended.

Councillor C R Slade highlighted the Devon Expo event that was taking place at Matford in Exeter the following day; the Mid Devon Business Forum and the Community Development Service would be involved.

Written Questions

164 **Invitation for retiring Members to address the Council (2-03-04)**

The Chairman thanked those Members not seeking re-election for their work and invited them to address the Council;

Councillors Mrs D L Brandon, Mrs L J Holloway, M A Lucas, P F Williams, M R Lee, A V G Griffith and Mrs M E Turner spoke.

(The meeting ended at 8.32 pm)

CHAIRMAN

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Minute Annex

WRITTEN QUESTIONS – FULL COUNCIL – 29 APRIL 2015

1. MOTION NUMBER 514

Question submitted by Councillor Mrs J Roach and response of the Chairman of the Decent and Affordable Homes Policy Development Group

Have any investigations taken place to establish whether it would be possible to apply to the Secretary of State for such a transfer?

RESPONSE

No investigations have been carried out, the PDG were supportive of investigating the idea but officer resources would not be expended until the principle had been agreed. If the motion is supported by council, officers will then review the legislative provisions for the transfer and delegation of functions, their relevance to the establishment of an Abundant Life scheme and the implications of establishing such a scheme generally.

2. MOTION NUMBER 516

Question submitted by Councillor Mrs J Roach and response of the Chairman of the Decent and Affordable Homes Policy Development Group

In the view of the MDDC Officer responsible for the implementation of the Localism Act is such an asset transfer a possibility? Alternatively, has advice been sought as to whether such a transfer is possible?

RESPONSE

I am advised by the Chief Executive that the motion as discussed uses the term to 'acquire' rather than to achieve an asset transfer. As such officers would seek to approach Devon County Council regarding an acquisition which would be based on the full market value for these properties as and when they are declared redundant by Devon County Council.

The Localism Act does not provide a mechanism for this council to achieve an asset transfer in the view of the Chief Executive.

3. SCRUTINY COMMITTEE – MINUTE 175

Question submitted by Councillor Mrs J Roach and response of the Chairman the Scrutiny Committee

There is a problem re minute 175 of the Scrutiny committee.

Two votes were taken, the first was on the principle of the recommendation, this was passed (I think) unanimously. The second vote was on whether to refer the matter to Cabinet or Council. It was this vote that was carried on my casting vote.

Is this minute correct?

RESPONSE

Minute 175 is correct in recording the final outcome of the discussion on this issue, a vote of 5 to 4 with the chairman's casting vote.

What is not sufficiently highlighted is that it was the unanimous view of the Scrutiny Committee to express disappointment at the report of the Planning Policy Working Group not being received. The vote recorded at Minute 175 reflects the difference of opinion on whether to recommend the decision to council rather than the cabinet.