

Council

Wednesday, 30 October 2024 at 6.00 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 18 December 2024 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 Teams. 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.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Membership

Cllr F W Letch
Cllr G Czapiewski
Cllr C Adcock
Cllr M D Binks
Cllr N Bradshaw
Cllr D Broom
Cllr E Buczkowski
Cllr J Buczkowski
Cllr J Cairney
Cllr S Chenore
Cllr S J Clist
Cllr L J Cruwys
Cllr G Cochran
Cllr C Connor
Cllr F J Colthorpe
Cllr A Cuddy
Cllr G Duchesne
Cllr J M Downes
Cllr M Farrell
Cllr B Fish
Cllr M Fletcher
Cllr R Gilmour
Cllr A Glover
Cllr C Harrower
Cllr B Holdman

Cllr M Jenkins
Cllr S Keable
Cllr L G J Kennedy
Cllr L Knight
Cllr N Letch
Cllr J Lock
Cllr J Poynton
Cllr R Roberts
Cllr S Robinson
Cllr A Stirling
Cllr L Taylor
Cllr H Tuffin
Cllr N Woollatt
Cllr G Westcott
Cllr A White
Cllr J Wright
Cllr D Wulff

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 and or statements relating to any items of the Council powers/ duties or which otherwise affects the District and items on the agenda from members of the public.

- 3 **Declarations of Interest under the Code of Conduct**
To record any interests on agenda matters.

- 4 **Previous Minutes of the meeting held on 04 September 2024**
(Pages 13 - 24)
To consider whether to approve the minutes as a correct record of the meeting held on the 4th September 2024.

- 5 **Chair's Announcements**
To receive any announcements which the Chair of the Council may wish to make.

- 6 **Petitions**
To receive any petitions from members of the public.

- 7 **Notices of Motions**
 1. Motion 606 (Cllr S Robinson)

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

Motion: Women against State Pension Inequality (WASPI)

Council is asked to note that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- The change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. 14,350 of the affected women live in our own authority area.
- The Parliamentary and Health Service Ombudsman (PHSO) has found the Department for Work and Pensions (DWP) to have committed maladministration through its failure to adequately communicate State Pension age increases to women born in the

- 1950s.
- The PHSO has concluded the DWP should apologise to women affected and pay compensation as a result.
 - The DWP has refused to accept the findings of the PHSO, which has now led the independent watchdog to lay its findings before Parliament, encouraging MPs to intervene to deliver a remedy to affected women.
 - The All Party Parliamentary Group on State Pension Inequality for Women has concluded that “the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for category 6 injustice (£10,000) is overwhelming and clear. Women have had their emotional, physical, and mental circumstances totally obliterated by a lack of reasonable notice.”
 - As of April 2024, more than 275,000 have died waiting for justice since the WASPI campaign began in 2015.

Council is asked to consider that this injustice has not only had a profound effect on the individuals involved, but on the wider community in Mid Devon and on local government, not least because:

- Women who would have looked after older relatives or partners are unable to afford to do so, with a knock-on impact on local social care.
- Women who would have retired and engaged in caring responsibilities for grandchildren are having to continue working, increasing the childcare burden on the state locally.
- Women who have been left in poverty are struggling to meet their housing costs, with a knock-on impact on local housing stock.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Our local economy is negatively affected by the reduced spending power and disposable income that the uncommunicated State Pension Age changes have brought about among women born in the 1950s.
- Local tourism has suffered as a result, with affected women unable to travel to the area for holidays.

Council is asked to support:

- A swift resolution to this ongoing injustice before more and more women die waiting for compensation.
- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.

- The WASPI campaign and All Party Parliamentary Group's calls for an immediate one-off compensation payment at category 6 injustice on the PHSO's financial remedy scale (£10,000) to those affected.
- The PHSO's recommendation for the DWP to issue a formal apology to those affected and provide an opportunity for MPs to urgently debate the APPG's recommendations, and any others, in Parliament.

We therefore ask:

The Leader of the Council to write to the 3 local Members of Parliament, the Secretary of State for Work and Pensions and the Leader of the House of Commons to outline the effects of the injustice on a significant number of women born in the 1950s in Mid Devon and to seek the following:

- Urgent delivery of proposals from the DWP, outlining how they will deliver compensation for affected women, to include the value of compensation and a timeline for the delivery of said compensation.
- For all MPs to be given an opportunity to debate and vote on these proposals.

2. Motion 607 (Cllr C Harrower)

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

Motion: Changes to the Winter Fuel Allowance; Protecting and Relieving Pensioners from Fuel Poverty

This Council notes with great concern the recent decision by the Labour Government to restrict the Winter Fuel Payment (WFP) to pensioners who are in receipt of Pension Credit (PC). Age UK has estimated that this change will result in 2 million pensioners, who are in critical need of the payment (to stay warm this winter), losing this allowance.

WFPs have been an essential support for many older residents across the UK, including those in Mid Devon, to afford sufficient heating during the coldest months, to prevent 'heat or eat' dilemma and to safeguard health. Charities such as Age UK, The Countryside Alliance, CHAT and other stakeholders have voiced significant concerns regarding the social injustice and health risks associated with this sudden and unexpected change. This change came about without adequate notice of this Government's intent to deprive so many of our pensioners of a warm home this winter. This seemingly 'snap decision' to Means Test WFPs is unfair and deeply goes counter to the financial contribution that pensioners have made to our Economy throughout their long and

productive lives.

This Council believes that the Labour Government has set the threshold at which our pensioners do not qualify for WFPs as being set far too low. Only those currently receiving a pension of less than £218.15 per week (or £332.95 for couples) are eligible for Pension Credit (PC). This is significantly less than the Living Wage of £457.60. Moreover, our fuel and food costs continue to rise.

This Council is concerned by the low take-up of PC, with only 63% of those eligible, nationwide, receiving it, and over 880,000 not receiving it. Administrative barriers and stigma may prevent many eligible pensioners from claiming PC, leaving them without the financial support they desperately need.

This Council further notes that the Energy Price Gap has risen by 10% in October 2024, which, combined with the removal of WFPs, will push thousands more pensioners into fuel poverty this winter.

This Council recognises that:

- The WFP has been a crucial lifeline for many older people across the UK and restricting it only to those on PC risks leaving many pensioners in serious financial hardship.
- Whilst some pensioners in receipt of the payment may not be in financial need, many others, particularly those just above the threshold, will lose this essential support. This method of selection appears ill conceived and needs urgent reconsideration. Being just £10 over the PC limit will subject a pensioner to a loss of £290 and will make it likely that they will enter fuel poverty over this next winter, whilst, for someone whose income is £10 under the PC limit this winter will retain the £300. This seems morally wrong.
- Another consideration of great importance to this Council is that, without heat, warmth and/or good nutrition through the winter months, there will be a big increase in hospital admissions, most likely due to chest infections, pneumonia, etc. This will put even more strain on our NHS, in what is the busiest time of their year. This surely will adversely impact Government expenditure.

This Council is currently undertaking the following:

1. Launching a Council led awareness campaign to ensure that those eligible for Pension Credits are made aware of the benefit, including access to Winter Fuel Payments, and to encourage take-up of their entitlement. Strengthening local

efforts to promote Pension Credit uptake through Council services and partnerships with local Charities and community organisations, ensuring that all eligible pensioners in Mid Devon are supported in claiming their entitlement. We are proud of MDDCs efforts to date, which are already in process.

2. Promoting and supporting the NHS vaccination programme, taking due notice of the health and welfare of our elderly.

This Council resolves to:

1. Request that the Leader of the Council write to the Chancellor of the Exchequer, calling for the policy of linking Winter Fuel Payments to Pension Credit receipt to be immediately paused. This should enable time for the introduction of a new and honourable financial threshold, used to determine eligibility for Pension Credit.
2. Also request that the Leader writes to all MPs covering Mid Devon, asking them to give their formal support to halting the changes to the Winter Fuel Payment eligibility, certainly for this winter, whilst further solutions are explored ready for implementation next year (Winter 2025).
3. Investigate whether Mid Devon's public buildings can be used as part of the 'Warm Spaces' initiative for Winter 2024/5, ensuring that vulnerable residents have access to heated spaces during the colder months, and encourage Town and Parish Councils to participate.

8 **Cabinet- Reports of the Minutes of the meetings held between 28th August and 18th October** *(Pages 25 - 260)*

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

1. Cabinet

17th September 2024

15th October 2024
(Recommendation to Full Council)

Cabinet **RECOMMENDS TO FULL COUNCIL**

That the MDH Repairs and Maintenance Policy and Equality Impact Assessment be adopted as recommended by the Home PDG.

2. Scrutiny Committee

9th September 2024

3. Community, People and Equalities Policy Development Group

24th September 2024

4. Economy and Assets Policy Development Group

19th September 2024

5. Homes Policy Development Group

10th September 2024

6. Planning Environment and Sustainability Policy Development Group

3rd September 2024

7. Service Delivery and Continuous Improvements Policy Development Group

23rd September 2024

8. Planning Committee

28th August 2024

11th September 2024

9th October 2024

9. Licensing Committee

2nd October 2024
(Recommendation to Full Council)

The Licensing Committee **RECOMMENDS TO FULL COUNCIL**
That the Gambling Act Statement of Principles as attached in Annex A
be approved.

The Licensing Committee **RECOMMENDS TO FULL COUNCIL**
That the Statement of Licensing Policy as attached in Annexe B be
recommended to Full Council for approval.

10. Regulatory Committee

2nd October 2024
(Recommendation to Full Council)

The Regulatory Committee **RECOMMENDS TO FULL COUNCIL**

- The new proposed timeline for implementation of the Policy at section 2 of the report, and that the existing Policy (implemented 1 st January 2019) continues to have effect until such time as the new Policy is fully implemented.
- The changes proposed and detailed within section 3 and Annex A of this report.
- To delegate authority to make minor amendments to the Policy to the Head of Housing and Health.

9 **Appointments to Outside Bodies**

To consider the appointment to the outside bodies:

To seek one representative to the position available for the Police and Crime Panel Devon and Cornwall.

To appoint the Cabinet Member for Housing, Assets and Property to the Devon and Torbay Housing Advisory Group.

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

To deal with any questions raised pursuant to Procedure Rule 11 not already dealt with during the relevant Committee reports.

11 **Special Urgency Decisions**

To note any decisions taken under Rule 16 (of the Constitution) Special Urgency.

12 **Questions to Cabinet Members**

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

13 **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.

Stephen Walford
Chief Executive
Tuesday, 22 October 2024

Guidance notes for meetings of Mid Devon District Council

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 Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting.

Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called "turn on live captions" which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.