

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 15 July 2015 at 6.00 pm

### **Present Councillors**

Mrs E M Andrews, Mrs H Bainbridge,  
Mrs R Berry, Mrs J B Binks, K Busch,  
R J Chesterton, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, N V Davey,  
W J Daw, Mrs C P Daw, R M Deed,  
Mrs G Doe, R Dolley, J M Downes,  
C J Eginton, R Evans, S G Flaws,  
Mrs S Griggs, P H D Hare-Scott, P J Heal,  
T G Hughes, Mrs B M Hull, D J Knowles,  
F Letch, B A Moore, Mrs J Roach,  
F J Rosamond, Mrs E J Slade,  
Miss C E L Slade, C R Slade, J Smith,  
T W Snow, J D Squire, Mrs M E Squires,  
R L Stanley, L Taylor, N A Way,  
Mrs N Woollatt and R Wright

### **Apologies Councillors**

R F Radford

#### 15 **Apologies**

Apologies were received from Councillor R F Radford.

#### 16 **Minutes**

The minutes of the Annual Meeting of the Council held on 20 May 2015 were agreed as a correct record and signed by the Chairman.

#### 17 **Chairman's Announcements (00-01-55)**

The Chairman reminded Members that an "Away Day" would take place on Friday 31 July at 10.00am in Phoenix House; the main item on the agenda would be the Corporate Plan.

#### 18 **Public Question Time**

There were no members of the public present.

#### 19 **Petitions (00-02-34)**

There were no petitions from members of the public.

#### 20 **Notices of Motions (00-02-45)**

## **(1) Motion 520 (Councillor Mrs J Roach – 11 March 2015)**

The following motion had been referred to the Cabinet for consideration and report:

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 Cabinet at its meeting on 4 June considered the proposal and recommended that it be rejected.

Following discussion, and in accordance with Procedure Rule 15.6(a) Councillor Mrs J Roach requested that the Motion be amended to remove reference to planning policy and therefore the Motion would state :

That this Council resolves to write to the Secretary of State for DCLG to seek consideration of the following issues:

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.

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

## **2) Motion 521 (Councillor Mrs N Woollatt 25 May 2015)**

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

That this council writes to the relevant minister to urge the Government to adopt a similar policy to that recently introduced in France and Belgium whereby it is now illegal for supermarkets over a certain size to destroy discarded food and must donate food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy. Furthermore, that any such policy also be extended to include food manufacturers and producers.

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

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 in accordance with Procedure Rule 15.6(a) Councillor N Woollatt requested that the Motion be amended to remove reference to animal feed and therefore the Motion would state:

That this council writes to the relevant minister to urge the Government to adopt a similar policy to that recently introduced in France and Belgium whereby it is now illegal for supermarkets over a certain size to destroy discarded food and must donate food fit for human consumption to charities and other food waste to other methods of recycling such as composting or waste to energy. Furthermore, that any such policy also be extended to include food manufacturers and producers.

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

## **3) Motion 522 (Councillor Mrs N Woollatt 25 May 2015)**

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

That this council explores what options may be available to it to introduce a local policy in Mid Devon requiring supermarkets, food manufacturers and producers over a certain size to donate discarded food fit for human consumption to charities and other food waste to other methods of recycling such as animal feed, composting or waste to energy.

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

In accordance with Procedure Rule 13.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group.

21 **Cabinet Report - Meeting held on 4 June 2015 (00-19-50)**

The Leader presented the report of the meeting of the Cabinet held on 4 June 2014.

**Arising thereon:-**

- (1) **Communication Strategy and Media and Social Media Protocol** (Min 10)

The Leader **MOVED**, seconded by Councillor C R Slade:-

**“THAT** the recommendation of the Cabinet as set out in Minute 10 be **ADOPTED”**.

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

22 **Cabinet - Report - Meeting held on 2 July 2015 (00-22-33)**

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

**Arising thereon:-**

- (1) **Housing Service Harassment Policy** (Min 20)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 20 be **ADOPTED”**.

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

- (2) **Housing Service Domestic Abuse Policy** (Min 21)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 21 be **ADOPTED”**.

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

- (3) **Housing Service Hoarding Policy** (Min 22)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 21 be **ADOPTED”**.

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

**Note:** Councillor T W Snow requested that his abstention from voting on this matter be recorded.

(4) **Compensation Policy** (Min 24)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 24 be **ADOPTED”**.

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

(5) **Planning Policy Procedure** (Min 27)

The Leader **MOVED**, seconded by Councillor R J Chesterton:-

**“THAT** the recommendation of the Cabinet as set out in Minute 27 be **ADOPTED”**.

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

Note: With regard to Minute 25 (Tenant Involvement Policy) of the Cabinet report, Councillor Mrs E M Andrews declared a personal interest as a council tenant.

23 **Scrutiny Committee - Report - Meeting held on 15 June 2015 (00-38-39)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 June 2015.

Councillor Mrs J Roach raised issues with regard to Minute 13 and requested that it be referred back for further consideration.

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”.

There being more than 10 members in favour of the **PROCEDURAL MOTION** that was **AGREED** by the Council

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

Those voting **FOR** the **MOTION**: Councillors R M Deed, R J Dolley, J M Downes, Mrs S Griggs, D J Knowles, F W Letch, Mrs J Roach J L Smith, L D Taylor N A Way, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, Mrs G Doe, C J Eginton, R Evans, S G Flaws, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, B A Moore, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E Slade, J D Squire, Mrs M E Squires and R L Stanley

Those abstaining from voting: Councillor T W Snow.

The **MOTION** was declared to have **FAILED**.

**24 Scrutiny Committee - Report - meeting held on 13 July 2015 (00-53-15)**

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

**25 Audit Committee - Report - Meeting - held on 23 June 2015 (00-54-49)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 23 June 2015.

**26 Managing the Environment Policy Development Group - Report - Meeting held on 9 June 2015 (00-55-23)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 9 June 2015.

**27 Decent and Affordable Homes Policy Development Group - Meeting - held on 16 June 2015 (00-56-50)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 16 June 2015.

**28 Community Well-Being Policy Development Group - Report - Meeting held on 30 June 2015 (1-05-11)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 30 June 2015.

**29 Planning Committee - Report - Meeting held on 3 June 2015 (1-06-15)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 June 2015

**30 Planning Committee - Report - Meeting 1 July 2015 (1-07-03)**

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

**31 Standards Committee - Report - Meeting - held on 28 April 2015 (1-07-47)**

The previous Chairman of the Standards Committee presented the report of the meeting of the Committee held on 28 April 2015.

32 **Questions (1-09-16)**

There were no questions submitted under Procedure Rule 12.2.

33 **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (1-09-08)**

The Council had before it a \*report of the Chief Executive recommending changes to the Council's Constitution following recent legislation.

The Chief Executive outlined the contents of the report stating that following legislation introduced on 25 March 2015, every local authority was required to take a report to its first Council meeting after its Annual Meeting in May 2015, to amend its Standing Orders to make changes to the procedure for disciplining and dismissing its statutory officers. However, currently, specific information as to the role of an investigating officer and how this role would interact with the panel had not been given. There was also an outstanding issue in that, at present, the disciplinary procedures for the Chief Executive was a contractual one and negotiations on a national level were yet to be had. Clarification was being sought with regard to these matters.

The Chairman **MOVED, THAT:**

The process for dismissing the Chief Executive/Head of Paid Service, Monitoring Officer and Chief Finance Officer be amended in line with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

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

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

34 **Independent Remuneration Panel Report - June 2015 (1-12-42)**

The Council had before it a \*report of the Head of Communities and Governance and Monitoring Officer informing Members of recommendations from the interim review undertaken by the Independent Remuneration Panel.

The Monitoring Officer outlined the contents of the report stating that the Independent Remuneration Panel had made a number of recommendations to Council on 29 April 2015 which had been approved. One of these was that they undertook an interim review to ascertain whether any changes to the Scheme were needed in advance of a more Fundamental Review over the next 12 months. The Panel considered that there were a number of areas within the current scheme which would need amending in the short term and were therefore recommending that an interim scheme be put in place (to include these small changes) from 1 August 2015 until 31 July 2016.

Consideration was given to:

- The special responsibility allowance for the Vice Chairman of the Planning Committee when deputising and whether one twelfth of the SRA paid to the Chairman was excessive.
- Broadband payments.
- The need to use additional equipment alongside the iPad and that Members were in a period of transition and therefore did not wish the £75 IT allowance to be removed at the present time and that this issue be considered within the fundamental review.
- HMRC implications for the Chairman's allowance.

Councillor Miss C E L Slade **MOVED**, seconded by Councillor B A Moore **THAT:**

(a) That there be no changes to the existing Members Allowances Scheme until 31 July 2016 except in the areas below.

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

The Chairman **MOVED, THAT:**

(b) That the Vice Chairman of the Planning Committee receive a Special Responsibility Allowance for each deputised meeting that is one twelfth of the SRA paid to the Chairman of the Planning Committee.

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

The Chairman **MOVED, THAT:**

(c) The payment of £15 per month for Broadband costs should cease for all Members as from 1 August 2015 with the expectation that these costs will be covered within the Basic Allowance.

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

**Notes:**

(i) Councillors R J Dolley, Mrs J Roach, F J Rosamond, J L Smith, T W Snow, and Mrs N Woollatt requested that their vote against the decision be recorded;

(ii) Councillors Mrs A R Berry and Mrs F J Colthorpe requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

(d) For Members using a Council iPad the payment of £75 as an IT allowance per year should cease as from 1 August 2015.

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

**Note:** Councillors: Mrs J B Binks, Mrs F J Colthorpe, J M Downes, Mrs J Roach, F J Rosamond, L Taylor, J L Smith, and Mrs N Woollatt requested that their abstention from voting be recorded;



The Chairman **MOVED, THAT:**

(e) For Members using their own digital devices the payment of £75 should continue as from 1 August 2015.

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

**Note:** Councillors: Mrs F J Colthorpe, P J Heal, Mrs J Roach and J L Smith requested that their abstention from voting be recorded.

The Chairman **MOVED, THAT:**

(f) For Members receiving paper copies of minutes and agendas but using their own equipment to communicate with the Council and their electorate by email, the payment of £75 per year should continue as from 1 August 2015.

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

Notes:

(i) Councillors R J Dolley, Mrs S Griggs, Mrs J Roach and J L Smith requested that their vote against the decision be recorded;

(ii) Councillors Mrs F J Colthorpe, J M Downes, P J Heal, B A Moore, F J Rosamond and L Taylor requested that their abstention from voting be recorded.

Councillor Mrs J Roach **MOVED**, seconded by Councillor B A Moore, **THAT:**

(g) The Chairman's Allowance be included as a Special Responsibility Allowance within the Members Allowances Scheme and that £2323 be the amount paid for his or her constitutional role in chairing full Council meetings.

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

**Note:** Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded.

Councillor Mrs J Roach **MOVED**, seconded by Councillor B A Moore, **THAT:**

(h) Payments with regard to his or her Civic role should be paid retrospectively and only on production of a receipt/s.

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

**Note:** Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded.

Councillor F J Rosamond **MOVED**, seconded by Councillor N V Davey, **THAT:**

(i) That the IRP re-examine expenses in relation to the Chairman's Civic role as part of the Fundamental Review.

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

**Note:**

(i) Councillors: W J Daw and T G Hughes requested that their abstention from voting be recorded;

(ii) \*Report previously circulated, copy attached to minutes.

**35 Ungrouped vacancy - Planning Policy Advisory Group (1-56-48)**

Following the resignation of Councillor Mrs J Roach from the Planning Policy Advisory Group, it was necessary to fill the vacancy with a Member of the Ungrouped Councillor D J Knowles had previously shown an interest in this position.

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor R J Dolley **THAT:**

Councillor D J Knowles fill the vacancy on the Planning Policy Advisory Group.

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

**36 Questions to Cabinet Members (1-57-34)**

1. Councillor Mrs N Woollatt asked the Cabinet Member for Finance: Does this authority have any LOBO (Lender Option Borrower Option) loans and if so what are the terms?

The Cabinet Member for Finance stated that a LOBO loan (Lender Option Borrower Option) was typically taken out for lengthy period - e.g. 40 - 70 years. The initial interest rate is fixed and usually offered at a rate that under cuts the prevailing rate being offered to Councils by the PWLB. However, the lender has a future option to increase this interest rate at pre-determined times (usually every 5 years). The borrower then has the "option" to decide whether it will accept the new rate or repay the entire loan. The Council would also be faced with a "break penalty" if it chooses to exit the loan at an early stage. These are often considerable amounts. The complication and therefore pricing uncertainty makes it very difficult to assess at the outset how to value these loans.

Currently there are around 200 Councils with circa £15bn of LOBO loans - allegedly some of these loans are now based on interest of around 7%!

Mid Devon District Council has no LOBO loans and currently only borrows at fixed rates of interest from the PWLB. We have 5 loans totalling £47.3m - most of this principle sum relates to the £46.6m we borrowed to purchase our Housing stock.

2. Councillor J L Smith asked the Leader: following two recent events it is becoming ever apparent that there is a shortfall in the number of police officers in Mid Devon, specifically, the criminal damage to the flower beds in Tiverton and the release of a driver following a positive breath test in Cullompton. I have little doubt that these instances further undermine the confidence of the Mid Devon residents in the ability of Devon and Cornwall Police to provide an effective service. Will the Leader of the

Council write to the Chief Constable of Devon and Cornwall Police asking what assurances he will give and what measures he will take to guarantee that in the future the residents of Mid Devon will be provided with an effective and robust front line police force to ensure their safety.

The Leader stated that he would take on board the concerns and would write to the Chief Constable and relay any response to all Members.

3. Councillor Mrs J Roach asked the Leader when he intended to hold the State of the District Debate.

The Leader stated that he had asked for an item to be put on the next agenda for a discussion to take place with regard to the subject of the debate. He asked that Members come forward with ideas before the next meeting.

4. Councillor F W Letch asked the Chief Executive the meaning of silo working as identified in the Communication Strategy discussed earlier in the meeting.

The Chief Executive explained that silo working meant that departments of the Council did not talk to other departments.

5. Councillor N A Way addressing the Leader stated that he was pleased that partnership working was being discussed with other authorities, specifically North Devon with regard to ICT. Could Members pleased be kept informed of other of further discussions with other authorities?

The Leader stated that Members would be kept informed of any future discussions with regard to this matter.

The Cabinet Member for Community-Well-Being outlined an event that had taken place between Mid and North Devon ICT staff to which he had attended.

### **37 Members Business (2-05-56)**

Councillor F J Rosamond informed Members that he had taken part in a media training day which had been organised for Members; he felt it was an excellent exercise and would recommend it to other.

(The meeting ended at 8.09 pm)

**CHAIRMAN**