

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 9 September 2015 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
Mrs C P Daw, R M Deed, Mrs G Doe,
R J 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
(Vice Chairman), Mrs B M Hull,
D J Knowles, B A Moore, R F Radford,
Mrs J Roach, F J Rosamond, Mrs E J Slade,
Miss C E L Slade, C R Slade, J L Smith,
T W Snow, J D Squire, Mrs M E Squires,
L D Taylor, N A Way and R Wright

Apologies

Councillors

Mrs J B Binks, F W Letch, R L Stanley and
Mrs N Woollatt

38 Apologies

Apologies were received from Councillors: Mrs J B Binks, F W Letch, R L Stanley and Mrs N Woollatt.

39 Minutes

The minutes of the Meeting of the Council held on 15 July 2015 were agreed as a correct record and signed by the Chairman.

40 Chairman's Announcements

The Chairman had the following announcements to make:

- Prior to the meeting he had presented a Long Service Award to Mr Mike Lowman (Building Maintenance Supervisor) who had completed 25 years service with the District Council.
- He reminded Members that an Extraordinary Meeting of the Council would follow this meeting.
- He informed the meeting that in the last week he had travelled to London with Crediton Rugby Club who had been presented with the National Community Rugby Club Award.

41 Public Question Time

There were no questions from members of the public present.

42 **Petitions (00-03-00)**

Mr Hutcheon requested the Council to consider allocating land at Junction 27 for the proposed Eden Westwood development and presented a petition to the Chairman of the Council. The Chairman indicated that the petition would be considered by the Forward Planning Department as part of the Local Plan process.

43 **Notices of Motions (00-08-17)**

Notices of Motions

(1) Motion 522 (Councillor Mrs N Woollatt 25 May 2015)

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

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 composting or waste to energy.

The Policy Development Group at its meeting on 4 August 2015 considered the proposal and recommended that it be supported and subject to Council approval a working group be put in place to explore the subject.

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

44 **Cabinet - Report of the meeting - 30 July 2015 (00-11-57)**

The Leader presented the report of the meeting of the Cabinet held on 30 July 2015.

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a responses from the Head of Communities and Governance.

Councillor Mrs Roach asked supplementary questions in accordance with Procedure Rule 12.2(6) (a)

Review of the RIPA policy, had there been a more recent review?

The Head of Communities and Governance stated that a more recent review had not taken place; the policy was in the process of being updated.

When was the policy review changed from the Scrutiny Committee to the Cabinet?

The Head of Communities and Governance stated that the change was made when the Budget and Policy Framework was considered as it was agreed that the Scrutiny Committee should scrutinise rather than approve policy.

The RIPA Policy stated that it should be reviewed by the Scrutiny Committee, however the Cabinet in February had recommended that it be considered by the Community Well-Being Policy Development Group.

The Head of Communities and Governance stated that the policy was in the process of being updated and would be presented to the relevant committee.

Have the recommendations within the letter been considered?

The Head of Communities and Governance stated that the recommendations were being considered as part of the policy review.

Notes:

- (i) Councillor Mrs J Roach declared a personal interest in Minute 36 as Chair of the Group proposing to renovate the Silverton Toilets;
- (ii) Questions and responses circulated at the meeting, copy attached to signed minutes.

45 Cabinet - Report of meeting held on 7 August 2015 (00-24-03)

The Leader presented the report of the meeting of the Cabinet held on 7 August 2015.

46 Cabinet - Report of the meeting held on 27 August 2015 (00-24-21)

The Leader presented the report of the meeting of the Cabinet held on 27 August 2015.

The Council had before it questions* submitted by Councillor N A Way in accordance with Procedure Rule 12.2(1) together with a response from the Head of Housing and Property Services.

Councillor Way asked a supplementary question in accordance with Procedure Rule 12.2(6) (a) regarding his concern that there was no temporary accommodation to be found in Crediton for Crediton people.

47 Scrutiny Committee - Report - meeting held on 10 August 2015 (00-27-51)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 10 August 2015.

48 Scrutiny Committee - Report of the meeting held on 24 August 2015 (00-30-17)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 24 August 2015.

49 Audit Committee - Report - Meeting - held on 28 July 2015 (00-31-33)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 28 July 2015.

50 Managing the Environment Policy Development Group - Report - Meeting held on 4 August 2015 (00-32-08)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 4 August 2015.

The Council had before it questions* submitted by Councillor R Wright in accordance with Procedure Rule 12.2(1) together with a response from the Cabinet Member for the Environment.

51 Decent and Affordable Homes Policy Development Group - Meeting - held on 11 August 2015 (00-34-59)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 11 August 2015.

52 Community Well-Being Policy Development Group - Report - Meeting held on 18 August 2015 (00-35-51)

Councillor B A Moore in the absence of the Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 18 August 2015.

53 Planning Committee - Report - Meeting held on 29 July 2015 (00-36-36)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 29 July 2015

54 Planning Committee - Report - Meeting 26 August 2015 (00-37-18)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 26 August 2015.

55 Licensing Committee - Report - 3 September 2015 (00-37-52)

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 3 September 2015.

56 Regulatory Committee - Report - 3 September 2015 (00-38-18)

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 3 September 2015.

57 **Questions**

There were no questions submitted under Procedure Rule 12.2.

58 **Appointment (00-39-15)**

The Council had before it a recommendation regarding the appointment of an interim Electoral Registration Officer and interim Returning Officer.

The Chairman **MOVED**,

That, in preparation for the Police and Crime Commissioner Elections in May 2016, the Head of Housing and Property Services be appointed as interim Electoral Registration Officer and interim Returning Officer in accordance with Sections 8 and 35 of the Representation of the People Act 1983. This appointment would take effect from 14th September 2015 and would be reviewed after May 2016.

Following discussion, the **MOTION** was declared to have been **CARRIED**.

59 **Outside Body representation - Local Delivery Group advising the Tiverton Children's Centre (00-44-11)**

The Chairman indicated that the Council had been requested to appoint a Member to the Local Delivery Group advising the Tiverton's Children's Centre. Councillor Mrs C P Daw expressed an interest in the appointment.

Upon a **VOTE** being taken, Councillor Mrs Daw was declared to have been appointed to the Local Delivery Group advising the Tiverton's Children's Centre.

60 **State of the District Debate (00-45-57)**

The Leader had requested that Members discuss the subject for the State of the District Debate.

The Chairman asked for suggestions:

Councillor Mrs M E Squires suggested that the debate consider rural funding for local government versus urban funding.

Councillor Mrs J Roach suggested that the debate take the form of an open meeting in an attempt to engage with local people with regard to priorities for the Council.

Following discussion and upon a vote being taken, the suggestion of a State of the District Debate entitled rural funding for local government versus urban funding was **APPROVED**.

61 **Questions to Cabinet Members (00-56-04)**

Councillor Mrs C P Daw asked the Leader: following David Cameron's announcement this week that the U.K will be accepting 20,000 refugees over the next five years. What are the plans for MDDC to accept these refugees, how many are we looking to accept and how are we going to deliver the service.

The Leader stated that he was awaiting information from Central Government with regard to how additional resources would be allocated.

Councillor R M Deed asked the Cabinet Member for Planning and Economic Regeneration if he could update the meeting of the timing of the submission of the Local Plan.

The Cabinet Member for Planning and Economic Regeneration stated that he was aware that further work had been requested by the Environment Agency regarding improvements to Junction 28 to allow the settlement east of Cullompton to come forward. He had a meeting the following day where he would gain further information.

Councillor R M Deed referring to Junction 27 and the petition received earlier in the meeting asked the Leader if he could inform the meeting if there was a draft timetable available for modifications to the Local Plan submission.

The Leader stated that officers were still going through the revised submission and he would need to be informed whether a modification was required.

Councillor N A Way asked the Leader: with the recent communication concerning devolution from the Leader of DCC in mind: We understand that the authority recently attended a meeting with other principal authorities from Devon and representatives from Somerset authorities to discuss the issue of devolution and transferring of powers from central to local government. This also included talks about the principles concerning any future bids to Central Government to gain extra powers. It seems that so far at least that parish and town councils have not been included in these talks. Before this process goes any further, and because devolution means the passing of powers downwards, is the Leader consulting with the parish and town councils on this subject and seeking their views?

The Leader stated that the Chief Executive and the Deputy Leader had attended with other authorities and a statement of intent had been sent by the required deadline imposed by Government (Members had been informed of this via WIS the previous week). There had been no time to consult with Town and Parish Councils, however the timeframe involved for further work to take place was 18-24 months and more information would be available with regard to what was proposed to be devolved.

Councillor Mrs J Roach addressing the Leader stated that with regard to the current refugee crisis, she had been asked if previously used residential homes could be used to house refugees and that people want someone to coordinate matching people who were willing to take in refugee families; if the Council could have some involvement who would be available to lead on the project?

The Leader stated he was awaiting information from Central Government.

Councillor R Wright asked the Cabinet Member for the Environment the following questions:

How often were the pavements in the main shopping area in Tiverton swept and how often were the pavements in the main shopping area at Crediton swept?

The Cabinet Member stated that the streets were swept on a daily basis. He did however share the Councillor's concerns regarding street cleaning and this work would be addressed by the Waste and Transport Manager when Phase 2 of the Waste Project had been finalised.

Referring to recycling figures published in Mid Devon Talk he questioned how the figures for dry recycling and composting had been calculated?

The Cabinet Member stated that it was very early days with regard to the new recycling scheme and that comparison figures should be based on 6 monthly or annual results.

Councillor T W Snow addressing the Cabinet Member for Planning and Economic Regeneration raised concerns about the congestion in Cullompton and asked if a timetable was available for the implementation of the eastern relief road.

The Cabinet Member stated that he had not seen definitive plans for an eastern relief road, Devon County Council were working on the issues; he would look into the matter and respond to all Members.

Councillor Mrs F J Colthorpe addressed the Leader with regard to the refugee crisis, she hoped that the Devon response would be made cross county.

The Chief Executive reported that he had received an email stating that the Chief Executive of Devon County Council would be responsible for a cross county response.

Councillor Miss C E L Slade asked the Cabinet Member for the Environment if he had noticed a rise in graffiti in the town and what were the Council proposing to do about it?

The Cabinet Member stated that he had noticed an increase in graffiti, this was a criminal act and the Police had been informed.

Councillor Mrs J Roach asked the Cabinet Member about Devon County Council charging for the disposal of roofing felt at the Recycling Centre.

The Cabinet Member stated that that Devon County Council would charge as roofing material was not recyclable.

The Chief Executive stated that roofing felt was not household waste and should not be disposed of with domestic refuse.

Councillor J L Smith referring to his question at the previous meeting about contacting the Chief Constable with regard to issues in Mid Devon asked the Leader if there had been any constructive feedback regarding the state of the frontline service.

The Leader explained that he had written to the Chief Constable which had been followed by a meeting with the local Inspector, the outcome of that had been that a Members briefing would take place in November at which Members could question the officer with regard to issues in Mid Devon.

62 **Members Business (1-28-42)**

Councillor Mrs J Roach wished to offer her congratulations to the organisers of the Feast of St James in Tiverton.

Written Questions

(The meeting ended at 7.36 pm)

CHAIRMAN

Minute Annex

WRITTEN QUESTIONS – FULL COUNCIL – 9 SEPTEMBER 2015

1. MANAGING THE ENVIRONMENT – 4 AUGUST 2015

Min No. 19

Question submitted by Councillor R Wright and response of the Cabinet Member for the Environment

1. Trade Recycling

I understand that our trade recycling is taken to Exeter City Council for sorting by them.

a) What is the net annual cost of this to MDDC and how is this made up?

RESPONSE

The operational cost of running trade recycling is circa £50k (this includes officer time, collection staff, vehicle and other misc. costs). This is fully offset by income from fees paid by customers and the amount we receive from Exeter CC – based on £16 per tonne of product recycled.

b) What percentage increase in our business would ECC be able to cope with?

RESPONSE

ECC have plenty of capacity so I would estimate a 100% increase.

2. CABINET – 27 AUGUST 2015

Min No 55

Question submitted by Cllr N A Way and the response of the Head of Housing and Property Services

As of 1st September the number of people on the Housing Waiting list is recorded as 2,290.

How many people are currently being looked after in Bed and Breakfast accommodation by the authority?

RESPONSE

1 person in B&B & 13 applicants in other temporary accommodation (Self-contained flats)

(This has been the average amount of applicants/families in temporary accommodation for the last 12-18 months)

Please note that when the local B&B's and other local self-contained accommodation units are full, we use other accommodation units in Exeter, Taunton, Honiton.

How does this compare with previous years?

RESPONSE

2014/2015 = 2 persons in B&B & 9 applicants in other temporary accommodation (Self-contained flats) 3 singles & 8 families

2013/2014 = 1 applicant in B&B & 4 applicants in other temporary accommodation (Self-contained flats) 1 single & 4 families

2012/2013 = 1 applicant in B&B & 7 applicants in other temporary accommodation (Self-contained flats) 3 singles & 5 families

2011/2012 = 3 applicants in B&B & 5 applicants in other temporary accommodation (Self-contained flats) 2 singles & 6 families

How many families with children does this include?

RESPONSE

As above

In what towns or general locations are people affected now being accommodated by the authority?

RESPONSE

See below

What is the breakdown of the general areas within the District and from elsewhere where people affected last lived before entering bed and breakfast accommodation?

RESPONSE

1x Single person in B&B (Exeter) previously from Chawleigh

3x Single Persons in other self-contained accommodation (Cullompton) previously from Cullompton

1x Single Person in other self-contained accommodation (Tiverton) previously from Barnstable but has connection)

1x Single Person in other self-contained accommodation (Tiverton) previously from Sandford

1x Single +Pregnant in other self-contained accommodation (Tiverton) previously from Tiverton

1x Single +child in other self-contained accommodation (Cullompton) previously from Crediton

1x Single +child in other self-contained accommodation (Cullompton) previously from Tiverton

2x Single +child in other self-contained accommodation (Tiverton) previously from Tiverton

2x Couple in other self-contained accommodation (Tiverton) previously from Cullompton

1x Couple in other self-contained accommodation (Tiverton) previously from Willand

3. CABINET – 30 JULY 2015

MIN 46

Question submitted by Cllr Mrs J Roach and the response of the Head of Communities and Governance

1. Mid Devon DC RIPA policy states that "members of the Scrutiny Committee should review this policy annually "to ensure it remains fit for purpose.....the SC should also consider reports on the use of the powers under the act on a yearly basis" I am aware that it was reviewed in July 2014, has there been a more recent review?

RESPONSE

The policy was reviewed by the Assistant Surveillance Commissioner at the inspection and his suggested amendments have been accepted by Amy Tregellas as Senior Responsible Officer for the Council. Cabinet was briefed and noted the report prepared by the Assistant Surveillance Commissioner at their meeting on 30 July 2015. The RIPA policy has been changed to reflect that it will be reviewed annually by the Cabinet rather than the Scrutiny Committee as it is more appropriate for Cabinet to do so.

2. The Home Office require that CHIS and CSPI are reviewed once a year by elected members and that in both cases that reports on the 2000 act are given quarterly. Members are also required to ensure that the policy remains fit for purpose. Sir Christopher Rose asks that the policy be amended to ensure that elected members receive regular reports in compliance with the codes. Have these requirements been met?

RESPONSE

The Council does not use Covert Human Intelligent Sources (CHIS). The Code of Practice for Covert Surveillance and Property Interference does not state that reports on the use of RIPA are given quarterly rather paragraph 3.35 states that these should be on a regular basis. The Council has not obtained approval to use RIPA for 18 months (the last authorisation is dated 13.3.14) so there hasn't been any activity to report on. Cabinet were informed about the use of RIPA at their meeting on 30 July 2015.

3. Sir Christopher Rose in his letter to the Chief Executive states "I shall be glad to learn that your Council accepts the recommendations and will see they are implemented."

Why did the decision notice just say that the report had been noted and why does the minute not reflect the reality i.e. that a report had been received from the information commissioner requiring action?

Is it the intention to confirm to the Information commissioner that MDDC will accept his recommendations and will see that they are implemented?

RESPONSE

The report was from the Assistant Surveillance Commissioner not the Information Commissioner. The recommendations have been accepted as mentioned in the answer to question 1. The Senior Responsible Officer will ensure that the recommendations are actioned in a timely manner.

4. Why was a recommendation from the previous report (2012) not acted upon?

RESPONSE

The recommendations in the previous inspection report were brought to the attention of the authorising officers at the time. One of the authorising officer's, who has now left the Council, did not ensure that cancellations included directions for the management and storage of any surveillance product. If the Council engages in RIPA in the future, the cancellation will provide these details.
