

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 4 November 2015 at 6.00 pm

Present Councillors

Mrs E M Andrews, Mrs H Bainbridge,
Mrs A 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, R M Deed, Mrs G Doe,
R J Dolley, J M Downes, C J Eginton,
R Evans, Mrs S Griggs, P J Heal,
T G Hughes, Mrs B M Hull, 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, J D Squire,
Mrs M E Squires, R L Stanley, L D Taylor,
N A Way, Mrs N Woollatt and R Wright.

Apologies Councillors

Mrs C P Daw, P H D Hare-Scott, F W Letch
and T W Snow

66 **Apologies**

Apologies were received from Cllrs Mrs C P Daw, P H D Hare-Scott, F W Letch and T W Snow.

67 **Minutes**

The minutes of the meeting held on 9 September were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 9 September were agreed as a correct record and signed by the Chairman.

68 **Chairman's Announcements**

The Chairman reminded Members of an extraordinary meeting of the Council to be held at 4.00pm on Wednesday 9 December, this would be followed by the Honorary Aldermen reception and ceremony.

69 **Public Question Time (00-04-40)**

There were no questions from members of the public present.

70 **Petitions**

There were no petitions from members of the public.

71 **Notices of Motions (00-3-00)**

(1) **Motion 523 (Councillor N A Way – 23 October 2015)**

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 13.1:

Council supports the introduction of a through rail service from Barnstaple to Waterloo on the Tarka line and return on a daily bases Monday to Saturday. Stopping at Crediton and the village stations serving the various communities within Mid Devon. An opportunity to introduce this new service now appears to be a real possibility at no extra cost to the public purse. We advise First Great Western, South West Trains and Devon County Council of our support for the introduction of such a rail service improvement.

The **MOTION** was **MOVED** by Councillor N A Way and seconded by Councillor R M Deed

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

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

Notes:

- i) Cllr N A Way declared a personal interest as a Member of the County Council;
- ii) Cllr R M Deed declared a personal interest as he used to run Honiton Station.

72 **Cabinet - Report of the meeting - 24 September 2015 (00-18-35)**

The Leader presented the report of the meeting of the Cabinet held on 24 September 2015.

73 **Cabinet - Report of the meeting - 22 October 2015 (00-18-40)**

The Leader presented the report of the meeting of the Cabinet held on 22 October 2014.

Arising thereon:-

(1) **Waste Education and Enforcement Policy (Min 10)**

The Leader **MOVED**, seconded by Councillor N V Davey:

“THAT the recommendation of the Cabinet as set out in Minute 74 be **ADOPTED”**.

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 cabinet Member for the Environment.

Councillor Mrs Roach asked a supplementary question stating that as there were no plans to issue enforcement notices at the present time to people who put the kitchen waste in their paid for brown bin and the fact that the blue bin and the brown bin were being tipped into the same lorry, why did the Council not treat the public as adults and let them continue to put food and garden waste together until the time came when they would be separated.

The Cabinet Member for the Environment stated that waste would currently be disposed of in the same way, in 18 months time this would change, but there was a need to keep it simple and set out the process and keep to it.

(2) Local Development Scheme and Local Plan Review Update

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

“THAT the recommendation of the Cabinet as set out in Minute 79 be **ADOPTED”**.

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 Cabinet Member for Planning and Economic Regeneration.

Councillor Mrs Roach asked a supplementary question stating that the call for land for the Local Plan had taken place two years ago and people were still waiting to find out the result alongside those who had made representation, therefore were they going to inform people?

The Cabinet Member for Planning and Economic Regeneration explained that he would discuss this further with the Head of Planning and Regeneration and look into the cost implications of informing people of the proposed timetable.

(3) Review of the Article 4 Direction for Cullompton

The Leader **MOVED**, seconded by Councillor Mrs N Woollatt:-

“THAT the recommendation of the Cabinet as set out in Minute 80 be **ADOPTED”**.

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

(4) Schedule of Meetings 2016/17

The Leader **MOVED**, seconded by Councillor Miss C E L Slade:-

“THAT the recommendation of the Cabinet as set out in Minute 84 be

ADOPTED”.

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

The Council had before it other questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Head of Finance. Councillor Mrs Roach asked a supplementary question in relation to minute 83 (Financial Monitoring): is the figure for April to September in relation to agency workers correct? The Head of Finance stated that it was correct.

Notes:

- (i) *Questions and responses circulated at the meeting, copy attached to minutes;
- (ii) Councillor N A Way requested that his vote against (1) be recorded.

74 Scrutiny Committee - Report - Meeting held on 5 October 2015 (00-46-32)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 5 October 2015.

75 Scrutiny Committee - Report - Meeting held on 2 November 2015 (00-48-06)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 2 November 2015.

76 Audit Committee - Report - Meeting - held on 29 September 2015 (00-53-42)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 29 September 2015.

77 Managing the Environment Policy Development Group - Report - Meeting held on 22 September 2015 (1-01-45)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 22 September 2015.

78 Decent and Affordable Homes Policy Development Group - Meeting - held on 6 October 2015 (1-03-23)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 6 October 2015.

79 Community Well-Being Policy Development Group - Report - Meeting held on 13 October 2015 (1-03-55)

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 13 October 2015.

80 **Planning Committee - Report - Meeting held on 23 September 2015 (1-05-08)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 23 September 2015

81 **Planning Committee - Report - Meeting held on 21 October 2015 (1-06-03)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 21 October 2015.

Note: Councillor Mrs J Roach declared a personal interest in Minute 66 (d) as she lived near to the proposed development.

82 **Licensing Committee - Report - Meeting 15 October 2015 (1-14-58)**

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 15 October 2015.

Arising thereon:-

(1) **Third Review of the Gambling Act 2005 – Statement of Principles** (Min 11)

The Chairman of the Licensing Committee **MOVED**, seconded by the Leader:-

“THAT the recommendation of the Licensing Committee as set out in Minute 11 be **ADOPTED**”.

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

83 **Regulatory Committee - Report - Meeting 15 October 2015 (1-16-15)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 15 October 2015.

84 **Standards Committee - Report - Meeting 19 October 2015 (1-16-43)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 19 October 2015.

85 **Questions (1-17-29)**

There were no questions submitted under Procedure Rule 12.2.

86 **Access to Information Act - Exclusion of the Press and Public (1-17-52)**

Prior to considering Item 10 on the agenda discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. The Council decided that in all the circumstances of the case, the public

interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was therefore

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

(Proposed by the Chairman)

87 **Recommendation from the Appointments Panel**

The Council had before it a * report of the Appointments Panel making a recommendation following interviews for a new Chief Executive.

Following discussions with regard to the candidates and the process that had taken place, the meeting returned to open session.

The Leader **MOVED** seconded by Councillor R J Chesterton that the recommendation of the Appointments Panel be approved and that Stephen Walford be appointed as the new Chief Executive.

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

Note: *Report previously circulated.

88 **Six Monthly Briefing from the Leader (1-22-24)**

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

- The Homes and Communities Agency had following a bid contributed £1.25m towards the building of council houses in Palmerston Park and Birchen Lane, Tiverton, special mention was made of the work of Mrs Katie Furner with regard to this matter.
- The Local Plan was progressing, it was hoped that submission would take place in June 2016 with the examination later in the year.
- Police Crime Commissioner Mr Tony Hogg had attended the Scrutiny Committee on Monday. Inspector Alford-Mole would be attending a Member briefing on 10 November and was keen to learn of Members ideas on local policing, he therefore encouraged attendance on that date.
- The Corporate Plan was being progressed which required all Member input, an away day had been organised for 27 November and he therefore encouraged attendance.
- Waste and Finance had already been discussed at the meeting and therefore he felt that these issues had been covered.

89 Questions to Cabinet Members (1-26-18)

1. Councillor N A Way addressing the Leader voiced his concerns regarding the special meeting of the Community Well-Being Policy Development Group (that had taken place the previous day), the content of the Grants report, the fact the Cabinet Member had not seen the detail of the report before publication and was unhappy with certain aspects; the outcome of the meeting had been that a working group be formed to look at the grant issues. Why was the report tabled as this was very unsatisfactory?

The Leader stated that he had not been present at the meeting and therefore the Cabinet Member should speak for himself. In relation to the Grand Western Canal no decision had been made and further discussions would take place.

The Cabinet Member for Community Well-Being stated that he had expressed his disappointment that the report had been changed since he had seen it and that he was distressed at the recommendation with regard to the Grand Western Canal. A working group had been formed and it would discuss the grant issues, a separate meeting would also take place with Devon County Council with regard to funding for the Grand Western Canal.

Councillor R M Deed spoke of his working relationship with officers whilst he was Cabinet Member and voiced his concern regarding a breakdown of communication between the Cabinet Member and officers.

The Cabinet Member stated that he had a very good working relationship with officers, in this instance the report had arrived at the last minute, he had commented but his comments had not been taken into consideration.

2. Councillor Mrs J B Binks asked the Cabinet Member for Community Well-Being when the report regarding the Grants was sent to him.

The Cabinet Member responded stating that he had received the report 2 days before publication.

3. Councillor L D Taylor addressing the Leader stated that Bradninch Town Council had been asked to contribute to the costs of amenity car parks, grass cutting and looking after 2 play areas and they had lost 75% of the burial grant which had been received since the 1980's, to cover these costs they would have to increase the precept, during the last 5 years Mid Devon had not increased their Council Tax.

The Leader stated that it was all about devolved services, brought forward by the last coalition Government which gave opportunities for the community to take on local services. He was very proud of the fact that the Council Tax had not risen in the last 5 years, the budget for 2016/17 had yet to be set and that we would know more in the New Year.

4. Councillor Mrs A R Berry asked the Cabinet Member for Community Well-Being why given that the Cabinet Member had had so little time to consider the report, why was the meeting not postponed?

The Cabinet Member stated that there had been no problems in the previous year, yesterday the PDG could have come to a conclusion and there was a need to debate the issue of grants.

5. Councillor J M Downes addressing the Cabinet Member for the Environment stated that 2 years ago the Councillors in Crediton and a community group had received £100k for the refurbishment of Newcombes Meadow play area, one piece of equipment was still outstanding and could that piece of equipment be installed by the spring?

The Cabinet Member stated that he would look into the issue.

6. Councillor Mrs J Roach addressing the Leader asked why the Council were making decisions in isolation, what about the Tourism Strategy and the Corporate Plan, an agreed strategy may lead to an increase in a specific budget.

The Leader stated that a more rounded strategy would help and would enable the Council to move forward; he again encouraged attendance at the away day so that Members could put forward their views.

90 **Members Business (1-45-42)**

There was no Members Business to be discussed.

(The meeting ended at 8.09 pm)

CHAIRMAN

Minute Annex

WRITTEN QUESTIONS – FULL COUNCIL – 4 NOVEMBER 2015

1. CABINET – 22 OCTOBER 2015

Min No 77

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

At the Council meeting in September I asked if there had been a review of the RIPA policy. I was informed that the RIPA policy had been changed to reflect that it will be reviewed annually for compliance by the Cabinet rather than Scrutiny. I note that this change was made at the Cabinet meeting in October. I note also that the revised policy agreeing this change was passed by the CWB in October. Why was I told in September that changes had already been agreed? At the September Council meeting the Chief Executive told Council that he had told the management team not to use RIPA..."that they should just not operate it, full stop" Has the Chief Executive now reversed this instruction?

RESPONSE

The Cabinet at their meeting on the 5th February 2015 changed the policy framework so that the RIPA Policy went to the CWB PDG and then to Cabinet.

The Surveillance Inspector visited MDDC in April 2015 and then sent a report through. We responded to that report as per the Surveillance Officer request.

The feedback from the Inspector was included in the review of the policy and the review took place in September and then went to CWB PDG on 13th October and then Cabinet on 22nd October.

With regard to the last sentence, this instruction has not been reversed.

2. CABINET – 22 OCTOBER 2015

Min No 79

Question submitted by Cllr Mrs J Roach and the response of the Cabinet Member for Planning and Economic Regeneration.

The effect of this decision will be to put back the submission of the Local Plan. Why has there been such a delay in identifying the need to undertake more technical work? Is this Council at risk in relation to the Housing and Planning Bill 2015? Will the affected householders be informed of the delay? The cost of the work is £100k, where is that money coming from?

RESPONSE

The effect of this decision will be to put back the submission of the Local Plan. Why has there been such a delay in identifying the need to undertake more technical work?

The Environment Agency did not identify the need for this extra work at the consultation stage. This has only come to our attention more recently as part of ongoing work with statutory partners prior to submission. Detailed work of this nature is not normally required at this stage in the planning process, however because of previous flood events, the Environment Agency wishes to understand in more detail the implications of any scheme crossing the floodplain at Cullompton in terms of the floodplain and flood flows. To this end detailed design and flood modelling work is required and must be completed to their satisfaction. The Environment Agency will not support the plan as proposed without the detailed design and flood modelling work being undertaken on the Cullompton highway arrangements, in so far as they cross the flood plain.

Is this Council at risk in relation to the Housing and Planning Bill 2015?

Mid Devon District Council already has a current adopted Local Plan in place, and many other authorities currently do not. The current timetable is for the emerging local plan review to be adopted by January 2017, which would be in line with the Government target in any case. The latest advice from the Planning Advisory Service is that we are not likely to be at risk.

Will the affected householders be informed of the delay?

It is unclear which households Cllr Roach has in mind. The local plan has a district wide coverage. It is not currently envisaged that there will be any major modifications to the plan, if there were to be, then additional consultation would be undertaken. Any additional blanket correspondence at this stage to residents, businesses and other interested parties would be unnecessary at this stage. The Council's website has been updated to include the revised timetable.

The cost of the work is £100k, where is that money coming from?

The funds for this project would be sourced from the Council's reserves.

3. CABINET – 22 OCTOBER 2015

Min No 83

Question submitted by Cllr Mrs J Roach and the response of the Cabinet Member for the Environment.

The budget shows a spend of £88k for agency staff for the waste services. The monitoring report shows a spend to date of £77k, thus leaving approx, £10k for the next six months. This could lead to an overspend of £100k if the current level of spending continues. Is the figure for April to September in relation to agency workers correct?

RESPONSE

Agency spend is higher due to the covering of vacant positions in the service with agency staff so the overspend is offset by a £39k underspend on salaries. There have been two long term sickness to cover for. There is also a larger than normal spend due to the roll out of the new scheme. Agency staff have been used to back fill collection routes while

permeant staff are used for deliveries of new containers. There was a budget of £28k for this.

4. CABINET – 22 OCTOBER 2015

Min No 74

Question submitted by Cllr Mrs J Roach and the response of the Cabinet Member for the Environment.

Is it proposed to issue enforcement notices to people who put kitchen waste in their paid for brown bins?

RESPONSE

No plans at the moment. We will be commingling this waste until March 2017 but we will need to educate the residents to separate these two materials by that date so they can be treated separately.

This page is intentionally left blank