

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 6 January 2016 at 6.00 pm

### **Present**

#### **Councillors**

Mrs E M Andrews, Mrs H Bainbridge, 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, 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 W Letch, R F Radford, Mrs J Roach, F J Rosamond, Mrs E J Slade, Miss C E L Slade, C R Slade, T W Snow, 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 A R Berry, Mrs J B Binks, R J Dolley, B A Moore and J L Smith

#### 91 **Apologies**

Apologies were received from Councillors Mrs R Berry, Mrs J B Binks, R J Dolley, B A Moore and J L Smith.

#### 92 **Minutes**

The minutes of the meeting held on 4 November 2015 were agreed as a correct record and signed by the Chairman.

#### 93 **Chairman's Announcements**

The Chairman had the following announcements to make:

- i. He reminded Members that an extraordinary meeting of the Council would take place at 6.00pm on Wednesday 27 January 2016 to discuss the devolution issue.
- ii. This would be the last time the current Chief Executive, Mr Kevin Finan, would attend a full Council meeting given that he would be formally retiring on Friday 8 January 2016. A presentation had been held prior to the meeting and there would be an opportunity for Members to speak regarding Mr Finan's long service at the end of the meeting.

#### 94 **Public Question Time**

There were no members of the public present.

95 **Petitions**

There were no petitions from members of the public.

96 **Notices of Motions**

There were no Motions to Council.

97 **Cabinet - Report of the meeting - 19 November 2015**

The Leader presented the report of the meeting of the Cabinet held on 19 November 2015.

98 **Cabinet - Report of the meeting - 17 December 2015 (00:03:00)**

The Leader presented the report of the meeting of the Cabinet held on 17 December 2015.

**Arising thereon:-**

(1) **Supply and Demand Policy** (Min 107)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 107 be **ADOPTED”**.

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

(2) **Void Policy** (Min 108)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 108 be **ADOPTED”**.

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

(3) **Severe Weather Emergency Protocol and Extended Winter Provision Protocol** (Min 112)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 112 be **ADOPTED”**.

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

(4) **Council Tax Reduction Scheme** (Min 113)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 113 be **ADOPTED”**.

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

(5) **Tax Base Calculation** (Min 114)

The Leader **MOVED**, seconded by Councillor P H D Hare-Scott:

**“THAT** the recommendation of the Cabinet as set out in Minute 114 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 sought clarification as to whether the figures used to show the multi storey car park income were for a complete year. It was confirmed by the Head of Finance that all income figures presented both to the Policy Development Group and the Cabinet had been for a full year. She asked a supplementary question stating that the District Auditor had recommended that discounted car parking permits should be advertised within the car parking order, she asked whether this had happened? It was confirmed that a new car parking order was needed and as soon as it had been agreed it would advertised.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

99 **Scrutiny Committee - Report - Meeting held on 30 November 2015 (00:11:00)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 30 November 2015.

100 **Scrutiny Committee - Report - Meeting held on 4 January 2016 (00:12:00)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 4 January 2016.

101 **Audit Committee - Report - Meeting - held on 17 November 2015 (00:13:00)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 17 November 2015.

102 **Managing the Environment Policy Development Group - Report - Meeting held on 24 November 2015 (00:13:32)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 24 November 2015.

103 **Decent and Affordable Homes Policy Development Group - Meeting - held on 1 December 2015 (00:14:35)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 1 December 2015.

104 **Community Well-Being Policy Development Group - Report - Meeting held on 3 November 2015 (00:15:27)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 3 November 2015.

105 **Community Well-Being Policy Development Group - Report - Meeting held on 8 December 2015 (00:16:00)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 8 December 2015.

106 **Planning Committee - Report - Meeting held on 2 December 2015 (00:16:35)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 December 2015

107 **Planning Committee - Report - Meeting held on 16 December 2015 (00:17:00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 December 2015.

108 **Standards Committee - Report - Meeting 15 December 2015 (00:18:00)**

**(1) Constitution**

The Chairman of the Standards Committee **MOVED**, seconded by the Chairman:

**“THAT** the recommendation of the Standards Committee as set out in Minute 5 be **ADOPTED”**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor Mrs N Woollatt that page 36, section 6.7c on the draft Constitution be referred back to the Standards Committee.

A list of fifteen amendments had been circulated prior to the meeting and it was her wish that each amendment be discussed and voted upon individually. In response to her first amendment the Head of Communities and Governance & Monitoring Officer stated that this section of the Constitution had been discussed at the Standards Committee on 16 December 2015 and it had been the Committee’s wish that section 6.7c which stated that ‘The Leader may delegate executive functions to an individual Cabinet Member’ remain within the Constitution. It had been an error that the draft version before the Council had this section struck through.

Councillor Mrs Roach stated that the majority of her proposed amendments had been

discussed by the Standards Committee but that she had been unable to find an audit trail clearly showing the changes. It was confirmed that changes had been made to the Constitution following the Standards Committee on 15 December 2015 but that these had not been reflected within the version before Members for this meeting. Discussion followed with regard to the need for Members to have a version before them which contained all the agreed and tracked changes so that they knew what they were required to approve.

Councillor R J Chesterton, in accordance with Procedure Rule 15.5a(i) **MOVED** a **FURTHER AMENDMENT** seconded by Cllr F J Rosamond that an updated draft Constitution showing all the tracked changes be brought before Council at the Extraordinary Council meeting on 27 January 2016.

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

The Chairman wished to express Council's thanks to all those involved in reviewing the Constitution whether they were Members of the Standards Committee or the Constitution Working Group, particularly Councillor Mrs F J Colthorpe.

The Council had before it a question\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Head of Human Resources and Development.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

#### 109 **Questions (00:35:50)**

The Council had before it a question\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Head of Communities and Governance & Monitoring Officer. This question had been in relation to the Regulation of Investigatory Powers Act.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

#### 110 **Recommendation from the Appointments Panel - Interim Appointment of Head of Paid Service (00:36:00)**

The Leader informed the meeting that the Appointments Panel had met on Wednesday 9 December to consider the requirement to make an interim appointment between the departure of Kevin Finan and the starting date of Stephen Walford:

The Chairman **MOVED** that the recommendation of the Appointments Panel be approved and that the Head of Human Resources and Development be appointed Interim Head of Paid Service and Chief Executive for the period 9<sup>th</sup> January to 14<sup>th</sup> February 2016.

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

#### 111 **Ungrouped Vacancy - Scrutiny Committee (00:37:00)**

Following the resignation of Councillor Mrs N Woollatt from the Scrutiny Committee, it was necessary to fill the vacancy with a Member of the Ungrouped.

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

Councillor R M Deed fill the vacancy on the Scrutiny Committee

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

#### 112 **Questions to Cabinet Members (0037:26)**

Councillor Mrs J Roach, addressing the Cabinet Member for the Environment, stated that many residents had asked for lids to be provided with their recycling boxes. The recent gales and volume of Christmas rubbish had proven a need for something to avoid rubbish being blown up and down the streets. She referred to District Council's in Wales who provide residents with nets to cover their boxes thereby retaining the contents when placed outside in bad weather. She asked the Cabinet Member whether there was any possibility of this happening here?

The Cabinet Member for the Environment replied by stating that he noted the suggestion from Councillor Roach and he would talk to the Waste Manager about the possibility. However, due to changes with the Waste and Recycling Scheme residents were recycling more, crews had been very busy and nets may not be waterproof.

Councillor T W Snow, addressing the Cabinet Member for Finance, voiced his concern regarding a local resident trying to obtain figures from the Housing Benefits team. The resident had been told that the team only took calls from 8.00am until 1.30pm each day. The Head of Finance confirmed that that was correct however, if Councillor Snow provided him with the details he would follow up the resident's issue.

Councillor N A Way, addressing the Leader, stated that with regard to the proposed closure of the Crediton office local Members were not being kept informed regarding developments. Councillor F W Letch, speaking as Mayor of Crediton, informed Council that the Town Clerk, himself and another Town Councillor had been meeting with the Head of Customer Services about how the various functions could be provided under new arrangements. The Chief Executive further confirmed that he would ask the Head of Customer Services to meet with all local Members and keep them updated on a regular basis.

Councillor D J Knowles, addressing the Cabinet Member for the Working Environment and Support Services, stated that there had been a problem with people ringing the out of hours standby service over the Christmas period. As a result the Town Council Secretary had been inundated with calls. He requested that this be looked at before next Christmas.

Councillor Mrs J Roach, addressing the Cabinet Member for the Environment, stated that with regard to amenity car parks, Silverton Parish Council had been asked by Mid Devon District Council to make a contribution towards maintenance or the

District Council would consider charging them. It had been her understanding that the Parish Council had wanted more information about what was a 'reasonable' contribution. The Parish Council would be setting their budget in the following week and they had wanted further information in advance of this. The Head of Finance responded by stating that Parish Councils had been informed what the costs were in relation to the upkeep of amenity car parks. He further stated that Silverton Parish Council had already informed him that they were not prepared to make a contribution towards the costs. The Chairman suggested that perhaps 'something had been lost in translation' and that perhaps communication regarding this matter could have been improved.

### 113 **Members Business (00:53:20)**

Councillor Mrs C Collis voiced her concerns with regard to polystyrene. She stated that there were carcinogenic properties associated with polystyrene and these were very harmful to health. Polystyrene took hundreds of years to breakdown, was extremely lightweight and got blown about when outside. Over the past few years she had been involved with a beach cleaning group and knew first hand how much was washed up upon the beach. She hoped that Mid Devon District Council would lead by example and stop the use of polystyrene in all of its properties.

The Leader thanked the Chief Executive for all the years of hard work he had dedicated to the Council. The past few years had been particularly notable, they had been less problematic than in the past and there was now greater harmony. On behalf of the Council he wished him a long and happy retirement.

### **Amendments and Written Questions**

(The meeting ended at 7.00 pm)

**CHAIRMAN**

This page is intentionally left blank



# Minute Annex

## AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 6 JANUARY 2016

### AMENDMENTS

#### STANDARDS 15 DECEMBER 2015

Minute No: 5

Heading: DRAFT CONSTITUTION

Amendment submitted by Councillor: Mrs J Roach

#### WORDING OF AMENDMENTS:

1. Page 36 6.7c - refer back to Standards
2. Page 37 Article 7 - remove c & d
3. Page 39 - refer 8.1 to Standards
4. Page 45 - remove final paragraph
5. Page 51 - remove 'electronically' and substitute 'in a format requested by the Member'.
6. Page 60 17.3 b - add no 4 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'
7. Page 61 d - add 'and recorded, giving the date and the reason for the amendment.'
8. Page 79, 8.10 - add 'within the agreed budget.'
9. Page 91 - remove 12 and replace with 15 plus correct para number.
10. Page 95 9.2d - refer back to Standards to remove any ambiguity.
11. Page 114 - add 'for one meeting only'.
12. Page 149 27.5 - remove 'with the discretion of the Chairman' or refer back to ensure that it is understood that Members have a right to attend any Council meeting and that this is not at the discretion of a Chairman.
13. Page 157 – refer back to Standards with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.
14. Page 165 - refer back in order to redraft to comply with Motion 448 moved by Alderman Pugsley.
15. Page 168 23.3 - remove b

#### WORDING IF AMENDMENTS APPROVED:

No.	Page / section	Submitted Amendment	Wording if amendment approved	Amendment approved: Yes / No
1.	Page 36 6.7c	Refer back to Standards.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to Page 36 6.7c being referred back to the Standards Committee.	
2.	Page 37	Remove c & d.	<b>RECOMMENDED</b> to full Council that the draft Constitution be	

	Article 7		approved subject to the removal of c & d on page 37 Article 7.	
3.	Page 39	Refer 8.1 to Standards.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to page 39 section 8.1 being referred back to the Standards Committee.	
4.	Page 45	Remove final paragraph.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the removal of the final paragraph on page 45.	
5.	Page 51	Remove 'electronically' and substitute 'in a format requested by the Member'.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the removal of the word 'electronically' on page 51 and substituted with the words 'in a format requested by the Member'.	
6.	Page 60 17.3 b	Add no 4 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the addition at number 4 on page 60 section 17.3b of 'All changes to the constitution will be recorded, giving the date of the change and the reason for the amendment.'	
7.	Page 61 d	Add 'and recorded, giving the date and the reason for the amendment.'	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the addition of the words 'and recorded, giving the date and the reason for the amendment' on page 61d.	
8.	Page 79, 8.10	Add 'within the agreed budget.'	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the addition of the words 'within the agreed budget' at section 8.10 on page 79.	
9.	Page 91	Remove Article 12 and replace with Article 15	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the removal of Article 12 on page 91 under section 6.1 to be replaced with Article 15.	
10.	Page 95	Refer back to Standards to	<b>RECOMMENDED</b> to full Council	

	9.2d	remove any ambiguity.	that the draft Constitution be approved subject to page 95 section 9.2d being referred back to the Standards Committee.	
11.	Page 114	Add 'for one meeting only'.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the addition of 'for one meeting only' on page 114.	
12.	Page 149 27.5	Remove 'with the discretion of the Chairman' or refer back to ensure that it is understood that Members have a right to attend any Council meeting and that this is not at the discretion of a Chairman.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the removal of 'with the discretion of the Chairman' on page 149 at section 27.5.	
13.	Page 157	Refer back to Standards with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to page 157 being referred back to the Standards Committee with a request to contact the Minister for clarification in relation to the conflict between legislation that requires openness and transparency against legislation (2012 Executive arrangements) that appears to give Cabinet the option of meeting in secret if 'disorderly conduct' is an issue.	
14.	Page 165	Refer back in order to redraft to comply with Motion 448 moved by Alderman Pugsley.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to page 165 being referred back to the Standards Committee in order to redraft it to comply with Motion 448 moved by Alderman Pugsley.	
15.	Page 168 23.3	Remove b.	<b>RECOMMENDED</b> to full Council that the draft Constitution be approved subject to the removal of b. on page 168 at section 23.3.	

## **WRITTEN QUESTIONS**

### **1. CABINET – 17 DECEMBER 2015**

#### **Min No 100**

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

The Council is required to publish fees and charges for services annually. Why is the Council intending to fail in that requirement by allowing for individual negotiation to discount some season tickets?

Has consideration been given to clearly publishing, for the long stay car parks only a scheme clearly identifying how many applicants are needed to qualify for a bulk discount and the cost of a season ticket under those circumstances?

It would appear that the rationale behind the increase of the long stay car parking to £1.50 from £1 will attract the same number of vends, is this correct?

When the Cabinet increased the charge to £2 for five hours, were they also assuming that the figure of 80.889 vends would remain the same and double the income?

In 2010 the income from the multi storey was just over £90k, has an analysis been done in relation to the increased use since the £1 per hour was introduced?

Why was the figure used to show the multi storey income not a complete year?

#### **RESPONSE**

The Council will be publishing all of its fees/charges for P&D and permits for 2016/17 after they have been out to the statutory period of consultation.

The working group, PDG and Cabinet all agreed to give the Head of Finance and the Cabinet Member delegated authority to negotiate permit discounts dependent upon the individual circumstances of the request (i.e. prevailing use of car park, availability of alternative parking, congestion issues, etc).

The Council will publicise that discounted permits will be considered upon request.

With regard to any modelling of changes to car parking tariffs – officers have always made it very clear that they have used current vend analysis so any income projections are for illustrative purposes.

The Cabinet agreed to increase the tariff in the long stay car parks to £2 – but this would allow the customer to stay all day – circa 10-12hrs and yes the financial modelling has assumed the same level of vends.

The total income from the Multi Storey was £91,335 back in 2010/11 and has increased up to £100,770 in 2014/15. It is difficult to do any detailed vend comparison as back in 2010/11 there were a wide range of charges available (and at that time 5 hrs parking was £1.80) and now there are only 2 tariffs. There are also a myriad of other things to consider when assessing why vend levels may change (e.g. what the shops have to offer, what other towns charge for parking, price of fuel, availability of alternative parking, state of the economy, condition and maintenance costs of car parks in District (we have spent circa £200k on maintaining/improving the Multi Storey over past 5 years), condition of road infrastructure in and around the town(s), etc.).

---

## **2. STANDARDS COMMITTEE – 15 DECEMBER 2015**

### **Min No 5**

#### **Question submitted by Cllr Mrs J Roach and the response of the Head of Human Resources and Development**

Do the Council's disciplinary, capability and related procedures allow staff a right of appeal to members?

#### **RESPONSE**

No, the Disciplinary and Capability procedures (which follow the ACAS code) do not allow for an appeal to Members. The appeal is made to a higher grade officer than the dismissing officer and to one who has not been involved in the process previously.

For statutory posts there is a separate disciplinary procedure which involves bringing in external people to ensure an investigation is done and then a report would go to Members.

---

## **3. COUNCIL MINUTES – 4 NOVEMBER 2015**

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

Is the Council still not using RIPA?

#### **RESPONSE**

No we are not currently undertaking any directed covert surveillance and therefore we are not using RIPA.

---

This page is intentionally left blank