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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 24 February 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs J B Binks, 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, C J Eginton, R Evans,
S G Flaws, Mrs S Griggs, P H D Hare-Scott,
P J Heal, T G Hughes, D J Knowles,
F W Letch, 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, Mrs N Woollatt and
R Wright

Apologies

Councillors

Mrs A R Berry, K Busch, J M Downes,
Mrs B M Hull and R L Stanley

114 Apologies

Apologies were received from Councillors Mrs A R Berry, K I Busch, J M Downes, Mrs B M Hull and R L Stanley.

115 Minutes

The minutes of the meeting held on 6 January 2016 were agreed as a correct record and signed by the Chairman.

116 NABMA Award

Mrs Zoe Lentell and Mrs Amy Dugard presented an award to the Chairman from the National Association of British Market Authorities which they had received for the Electric Nights Market events in Tiverton.

117 Chairman's Announcements

The Chairman had the following announcements to make:

- Prior to the meeting he had presented a Long Service Award to Ms Emma Bird (Customer Services) who had completed 25 years service with the District Council.

- He welcomed Stephen Walford (Chief Executive) to his first meeting of the Council.
- Following discussions at the Standards Committee, he requested that Members continue to stand when speaking.

118 Public Question Time (00-08-35)

Mr Smith (Chair of Cullompton Town Team) referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) asked that the Council make every effort to ensure that the North West Extension is built in accordance with the Design Manual for Roads and Bridges and not the Manual for Streets (MfS). With houses facing onto a new busy road, death or injury would be inevitable. He then quoted from a letter that had been sent to Members in which he stated that:

At a meeting of the Cullompton Town Team on the 4th February, we were shocked and alarmed at a report that was received concerning the Northern Relief Road planned from Tiverton Road to Willand Road. The Town Team has requested that I write to you on their behalf.

It was reported from the meeting in Cullompton on Thursday 28th January that Ian Sorensen had held to his view that this should be a narrow street with houses fronting directly onto it “to use pedestrians to slow the traffic down”.

Brian Hensley’s email reply to John Berry on 15th February 2016 demonstrates a catastrophic misinterpretation of the Manual for Streets (MfS). He says “Kingfisher Reach was agreed through an unusual route. Mid Devon planning committee members originally wanted an extension of Swallow Way, to a similar standard. That type of layout, with a separate distributor road was much more expensive and was effectively made obsolete by the introduction of the Manual for Streets in 2007.”

There is no way that the MfS made a Swallow Way standard of road obsolete – please read again the MfS title page:- “Manual for Streets, published March 2007, gives new advice for the design of residential streets in England and Wales. It represents a strong Government and Welsh Assembly commitment to the creation of sustainable and inclusive public spaces.”

Please also read again the Introduction:- “ Its (MfS) scope is limited to residential and other lightly trafficked streets, although some of its principles may be applied to other road types where appropriate. It is not, however, meant to be used for trunk routes of any description, as these roads are covered by the Highways Agency’s Design Manual for Roads and Bridges. “

Kingfisher Reach is now a continuation of Swallow Way which is a distributor road. Recently, the junction between Swallow Way and Kingfisher Reach was consciously altered so that all of the Swallow Way traffic is directed through Kingfisher Reach – so it is obviously not “lightly trafficked” and is so outside the scope of the MfS.

Mr Brunt again referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) stated that: I have been a Cullompton Resident for over 40 years. I own the 18 acres of land to the western edge of the allocated development area under the masterplan and wanted to be involved in the

masterplan development but was prevented from so doing unless I was prepared to sign up to one of the land promoters virtually giving them complete control over my land and its development. I was approached by all the land promoters in turn but they would only take my land forward if I signed up with them. My architect and professional advisor on my behalf approached the professional firm (Messrs Clifton Emery) engaged to draft the masterplan but even after several requests, they were not prepared to enter into any discussion at all due to “client confidentiality”. Was this masterplan under the control of the District Council or under the control of the land promoters? Why was I prevented from being involved in the masterplan unless I signed over my land to one of the promoters who in my opinion had very little practical knowledge of the needs of the local community. I circulated a letter to you last week setting out my intentions for the land and would like to pay tribute to the help I have received from several Members who I understand will be putting forward an amendment today to address my concerns over the formulation of the masterplan. Please may it have your support?

Mr Davis again referring to (Cabinet 28 January 2016) Minute 130 – Masterplan – North West Cullompton Urban Extension) stated that he lived next door to the proposed entrance to the site, as a resident he did not agree that St Georges View should be the temporary access to the site it was too narrow and not wide enough for 2 trucks to pass, he requested that the access be reviewed.

The Chairman indicated that the Head of Planning and Regeneration would provide answers to the above questions during the debate on the item.

Mr Freeman referring to (Cabinet 11 February 2016) Minute 153 – Establishment) stated that he worked on a daily basis with Building Control and Planning officers, over the past 3 to 4 years the number of Building Control officers and inspectors had decreased considerably from 6 inspectors and 1 full time manager to a part time manager and 2 inspectors. He understood the constraints and the need to reduce officers. He asked the authority to look into this and reverse the trend.

The Head of Planning and Regeneration explained that there were 4 Building Control inspectors within the budget and the current situation was temporary. A report would be put before Cabinet at its March meeting in relation to joint working with North Devon with regard to Building Control. Currently the authority shared a Building Control Manager with North Devon to seek a more robust service.

119 **Petitions (00-20-48)**

There were no petitions from members of the public.

120 **Notices of Motions (00-20-55)**

(1) Motion 24 (Councillor Mrs C Collis – 16 February 2016)

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

That the Council supports the removal and cessation of the use of all polystyrene cups and all food containers from all council offices and associated premises.

The use of such containers continues to place non biodegradable waste into landfill sites that will take hundreds of years to degrade and continues to threaten wildlife when digested.

Any and all such containers if used as disposable drinks or food containers should be fully certified as biodegradable or easily recycled within normal recycling parameters.

The **MOTION** was **MOVED** by Councillor Mrs C Collis and seconded by Councillor Miss C E L Slade In accordance with Procedure Rule 13.4, the Chairman had ruled that this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group.

121 **Cabinet Report - 14 January 2016 (00-22-24)**

The Leader presented the report of the meeting of the Cabinet held on 14 January.

The Council had before it a questions* submitted by Councillors: Mrs N Woollatt and Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Cabinet Member for the Environment.

Councillor Mrs N Woollatt asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding whether the parking meters could be replaced to allow the public to overfeed the meter if there was an overlap in parking times.

The Head of Finance suggested that this was possible.

Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding the differences in the public notice and the published schedule and it was felt that the detail should be mirrored in both documents.

The Head of Finance stated that the public notice was a summary of the schedule. The full schedule was available at the Council offices.

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

122 **Cabinet Report - 28 January 2016 (00-40-16)**

The Head of Planning and Regeneration gave a presentation to Members with regard to the details of the masterplanning exercise that had taken place to formulate the document before them. The Core Strategy adopted in 2007 established a growth strategy which concentrated development within the main settlements of the district including Cullompton. An urban extension on the NW side of Cullompton was established within the Allocations and Infrastructure Development Plan Document This was adopted in January 2010 following extensive public consultation and examination by a Planning Inspector. The urban extension had therefore been

established in adopted planning policy for some 16 years with land on this side of Cullompton having been accepted as being an appropriate location to help meet the growth needs of the town. The urban extension was allocated on this basis to provide housing and employment, together with associated infrastructure. The masterplan before Members suggested 1120 houses with 10,000 sq.m of floor space the reduction in employment land was due to a recent employment land review which had stated that employment land in the area had been overprovided as there was employment land allocated at Week Farm and Venn Farm on the other side of Cullompton. The employment land review was based on an assessment of demand, supply and market signals. The plan also set out the location of the school, dwellings, green infrastructure, employment land, affordable housing, a gypsy and traveller site, road infrastructure and a community centre. The Masterplan also set out the triggers and phasing for development.

In answer to Mr Brunt's question she stated that his land was allocated in the planning policy but had not been added to the masterplan process, correspondence had been sent to Mr Brunt on the outset of the process making it clear that the masterplanning process was in the control of the Council. There had been a lack of engagement from Mr Brunt and at no time had the Council prevented him from taking part in the masterplanning process, but this could be overcome by an addendum to the plan. The authority had worked in partnership with the land owners and had overseen the preparation of the masterplanning exercise.

With regard to the temporary access at St Georges View which would be used to serve the early land parcels prior to the opening of the new road. It was recognised that traffic management measures would need to be secured. The masterplan did not design the road; this would be dealt with at the planning application stage. Further meetings would be held at the pre-application stage with local residents, Ward Members and the Highway Authority.

Mr Hensley (Devon County Council, Highway Authority) in reply to Mr Smith's question referred him to the Manual for Streets 2 published in 2010 which covered the issue of frontage development in 20, 30 and 40 mph areas.

The Leader presented the report of the meeting of the Cabinet held on 28 January.

Arising thereon:

(1) Masterplan – Cullompton North West Urban Extension (Minute 130)

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

THAT the recommendation of the Cabinet as set out in Minute 130 be **ADOPTED**.

Councillor Mrs N Woollatt **MOVED** an **AMENDMENT** seconded by Councillor J L Smith that resolution (d) be added as follows:

(d) That the 10,000 square metres allocated for employment floor space be increased to 40,000 square metres as originally proposed within the Allocations and Infrastructure Development Plan adopted in 2010.

Following debate, Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 18.4:

“THAT the vote in respect of this **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **AMENDMENT**: Councillors Mrs E M Andrews, R M Deed, R J Dolley, D J Knowles, F W Letch, Mrs J Roach, J L Smith, T W Snow, L D Taylor, N A Way, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **AMENDMENT**: Councillor: Mrs H Bainbridge, 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, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire and Mrs M E Squires.

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

Councillor Mrs N Woollatt **MOVED** a **FURTHER AMENDMENT** seconded by Councillor R J Chesterton that resolution (d) be added to the original recommendation as follows:

The inclusion of the following wording: at (d): That officers work with the owner of land allocated within the western side of the NW Cullompton urban extension to assist him masterplanning his land as an addendum to the existing masterplan document.

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

The Council had before it a questions* submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 12.2(1) together with responses from the Head of Finance.

Councillor Mrs N Woollatt asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) regarding whether any other schemes were available to compensate residents of St Georges View during the construction period.

The Head of Finance stated that he could not find any precedents.

Note:-

- (i) Councillor Mrs J Roach requested that her vote against the final decision be recorded;
- (ii) * Questions and responses circulated at the meeting, copy attached to minutes.

123 **Cabinet Report - 11 February 2016 (1-31-35)**

The Leader presented the report of the meeting of the Cabinet held on 11 February 2016.

Arising thereon:

The Council had before it a question with regard to Minute 138 (Clinical Waste)* submitted by Councillor J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Leader. Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) whether colostomy bags and catheters could be put in general waste or whether this was clinical waste.

The Head of Finance suggested that consultation would take place with all users of the clinical waste scheme including health providers. With regard to whether colostomy bags and catheters were clinical waste he would ask that the Waste and Transport Manager to provide a written response.

(1) Cullompton Article 4 Direction Review (Minute 147)

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

THAT the recommendation of the Cabinet as set out in Minute 147 be **ADOPTED**.

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

(2) Corporate Plan (Minute 149)

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

THAT the recommendation of the Cabinet as set out in Minute 149 be **ADOPTED**.

Following clarification that the informative note did not form part of the recommendation; Councillor Mrs Roach withdrew her amendment.

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 J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Leader.

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

(3) Budget (Minute 151)

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

THAT the recommendation of the Cabinet as set out in Minute 149 (a) – (g) be **ADOPTED**.

Councillor N A Way **MOVED** an **AMENDMENT** seconded by Councillor R Wright that an additional resolution be added to Minute 151 "Subject to the car parking charges in the three main towns continuing at the current level and that this be funded by abolishing the posts of Tiverton Town Centre Manager and Market Manager saving £90k (including on costs). The remaining balance of circa £53k to be taken from

general reserves and that the Pannier Market operation should move to a trader self-regulated or co-operative model”.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“THAT the vote in respect of the **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: F W Letch, Mrs J Roach, L D Taylor, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors Mrs E M Andrews, Mrs H Bainbridge, 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, D J Knowles, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire and Mrs M E Squires

Those **ABSTAINING** from voting: Councillors: R M Deed, R J Dolley, Mrs S Griggs, J L Smith, T W Snow and Mrs N Woollatt.

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

Councillor N A Way **MOVED** a **FURTHER AMENDMENT** seconded by Councillor F W Letch that an additional resolution be added to Minute 151 “Subject to the Market Street office in Crediton continuing to operate and funded by taking its operational costs of £81k from general reserves”.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“THAT the vote in respect of this **AMENDMENT** shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: F W Letch, L D Taylor, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, Mrs J B Binks, R J Chesterton, C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, W J Daw, R M Deed, Mrs G Doe, R J Dolley, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, Mrs J Roach, C R Slade, Miss C E L Slade, Mrs E J Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillor F J Rosamond.

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

The Chairman **MOVED** in accordance with Procedure Rule 18.7:

“THAT the vote in respect of the original recommendation shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire and Mrs M E Squires.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs J Roach, J L Smith, L D Taylor, N A Way, Mrs N Woollatt and R Wright.

Those **ABSTAINING** from voting: Councillors: R J Dolley and F W Letch.

The **MOTION** was declared to have been **CARRIED**.

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

Note:

- (i) Cllrs F W Letch and N A Way declared personal interests as Members of Crediton Town Council;
- (ii) *Questions previously circulated, copy attached to signed minutes.

(4) Capital Programme (Minute 152)

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

THAT the recommendation of the Cabinet as set out in Minute 152 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 18.7:

“THAT the vote in respect of this item shall be by Roll Call”

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

Those voting **FOR** the **MOTION**, Councillors: Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, R J Dolley, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, B A Moore, R F Radford, Mrs J Roach, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**: None

Those **ABSTAINING** from voting: Councillors: F W Letch, L D Taylor, N A Way, R Wright

The **MOTION** was declared to have been **CARRIED**.

(5) Establishment (Minute 153)

The Leader **MOVED**, seconded by Councillor Mrs M E Squires:

THAT the recommendation of the Cabinet as set out in Minute 153 be **ADOPTED**.

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

Informative Note: that a further report with regard to staffing issues be brought before the Scrutiny Committee within 6 months.

The Council had before it questions* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with responses from the Cabinet Member for the Working Environment and Support Services. Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 12.2(6)(a) if sickness was being managed, why were so many agency staff being used and why are we are telling everyone that we are reducing staffing costs when actually we have more staff compared to the previous year.

The Head of H R and Development stated that agency workers were used to cover sickness and holidays in the waste service. Several fixed term contracts were in place for specific projects, once the projects were completed the staffing numbers would reduce.

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

(6) Policy Framework (Minute 154)

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

THAT the recommendation of the Cabinet as set out in Minute 154 be **ADOPTED**.

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

124 Council Tax Resolutions 2016/2017 (3.00)

The Chairman **MOVED**,

“THAT the Council Tax for 2016/17 be increased by 2.74% being £187.15 (in accordance with the revised referendum limit ability of £5.00 per Band D property)”

With regard to the draft Council Tax resolution in respect of the year 2016/17.

The Chairman **MOVED** the resolutions to confirm the requirement from the Collection Account for the year 2016/17.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“THAT the vote in respect of this item shall be by Roll Call”

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

Those voting **FOR** the **MOTION**: Councillors: Mrs H Bainbridge, 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, R M Deed, Mrs G Doe, C J Eginton, R Evans, S G Flaws, Mrs S Griggs, P H D Hare-Scott, P J Heal, T G Hughes, D J Knowles, F W Letch, B A Moore, R F Radford, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires, L D Taylor, N A Way and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs J Roach and J L Smith

Those **ABSTAINING** from voting Councillor: R J Dolley.

The **MOTION** was declared to have been **CARRIED** and it was accordingly:-

RESOLVED that the recommendations within the report be approved.

Note: *Report previously circulated, copy attached to signed minutes

125 Scrutiny Committee Report - 25 January 2016 (3-03-22)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 25 January 2016.

126 Scrutiny Committee - Report 22 February 2016 (3-04-40)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 22 February 2016.

Councillor Mrs J Roach had reserved the right to ask a question with regard to the contents of this meeting (Procedure Rule 12.2(1) did not apply as the meeting had taken place following the deadline for written questions). She raised concern regarding the content of the enforcement report and whether the detail in the Part II section had been necessary.

The Chairman of Scrutiny replied stating that the Chief Executive had been tasked to look at the issue of Planning Enforcement.

127 Audit Committee - Report - 19 January 2016 (3-12.09)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 January 2016.

128 Managing the Environment Policy Development Group - Report - 12 January 2016 (3-13-24)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 12 January 2016

129 **Decent and Affordable Homes Policy Development Group - Report 26 January 2016 (3-14-11)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 26 January 2016.

130 **Community Well-Being Policy Development Group - Report 2 February 2016 (3-14-46)**

The Vice Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 2 February 2016

131 **Planning Committee - Report - 13 January 2016 (3-15-41)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 January 2016.

132 **Planning Committee - Report 10 February 2016 (3-16-28)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 10 February 2016.

133 **Standards Committee - Report - 3 February 2016 (3-17-14)**

(1) Constitution

The Chairman of the Standards Committee **MOVED**, seconded by Councillor N V Davey:

“THAT the recommendation of the Standards Committee as set out in Minute 15 be **ADOPTED”**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor R M Deed: **THAT:-** Minute 15 be amended as follows: That the draft Constitution be approved subject to the removal of the last paragraph on page 30 commencing ‘The caveat’.

Following debate and upon a vote being taken, the **AMENDMENT** was declared to have **FAILED**.

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

Note: Councillor R J Dolley requested that his abstention from voting be recorded

134 **Revised Date for the Annual Council Meeting 2016 (3-23-15)**

The Council had before it a recommendation regarding a proposed amendment to the date of the Annual Meeting.

The Chairman **MOVED**, that the date of the Annual Council Meeting be moved from Wednesday 4 May 2016 to Tuesday 10 May 2016 (due to staff resource and room

availability for the Police and Crime Commissioners (PCC) Election taking place on 5 May 2016).

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

135 **Ungrouped Vacancies - Planning Committee (3-24-08)**

Following the resignation of Councillors R J Dolley and J L Smith from the Planning Committee, it was necessary to fill the vacancies with Members of the Ungrouped.

Following discussion, no proposals were put forward.

136 **Heart of the South West Formal Devolution Bid (3-38)**

The Council had before it a * report of the Chief Executive requesting Members to formally consider and agree the prospectus for a devolution bid for the Heart of the South West to be submitted to central Government.

The Leader outlined the contents of the report.

Consideration was given to the process following approval of the bid.

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

- a) The submission to be presented to Government as an invitation to commence further discussions as necessary be endorsed.
- b) The Leader of the Council and the Chief Executive be given delegated authority to continue further discussions as necessary.

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

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

Notes:

- i) * Report previously circulated, copy attached to minutes;
- ii) * Questions and responses circulated at the meeting, copy attached to minutes.

137 **Questions (3-48)**

There were no questions submitted under Procedure Rule 12.2.

138 **Questions to Cabinet Members (3-48)**

There were no questions to Cabinet Members.

139 **Members Business (3-49)**

- a) The Leader informed Council that the State of the District Debate would take place on Wednesday 25 May 2016, in the Town Hall, Tiverton. The subject of the debate would be Rural versus Urban funding.
- b) Councillor N A Way stated that at the County Council meeting last week, it was agreed that lollipop people would no longer be funded; this would impact on 8 schools across the district. The subject would be further discussed at County Council Scrutiny in March.

Amendments and Written Questions

(The meeting ended at 10.03 pm)

CHAIRMAN

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 24 FEBRUARY 2016

AMENDMENTS

1. Cabinet – 28 January 2016

Minute No: 130

Heading: MASTERPLAN – CULLOMPTON NORTH WEST URBAN EXTENSION

Amendment submitted by Councillor: Mrs N Woollatt

The inclusion of item (d)

(d) That the 10,000 square metres allocated for employment floor space be increased to 40,000 square metres as originally proposed within the Allocations and Infrastructure Development Plan adopted in 2010.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a. Subject to additional text, in respect of parking and shared surface requirements, the North West Cullompton Supplementary Planning document be adopted;
- b. That delegated authority be granted to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to make any minor text changes;
- c. That concerns over parking and the flow of traffic on Swallow Way (Kingfisher Reach) be raised in writing with Devon County Council and that solutions be requested urgently.

(d) That the 10,000 square metres allocated for employment floor space be increased to 40,000 square metres as originally proposed within the Allocations and Infrastructure Development Plan adopted in 2010.

2. Cabinet – 28 January 2016

Minute No: 130

Heading: MASTERPLAN – CULLOMPTON NORTH WEST URBAN EXTENSION

Amendment submitted by Councillor: Mrs N Woollatt

The inclusion of the following wording: at (d)/(e): That officers work with the owner of land allocated within the western side of the NW Cullompton urban extension to assist him masterplanning his land as an addendum to the existing masterplan document.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a. Subject to additional text, in respect of parking and shared surface requirements, the North West Cullompton Supplementary Planning document be adopted;
 - b. That delegated authority be granted to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Regeneration to make any minor text changes;
 - c. That concerns over parking and the flow of traffic on Swallow Way (Kingfisher Reach) be raised in writing with Devon County Council and that solutions be requested urgently.
- d/e. That officers work with the owner of land allocated within the western side of the NW Cullompton urban extension to assist him masterplanning his land as an addendum to the existing masterplan document.
-

3. Cabinet - 11 February 2016

Minute No: 149

Heading: CORPORATE PLAN

Amendment submitted by Councillor: Mrs J Roach

To approve the Corporate Plan, subject to the removal of the informative note.

Given that the Scrutiny minute was incorrectly recorded (Cabinet page 88,d) that the Cabinet should reconsider their position in relation to the actual recommendation of Scrutiny. This was 'Examine the structure in the context of the corporate plan and the financial situation in the Council.'

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

The Corporate Plan for 2016-2020 be approved.

4. Cabinet - 11 February 2016

Minute No: 151

Heading: BUDGET

Amendment submitted by Councillor: N A Way

Council recognises cuts in funding from central government have placed a further tremendous burden on the people of Mid Devon and notes that services are being cut, while Council Tax is increasing to help meet the shortfall.

We welcome the unexpected increased level of rural services delivery grant and also the award of a transition grant improving our budget position by 383k in total.

Within our rural low waged area, justifiably concerns are being expressed by local residents, workers and traders regarding the proposed increase in car parking charges to obtain an additional sum of £142,758:

This amendment asks council to request that Cabinet reconsider its proposal to increase car parking charges in our three main market towns and to continue with the current level of charges.

This can be funded by: abolishing the posts of Tiverton Town Centre Manager and Market Manager saving £90k (including on costs). The remaining balance of circa £53k to be taken from general reserves. The Pannier Market operation should move to a trader self-regulated or co-operative model.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a) Council Tax be increased by 2.74% to £187.15 (in accordance with the revised referendum limit ability of £5.00) and,
- b) General Fund budget for 2016/17 be approved.
- c) The 2016/17 budget requires no transfer from the General Fund Balance.
- d) The General Fund Budget required a temporary transfer of £326k from New Homes Bonus reserve after the changes announced in the Grant Settlement on 9 February 2016.
- e) HRA budget for 2016/17 be approved – Appendix 3.
- f) HRA fees/charges are approved based on the attached schedule shown as Appendix 4.
- g) Work on strategic planning for delivering balanced budgets in the future be commenced with the new draft Corporate Plan.

Subject to the car parking charges in the three main towns continuing at the current level and that this be funded by abolishing the posts of Tiverton Town Centre Manager and Market Manager saving £90k (including on costs). The remaining balance of circa £43k to be taken from general reserves and that the Pannier Market operation should move to a trader self-regulated or co-operative model.

5. Cabinet - 11 February 2016

Minute No: 151

Heading: BUDGET

Amendment submitted by Councillor: N A Way

Council recognises the importance to the community at Crediton and its surrounding area of retaining the Market Street office and wishes it to continue to operate.

This can be funded by taking its operational costs of £81k from general reserves.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a) Council Tax be increased by 2.74% to £187.15 (in accordance with the revised referendum limit ability of £5.00) and,
- b) General Fund budget for 2016/17 be approved.
- c) The 2016/17 budget requires no transfer from the General Fund Balance.
- d) The General Fund Budget required a temporary transfer of £326k from New Homes Bonus reserve after the changes announced in the Grant Settlement on 9 February 2016.
- e) HRA budget for 2016/17 be approved – Appendix 3.
- f) HRA fees/charges are approved based on the attached schedule shown as Appendix 4.
- g) Work on strategic planning for delivering balanced budgets in the future be commenced with the new draft Corporate Plan.

Subject to the Market Street office in Cridton continuing to operate and funded by taking its operational costs of £81k from general reserves.

6. Standards Committee – 3 February 2016

Minute No: 13

Heading: CONSTITUTION – Article 10

Amendment submitted by Councillor: Mrs J Roach

Page 30 of the Constitution, Paragraph following point 10. Delete the whole paragraph commencing 'The caveat'

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

That the draft Constitution be approved subject to the removal of the last paragraph on page 30 commencing 'The caveat'.

WRITTEN QUESTIONS

1. WRITTEN QUESTIONS (1) – PREVIOUS MEETING

Questions submitted by Councillor Mrs J Roach and the response of the Cabinet Member for the Environment

In my written question (page 55) I was assured that the council would publicise that discounted permits would be available/considered on request. The current car parking consultation does not show that such permits are available. The Council's auditor had also stated that this information should be made available to the public. Is this an oversight?

RESPONSE

Within the new Off-Street Parking Places Order 2016, section 7, under permits, note 4, it states that discounts for the bulk purchase of permits will be considered. Once the proposed permit values are finally agreed (after the consultation process has ended) we will ensure that we include reference to the ability for customers to have such a request considered.

2. CABINET – 14 JANUARY 2016

Min No 120 – CAR PARKING PROPOSALS

Question submitted by Councillor Mrs N Woollatt and the response of the Cabinet Member for the Environment

- a) The Cabinet's decision relating to car parking charges was called in to Scrutiny and the Cabinet subsequently asked to review their decision. One of the reasons for the call in was that there were inconsistencies in the charging structure.

I am dismayed therefore to see that The Schedule which has been published for public consultation still contains inconsistencies.

Bearing in mind that the 'Notes for the Schedule' state "If the required tariff overlaps between day and night charges the meter can be fed" ... please can it be explained how the day rate of £2 for up to 10 hours and the night rate of £1 for up to 14 hours equates to the £5 quoted in the schedule for 24 hours at High Street, Crediton and Station Road, Cullompton car parks?

RESPONSE

Within the Schedule we have included an example showing how a meter can be "fed" if a customer wants to purchase parking that spans both the daytime and night time periods (and was only intended to be available for short stay car parks). The 24 hr tariff available at High St, Crediton and Station Rd, Cullompton gives customers the choice of purchasing a precise amount of parking time – that will give them the maximum available stay – and they will not need to return to their vehicle until the end of that period.

- b) There is another inconsistency in The Schedule which appears not have been addressed. Please can it be explained how we can have a charge for up to 14 hours when the maximum stay is listed as 10 hours?

RESPONSE

Apologies this typo was not spotted until after the Schedule had been published – after the consultation process has been concluded we will ensure that the maximum stay periods for Market St and High St correctly show 14hrs – as per the 2 preceding columns of the Schedule.

3. CABINET – 28 JANUARY 2016

Min No 130 – MASTERPLAN – CULLOMPTON NORTH WEST URBAN EXTENSION

Question submitted by Councillor Mrs N Woollatt and the response of the Head of Finance

At the Cabinet meeting of 28th January, the Head of Finance was tasked to do some research and report back before the next meeting of full Council as to whether there were any schemes such as a reduction in council tax or any other compensation schemes which might be available to compensate the residents of St George's View for the inconvenience, disruption and negative effect on house prices that will result from using their currently quiet cul de sac as a temporary access route to open up part of the Cullompton NW Extension site for development.

Is the Head of Finance in a position to report back on his investigations?

RESPONSE

The Head of Finance agreed to report back to Full Council when the NW extension report would be considered.

Council Tax legislation has no provision for compensation. As Council Tax is based on property valuations assessed by the District Valuer, the residents could contact the District Valuation Office, based in Exeter, who may consider a temporary reduction in value of these properties, after full consideration of all the prevailing issues.

4. CABINET – 11 FEBRUARY 2016

Min No 138 – CLINICAL WASTE

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

Have the district/community nurses been consulted in relation to the changes in relation to clinical waste?

Have the healthcare providers been consulted to see if they would be prepared to contribute

directly to MDDC so that this excellent service for the collection of all clinical waste can continue? Surely this would be more cost effective than individual arrangements and more conducive in the long term of protecting public health?

RESPONSE

This will form part of the consultation process and was specifically referred to in part c of the recommendations. Any financial contributions will be discussed as part of this consultation process. This consultation is due to commence in the next few months.

5. CABINET – 11 FEBRUARY 2016

Min 149 – CORPORATE PLAN

Question submitted by Councillor Mrs J Roach and the response of the Leader

What was the cost of the consultation on the corporate plan?
Is the receipt of 150 responses perceived as a successful outcome?

The statement that the vision of Mid Devon is "Making the most of Mid Devon" could be seen to be negative and could imply that we are making the most of a bad job. Were any more positive statements considered?

RESPONSE

The cost to the Council in terms of money was zero (no cost other than what was already in the budget) but there was a small amount of officer time involved. Data from the survey was collected using Survey Monkey.

The Consultation was sent to:

Citizens Panel – this was scheduled correspondence with the citizens panel (we send three questionnaires to them a year and 60% online and 40% clean mail postage – included in the consultation budget)

Published on our website

Sent to all staff via the Link

Emails sent to all of our contact groups – business groups, Town and Parish Councils, voluntary and community groups and key partners.

In terms of responses, whilst 150 might not sound very many this is a marked improvement to the number that we received for the last Corporate Plan, which was approximately 40 responses

A number of statements were considered for the mission statement but they were felt to be too long and cumbersome. Therefore the decision was made to go for the succinct statement of "Making the most of Mid Devon". In terms of consultation more people liked it than disliked it and there were no suggestions for changing the mission statement that hadn't already been considered.

6. CABINET – 11 FEBRUARY 2016

Min 151 – BUDGET

Question submitted by Councillor Mrs J Roach and the response of the Leader

Does the Leader of the Council agree with me that the Council will not be able to continue in its present form without taking serious action to resolve the financial disaster predicted for 2020?

RESPONSE

The Council has successfully managed against a backdrop of substantial funding cuts delivered by Central Government of circa £2.5m from 2010/11 – 2015/16. It has continued to provide a wide range of services throughout this period – and has actually managed to improve outcomes/performance across a range of services during this period. This highlights our continued drive to “do more with less” and improve efficiency wherever possible (including looking into more commercial opportunities).

Now we are in receipt of a provisional 4 year Grant Settlement, which indicates the removal of £1.7m of Revenue Support Grant by 2020, the future will continue to be very challenging for the Council (even without the added complication of the current consultation on both New Homes Bonus and Business Rates) – but we have a demonstrable track record of managing with less Government funding – and yes we will have to explore more new opportunities that will include, greater risk coupled to more commercial activities, increased partnering, changes to service delivery, maximisation of income, etc. But this will be need to be carried out with sensitivity to local needs and we will continue to maintain an ongoing dialogue with residents and businesses to ensure we continue to provide quality services within the funds we have available.

7. CABINET – 11 FEBRUARY 2016

Min No 153 - ESTABLISHMENT

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for the Working Environment and Support Services

a) What is the total number of fte staff on the establishment for this year and last year?

RESPONSE

As at 22 February 2015 = 361 FTE

As at 22 February 2016 = 406 FTE

b) How many hours of agency staff have been paid in relation to waste services, recycling services, customer first and housing? What was the total cost of agency staff in the last financial year and what is the cost to date?

RESPONSE

Total agency costs to date for 14-15 £197,948.00

Waste £53,234.00

Recycling £62,219.00

Customer First £5,518.00

Housing £15,440.00

Total Agency costs for 15-16 £260,572.00

Waste £56,376.00

Recycling £68,521.33

Customer First £5,976.00

Housing £11,493.00

Please note that £40k of the costs in Waste and Recycling above are in relation to the new waste scheme.

c) Hours worked by agency staff are kept within the service departments and not held centrally by Finance or HR. This information is not readily available within the timescale given but can be collated if required at a later date.

How many posts were made redundant in the last year?

RESPONSE

Between 22 Feb 2015 – 22 Feb 2016 = 9

d) The establishment shows a post of press and reputation manager. I was under the impression that the postholder was made redundant.

RESPONSE

The post of Communications and Reputations Manager was removed from the Establishment on 12 February 2016.

8. AGENDA ITEM 13 – DEVOLUTION

Question submitted by Councillor Mrs J Roach and the response of the Leader

What is the cost of the devolution bid? What is the predicted cost of the creation of and the subsequent running of a combined authority? The Government states that devolution has to be cost neutral. How can the creation of another tier be cost neutral? Has any local government or health reorganisation ever resulted in reducing costs? This appears to be an underlying principle of the devolution bid which cannot be upheld with valid evidence.

I believe that devolution is a backdoor way of bringing about local government reorganisation. What is the Leader's view on this comment?

When does the council intend to consult and inform the residents of Mid Devon to seek their views on this bid?

Is there any truth in the rumour that each devolved area will be having a directly elected Mayor?

RESPONSE

The cost of developing the bid has largely been manifested in officer and member time rather than as a cashable cost to Mid Devon, with the exception of an initial £5k contribution to the project team pulling the prospectus together. Much of the time spent in discussion on the devolution prospectus is time that could normally be expected to be spent on cross-border discussion with our strategic partners, therefore the cost to Mid Devon at this point is considered minimal.

Government statements around cost neutrality are part of the ongoing devolution debates; the starting point for central government is that they don't expect additional costs as a result of agreeing to devolve decision-making to local levels. This leads on to the query around Combined Authorities; rather than an extra tier of government, this is best thought of as a strategic entity, required for the localising of power/decision-making, bringing a focal point to the Heart of the South West 'conversation' - working on behalf of its constituent councils to face into central government as well as driving change, productivity and growth across a strategic geography.

On the question of reorganisation delivering savings, I think there is a case to say that while reorganisation can indeed deliver savings in and of itself, the greater prize is that of productivity gain. Whether this is in the case of procurement synergy, sector stimulation, or infrastructure investment, there are a number of areas in the devolution prospectus that will enhance our chances and opportunity in Mid Devon.

Local government reorganisation has repeatedly been denied as an 'on the table' issue by central government, and while they are keen to have the mayoral model in city regions as part of the pre-requisite for devolution, in shire areas this does not appear to be mandatory (witness the Cornwall 'deal'). Your comment 'that devolution is a backdoor way of bringing about local government reorganisation', is not a position that I agree with. I do not believe that central government has any appetite to force local government down a reorganisation route in this area, when there appears to be little support for it from the constituent authorities.

Finally, part of the reason for bringing this paper to full council was to ensure transparency around the prospectus submission. There is no formal opportunity to consult residents on the prospectus; as the report notes, this is the culmination of a substantial amount of inter-authority negotiation across the HotSW area over the last few months, and with amendments to legislation being promoted to ensure that such deals can be done even without the support of every individual authority, it is important to have the open and transparent debate at full council while recognising that no changes can be made to the prospectus submission at this stage.

9. – AGENDA ITEM 10 – SCRUTINY MINUTES 22 FEBRUARY

Councillor Mrs Roach has reserved the right to ask questions of the Scrutiny Minutes 22 February (the minutes had not been published in time for the close of written questions 12 noon Monday 22 February)

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