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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 14 December 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs H Bainbridge, K Busch, R J Chesterton,
Mrs C Collis, Mrs F J Colthorpe, D R Coren,
N V Davey, Mrs C P Daw, Mrs G Doe,
R J Dolley, J M Downes, C J Eginton,
R Evans, S G Flaws, Mrs S Griggs,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, 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 and R Wright

Apologies

Councillors

Mrs E M Andrews, Mrs A R Berry,
R M Deed, D J Knowles, Mrs J Roach,
T W Snow and Mrs N Woollatt

95 **Apologies**

Apologies were received from Councillors: Mrs E M Andrews, Mrs A R Berry, R M Deed, D J Knowles, Mrs J Roach, T W Snow and Mrs N Woollatt.

96 **Minutes**

The minutes of the meeting held on 26 October 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 1 December 2016 were agreed as a correct record and signed by the Chairman.

97 **Chairman's Announcements**

The Chairman had the following announcements to make:

1. He and the Leader had visited the Royal Mail sorting office in Crediton the previous morning and had passed on the thanks of the Council for the work that they do for the community.
2. He reminded Members that there was a Christmas reception for staff the following day and he all encouraged all Members to attend to meet and thank the staff.

98 **Public Question Time (00:05:17)**

Honorary Alderman Lucas, referring to item 6 on the agenda, Motion number 528, noted that the notes of the last Environment Policy Development Group meeting on 8 November 2016, page 126, in respect of Motion 529 states that waste currently landfilled at Broadpath will from April 2017 be sent to the Exeter Energy from Waste Plant. Can we be informed as to how the extra mileage and journey time will affect collections within the district as usage of vehicles on this longer route will by its nature increase down time of both vehicles and men? These journeys will add extra cost to the waste and recycling budget so how will this be budgeted and does MDDC receive any monetary rewards from either Exeter Energy from Waste or Devon County to recover costs? I do know that talks were ongoing in 2015 and would like to have an update. Also, Motion 530, I would like to think that Council will support this Motion and in so doing will look again at current planning policy regarding the involvement and weight given to Parish Councils comments on either applications advisory stage or prior to approval or planning committee stage. I make that plea based on the negative approach taken by the planning department in respect of Sampford Peverell Parish Council who still await official papers or acknowledgement relating to the revised local plan when the first indication of an extra 60 houses was only imparted to them by the developer at a presentation by them to the Parish Council. I would like to think that someone would look at that policy, and I reiterate what I said last week, Parish Councils are vital to you as a full council because they are the ears and eyes of this community and they mean a lot to me and I hope they mean a lot to you.

Cllr Ray Radford answered the question, by confirming that the costs had been worked out, we had to give up the site in Tiverton and these premises were ideal for waste. The cost has been calculated and the rewards that we will get when it goes to Exeter Incinerator will pay for the costs of transfer. He offered to provide further clarification.

Honorary Alderman Lucas asked about the down time on the vehicles and men if they were travelling to Exeter on a daily basis.

The Chairman explained that the amount of downtime would be less, there were two places to tip, it was an efficient operation and it would be a combination of efforts between ourselves and Devon County Council and it would be 'tip top'.

Cllr Radford also confirmed that there would be income for the building and the Chairman referred to it as joined up thinking. Recycling was going well and was at 56% which is up from 48%.

Mr Frank Walsh referred to a planning application on Church Street, Tiverton, which had requested permission for a food outlet. Mr Walsh said that the residents had a meeting with the people that bought this and that they insisted that no way would they ever want a trade licence and nor would they apply for one but the Council gave it to them. We have had problems at the back as there had been problems with bins and the residents don't want people up and down the back.

The Chairman stated that a written response would be supplied.

Mr Ian Collis said regarding the Planning department, I recently had a complaint at stage 1 regarding the Planning departments handling of a planning application in the Calverleigh area. How can an officers report say that the development they approve will significantly alter the character of an existing property and at the same time say the property has no character worth retaining when planning policy's like DM13 state that extensions to existing dwellings will be permitted if they respect the existing character. Only after the second planning application and after development had begun and the original character of the building had been stripped away did the planning department start to mention that the existing character on a property was actually now being respected. How can a bungalow be turned into a two storey home and be allowed changes in land use when policies state that changes in land use, agricultural practices and developments are all threats to the quality of Mid Devon's environment and it goes on to say that developments outside of the settlements, defined by COR 13 to COR 17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. This has simply not been the case with the development.

Cllr Richard Chesterton said that it was not a particular property that he was aware of and he would have to look at this and respond in writing. He asked if it had been escalated to stage 2 and this was confirmed. Jill May said that it would need to go through the complaints procedure but a written response from officers would be requested.

Sally Bibb referring to 12 Church Street said she had lived in Tiverton all her life and had a great respect for the Council. However she said someone had made a mistake. She said I live next door to 12a Church Street which is being given a food licence and it will ruin our lives. I am begging you to change your minds, its making my husband ill. We have tried talking to the people that own the building but they don't want to know, they are just interested in money. I know we all have to live but I would think there could be a compromise somewhere. More than happy with them having a shop but please not a food outlet. There are 19 food outlets just in Westexe alone and we don't need anymore.

The Chairman stated that this would be answered in writing.

99 **Petitions (00:18:25)**

There were no petitions from members of the public.

100 **Notices of Motions (00:18:30)**

1) Motion 528 (Councillor P J Heal – 10 August)

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

That the Council investigates the provision of an elasticated net system for use on recycling boxes to prevent light materials such as plastics and cardboard being blown out and casing litter.

The Policy Development Group at its meeting on 8 November had considered the proposal and recommended that it not be supported.

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

2) Motion 529 (Councillor Mrs C A Collis – 17 August 2016)

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

That the Council investigates joint working with other Councils to recycle soft plastics such as polythene and film and to avoid putting these non- degradable items into landfill. This will benefit the environment for future generations and expand on the recycling that Mid Devon is already doing so well.

The Policy Development Group at its meeting on 8 November had considered the proposal and recommend that it not be supported.

Following discussion at the Policy Development Group, Councillor Mrs C Collis chose to withdraw the **MOTION**, this was **AGREED**.

3) Motion 530 (Councillor R L Stanley and R J Chesterton – 19 September 2016)

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

In order to allow a new, productive future for certain agricultural buildings permitted development rights have been extended allowing for their use to change without planning permission in certain instances. Procedures allow for local consultation but do not currently recognise a need to consult with Parish Councils. Local communities as represented through Parish Councils, are well placed to identify the likely impacts of proposals and could be identified as a required consultee. Impacts may be cumulative where there is a concentration of proposals within a small area and it is considered that the permitted development rights could be worded to recognise cumulative effects. It is requested that Council write to the Minister to bring these issues to his attention and request that he amend the General Permitted Development Order accordingly.

The Cabinet at its meeting on 1 December had considered the proposal and recommended that it be supported.

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

4) Motion 531 (Councillor T W Snow – 17 November 2016)

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

That as MDDC owns the land at Station Yard that we investigate and develop this land for our own local Council housing needs. This would help the extreme

housing needs of our local residents as the cost of any houses built be reduced by having no land purchase cost involved.

That our MP be kept informed in order to support this motion.

The **MOTION** was **MOVED** by Councillor F J Rosamond (in Councillor T W Snow's absence) and seconded by Councillor R Wright. In accordance with Procedure Rule 14.4 the Chairman had ruled that this **MOTION STAND REFERRED** to the Homes Policy Development Group.

5) Motion 532 (Councillor D R Coren – 5 December 2016)

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

That this council lobby the Government's Environment, Food and Rural Affairs Committee to work diligently and quickly to seek a more effective and sustainable flood protection policy by looking at the use of natural systems such as leaky dams, tree planting and improved soil management and seek to support the creation of a new English Rivers and Coastal Authority to take over responsibility of the threat of flooding from the Environment Agency.

The **MOTION** was **MOVED** by Councillor D R Coren and seconded by Councillor P J Heal. In accordance with Procedure Rule 14.4 the Chairman had ruled that this **MOTION STAND REFERRED** to the Environment Policy Development Group.

101 Cabinet - Report of the meeting held on 27 October 2016

Cabinet Report – 27 October 2016

The Leader presented the report of the meeting of the Cabinet held on 27 October 2016.

1. Public Health Strategy Action Plan for 2016-19 (Minute 83)

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

THAT the recommendation of the Cabinet as set out in Minute 83 be **ADOPTED**.

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

102 Cabinet - Report of the meeting held on 1 December 2016

The Leader presented the report of the meeting of the Cabinet held on 1 December 2016.

1. Council Tax Reduction Scheme (Minute 104)

The Leader **MOVED**, seconded by Councillor B A Moore :

THAT the recommendation of the Cabinet as set out in Minute 104 be **ADOPTED**.

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

2. Tax Base Calculation (Minute 105)

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

THAT the recommendation of the Cabinet as set out in Minute 105 be **ADOPTED**.

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

103 Scrutiny Committee - Report of the meeting held on 12 December 2016

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 December 2016.

104 Audit Committee - Report of the meeting held on 22 November 2016

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 22 November 2016.

105 Environment Policy Development Group - Report of the meeting held on 8 November 2016

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 8 November 2016.

106 Homes Policy Development Group - Report of the meeting held on 15 November 2016

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 15 November 2016.

107 Economy Policy Development Group - Report of the meeting held on 17 November 2016

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 17 November 2016.

108 Community Policy Development Group - Report of the meeting held on 29 November 2016

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 29 November 2016.

109 Planning Committee - Report of the meeting held on 2 November 2016

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 November 2016.

110 **Planning Committee - Report of the meeting held on 30 November 2016**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 30 November 2016.

111 **Regulatory Committee - Report of the meeting held on 11 November 2016**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 11 November 2016.

112 **Appointment of Independent Person/s**

The Council had before it a recommendation from the Director of Corporate Affairs and Business Transformation and Monitoring Officer to appoint Mr John Smith and Mr David Williamson as the Independent Persons for Mid Devon District Council. A further recommendation was made that each Independent Person receive a remuneration of £500 per annum.

The Chairman **MOVED** that the recommendations be **ADOPTED**.

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 13.2 together with responses from the Director of Corporate Affairs and Business Transformation (Monitoring Officer).

Note: * Questions and responses previously circulated; copy attached to the minutes.

113 **Questions**

There were no other questions submitted under Procedure Rule 13.2.

114 **Questions to Cabinet Members**

There were no questions to Cabinet Members.

115 **Members Business**

1. Councillor D R Coren stated that the Devon Federation of Young Farmers had recently moved into a building in Cheriton Bishop and were settling in well and very happy with their new location.
2. Councillor R J Dolley referred to the recent accident on the Link Road where a car transporter had tipped over. Whilst the road had been cleared very quickly it did underline the traffic problems in Willand and Halberton when there was a need for a diversion away from the Link Road. He wondered whether there could be some sort of early warning system for staff travelling to Phoenix House should such a diversion happen first thing in the morning.
3. Councillor F J Rosamond stated that Tap Fund money had been used in the parishes of Hemyock, Culmstock and Clayhidon to purchase some defibrillators and 60 local people had attended a training session in the use of

this equipment. He stated that this represented good use of a Tap Fund allocation.

4. The Chairman wished all those present a very Happy Christmas.

Written Questions - Full Council 14 December 2016

(The meeting ended at 7.00 pm)

CHAIRMAN

Minute Annex

WRITTEN QUESTIONS –FULL COUNCIL

14 DECEMBER 2016

1. INDEPENDENT PERSON - AGENDA ITEM 8

Questions submitted by Councillor Mrs J Roach and the response of the Director of Corporate Affairs and Business Transformation (Monitoring Officer)

1. For the record, can the monitoring officer confirm that it is a legal requirement that the council has an independent person to support the complaints process?

Response:

Yes I can confirm that it is a legal requirement that the council has an independent person to support the complaints process.

2. Can the monitoring officer also confirm that the MDDC was in breach of the law during the period it had no independent person?

Response:

I can confirm that MDDC did not comply with the legal requirement during the period when it had no independent person.

3. How many people were investigated during the period that the council was without an Independent Person?

Response:

Two people were investigated during the period that the Council was without an Independent Person.

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