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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 22 February 2017 at 6.00 pm

Present

Councillors

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

Apologies

Councillors

Mrs E M Andrews and R F Radford

123 Apologies

Apologies were received from Councillors Mrs E M Andrews and R F Radford.

124 Minutes

The minutes of the meeting held on 14 December 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 5 January 2017 were agreed as a correct record and signed by the Chairman.

125 Chairman's Announcements

The Chairman reminded those present that he was holding his annual Civic Church Service on Sunday 12th March at St. Andrews Parish Church in Cullompton. All Members were welcome to attend both the church service and the tea afterwards in the Community Centre. He hoped that as many as possible would be able to come and support both he as Chairman and the local community.

126 Public Question Time

Michael Szabo from Crediton Town Council asked a question about a lack of car parking spaces in Crediton and the fact that a situation had arisen in the town recently where one large good sized business which is located on the main road right next to Newcombes Meadow park, called The Bike Shed, has acquired the Mole

Avon site at the other end of town and wanted to ask would this Council consider opening exploratory talks with the owner of The Bike Shed with the idea of possibly buying the site, converting it to a car park, which easily has room for at least 60 spaces plus and thereby earning some revenue for this Council and of course providing car parking spaces for the people across Crediton?

The Chairman stated that this would be noted. Any ideas coming forward like that needed to be discussed.

Honorary Alderman Mel Lucas stated that he had three questions on item 8, Council Tax Resolution 2017/18. They related to the 3% adult social care Devon County Council figure. The first question was, is this an annual on-going percentage increase or just a one off increase? The second question was, has a special budgetary area been set up by Devon County Council to ensure that monies so collected are earmarked for adult social care only, I make that comment because we all pay car tax, I am still to see any of that money going into roads. It is something that is very important as I and you are all now going to pay this extra 3%. Thirdly, whilst not specifically on item 8, it does concern item 8 for both myself and other peoples as well who pay by direct debit, can I have assurance from Council that my banking particulars relating to direct debit for Council Tax are secure based on the current situation concerning security in regards to banking details held by a third party? I bring that to your attention because there has been quite a lot in the press recently and I as a member of the public who pays through direct debit would like that assurance.

Andrew Jarrett, the Director of Finance, Assets and Resources, responded by stating that as far as the Devon County adult social care precept, the government have legislated that they are allowed to increase their share of the precept by 3% for this year and next so they are capped to a 6% maximum increase for the next two years. That doesn't mean they have to raise it by that amount but that is the maximum they can do. There is no commentary about what may happen thereafter. Devon County Council are statutorily required by the DCLG to give statutory returns back to the DCLG to ensure that every single penny raised by that additional 3% precept is earmarked and only spent on adult social care provision. Regarding the direct debit details, I can assure you that your banking information is secured very safely at this Council.

127 Petitions

There were no petitions from members of the public.

128 Notices of Motions

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

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

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 would be reduced by having no land purchase cost involved.

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

The Homes Policy Development Group at its meeting on 17 January considered the Motion and supported it with an amendment.

In accordance with Procedure Rule 16.6(a) Councillor T W Snow had requested that his Motion be altered to read:

“That as MDDC owns the land at Station Yard that we investigate and consider developing this land, taking all matters into consideration, 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 would be reduced by having no land purchase cost involved.

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

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

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

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

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 Environment Policy Development Group at its meeting on 10 January 2017 considered the Motion and recommended that it be supported.

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

(3) Motion 533 (Councillors Mrs N Woollatt – 13 February 2017)

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

Background: The Financial Transactions Tax (FTT) would roll out the current tax on the purchase of shares to other financial assets, such as bonds and derivatives. This could raise over £8 billion of additional revenue a year potentially providing a new source of funding for local councils. The FTT would also help encourage traditional longer term approaches to investment as opposed to extremely short-term, speculative behaviour that characterised the conditions that led to the financial crisis. Changing such behaviour is necessary to create a more responsible and stable financial system going forward.

Council notes:

- the suffering forced upon local residents as a result of the massive cuts in central grant over recent years which are detrimentally affecting our ability and that of other public services to serve our communities effectively;
- that extending the current FTT on shares to other asset classes such as bonds and derivatives could raise £8bn of additional revenue in the UK a year;
- that at least 11 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives, estimated to raise £30bn a year.

Council believes:

- that revenues from the FTT could help repair the damage caused by cuts in public services since 2010

Council resolves that:

- the UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.

Council further resolves to:

- write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council's support for extending FTTs; and
- write to our local MPs Neil Parish and Mel Stride outlining the Council's position.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J Roach.

In accordance with Procedure Rule 14.1, the Chairman of the Council had ruled that the Motion be dealt with at this meeting.

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

(4) Motion 534 (Councillor J L Smith – 13 February 2017)

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

That the Leader of the Council, the Council Chairman and the various Committee Chairs voluntarily accept a 10% reduction in their Special Responsibility Allowance. This will help close the budget deficit and send a positive message to the Community that the elected members are sharing the moral and financial burden to maintain an effective and affordable service.

The **MOTION** was **MOVED** by Councillor J L Smith and seconded by Councillor R J Dolley.

In accordance with Procedure Rule 14.1, the Chairman of the Council had ruled that the Motion be dealt with at this meeting.

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

(5) Motion 535 (Councillor D J Knowles – 14 February 2017)

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

This Council resolves to enter into an agreement with Tiverton Town Council to retain at Tiverton Town Hall all the paintings currently on display at Tiverton Town Hall, either by way of long term loan or transfer to Tiverton Town Council, subject to the necessary insurance and security being maintained.'

The **MOTION** was **MOVED** by Councillor D J Knowles and seconded by Councillor Mrs J Roach.

In accordance with procedure Rule 14.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Cabinet for consideration.

Notes: (i) Councillor T W Snow requested that his abstention from voting in relation to Motion 532 be recorded.

(ii) In relation to Motion 534 it was proposed that a recorded vote be taken, this was not supported.

(iii) Councillors: R J Dolley, J M Downes, L Taylor, Mrs J Roach, J L Smith, Mrs N Woollatt and B Wright requested that their vote in favour of Motion 534 be recorded.

129 Cabinet Report - 5 January 2017

The Leader presented the report of the meeting of the Cabinet held on 5 January 2017.

(1) Building Control Partnership between Mid Devon District Council and North Devon District Council (Minute 116)

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

THAT the recommendation of the Cabinet as set out in Minute 116 be **ADOPTED**.

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

(2) Proposed Greater Exeter Strategic plan (Minute 119)

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

THAT the recommendation of the Cabinet as set out in Minute 119 be **ADOPTED**.

Councillor Mrs R Roach **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt that a further resolution be added as follows:

(12) Prior to any formal agreement to cede powers by MDDC that a consultation exercise will be held in order to ascertain the views of the residents of MDDC. This is to include a state of the district debate.

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**.

130 **Cabinet Report - 2 February 2017**

(1) Strategy for Tiverton 2017/27 (Minute 131)

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

THAT the recommendation of the Cabinet as set out in Minute 131 be **ADOPTED**.

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

(2) Proposed Heart of the South West Partnership Governance Report (Minute 138)

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

THAT the recommendation of the Cabinet as set out in Minute 138 be **ADOPTED**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor Mrs N Woollatt that the following be added to recommendation b):

‘That a state of the district debate be held to enable the people of MDDC to have a say in the future governance of the district.’

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**.

(3) Budget (Minute 140)

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

THAT the recommendation of the Cabinet as set out in Minute 140 (a) – (h) be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.4:

“**THAT** the vote in respect of this **MOTION** 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, K Busch, 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, Mrs B M Hull, D J Knowles, B A Moore, Mrs J Roach, F J Rosamond, C Slade, Miss C E L Slade, Mrs

E Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillors J M Downes, F W Letch, L D Taylor, N A Way and R Wright.

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

The Council had before it a question * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 together with a response from the Head of Finance, Assets and Resources.

Note: *Question previously circulated, copy attached to signed minutes.

(4) Capital Programme (Minute 141)

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

THAT the recommendation of the Cabinet as set out in Minute 141 (a) – (b) be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of this **MOTION** 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, K Busch, 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, Mrs B M Hull, D J Knowles, B A Moore, Mrs J Roach, F J Rosamond, C Slade, Miss C E L Slade, Mrs E Slade, J L Smith, T W Snow, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillors J M Downes, F W Letch, L D Taylor, N A Way and R Wright.

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

(5) National Non Domestic Rates (Minute 142)

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

THAT the recommendation of the Cabinet as set out in Minute 142 (a – c) be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of this **MOTION** 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, K Busch, 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, Mrs B M Hull, D J Knowles, B A Moore, Mrs J Roach, F J Rosamond, C Slade, Miss C E L Slade, Mrs E Slade, J L Smith, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillors J M Downes, F W Letch, T W Snow, L D Taylor, N A Way and R Wright.

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

(6) Policy Framework (Minute 143)

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

THAT the recommendation of the Cabinet as set out in Minute 143 be **ADOPTED**.

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

(7) Establishment (Minute 144)

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

THAT the recommendation of the Cabinet as set out in Minute 144 be **ADOPTED**.

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

131 Council Tax Resolution 2017/2018

The Chairman **MOVED**,

“THAT the Council Tax for 2017/18 be increased by 2.67% being £192.15 (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 2017/18.

The Chairman **MOVED** the resolutions to confirm the requirement from the Collection Account for the year 2017/18.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 19.4:

“**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, K Busch, 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, Mrs B M Hull, D J Knowles, B A Moore, Mrs J Roach, F J Rosamond, C Slade, Miss C E L Slade, Mrs E Slade, J L Smith, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt.

Those **ABSTAINING** from voting: Councillors J M Downes, F W Letch, L D Taylor, N A Way and T W Snow.

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 the signed minutes.

132 Scrutiny Committee Report - 16 January 2017

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 January 2017.

133 Scrutiny Committee Report - 13 February 2017

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 13 February 2017.

134 Audit Committee Report - 24 January 2017

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 24 January 2017.

Arising thereon:

**(1) Arrangements for the appointment of external auditors from 2017/18
(Minute 71)**

The Chairman of the Audit Committee **MOVED**, seconded by Councillor Mrs C A Collis:

THAT the recommendation as set out in Minute 71 be **ADOPTED**.

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

135 Environment Policy Development Group - 10 January 2017

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 10 January 2017.

136 Homes Policy Development Group - 17 January 2017

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 17 January 2017.

137 Economy Policy Development Group - 19 January 2017

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 19 January 2017.

138 Community Policy Development Group - 31 January 2017

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 31 January 2017.

139 Planning Committee Report - 4 January 2017

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 January 2017.

140 Planning Committee Report - 1 February 2017

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 1 February 2017.

141 Standards Committee Report - 25 January 2017

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 25 January 2017.

(1) Standards regime – Peer Review - Code of Conduct (Minute 29, 1, (a – b))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Standards Committee as set out in Minute 29, 1 (a-b), be **ADOPTED**.

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

(2) Standards Regime – Peer Review - Disclosable Pecuniary Interest (Minute 29, 2, (a-c))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs M E Squires:

THAT the recommendation of the Standards Committee as set out in Minute 29, 2 (a-c), be **ADOPTED**.

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

(3) Standards Regime – Peer Review – Arrangements for Dealing with Misconduct Complaints (Minute 29, 3, (a-g))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs C A Collis:

THAT the recommendation of the Standards Committee as set out in Minute 29, 3 (a-g), be **ADOPTED**.

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

(4) Standards Regime – Peer Review – Sanctions (Minute 29, 4, (a-b))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor B A Moore:

THAT the recommendation of the Standards Committee as set out in Minute 29, 4 (a-b), be **ADOPTED**.

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

(5) Standards Regime – Peer Review - Appeals Against Decision (Minute 29, 5)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs C A Collis:

THAT the recommendation of the Standards Committee as set out in Minute 29, 5 be **ADOPTED**.

Councillor Mrs R Roach **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt that the recommendation be deleted and replaced with the following:

‘That consideration is given to this Council having an appeals process.’

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

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

Notes: (i) Councillor R L Stanley requested that his abstention from voting with regard to the amendment be recorded.

(ii) Councillor Mrs J Roach requested that her vote against the final decision be recorded.

(iii) Councillors R Evans, Mrs G Doe, F W Letch and Mrs N Woollatt requested that their abstentions from voting with regard to the final decision be recorded.

(6) Standards Regime – Peer Review – Independent Persons (Minute 29, 6 (a – e))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs C A Collis:

THAT the recommendation of the Standards Committee as set out in Minute 29, 6 (a – e), be **ADOPTED**.

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

(7) Standards Regime – Peer Review – The Register of Councillors Interests (minute 29, 7 (a – e))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor R J Dolley:

THAT the recommendation of the Standards Committee as set out in Minute 29, 7 (a-e), be **ADOPTED**.

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

(8) Standards Regime – Peer Review – Procedure when Disclosable Pecuniary Interests Arise (Minute 29, 8)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Standards Committee as set out in Minute 29, 8 be **ADOPTED**.

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

(9) Standards Regime – Peer Review – Dispensations (Minute 29, 9 (a – b))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs E J Slade:

THAT the recommendation of the Standards Committee as set out in Minute 29, 9 (a - b), be **ADOPTED**.

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

(10) Standards Regime – Peer Review – Bias and Predetermination (Minute 29, 10 (a-b))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs M E Squires:

THAT the recommendation of the Standards Committee as set out in Minute 29, 10 (a – b) be **ADOPTED**.

Councillor Mrs R Roach **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt that recommendation (a) be amended and replaced with the following:

- (a) Guidance and training for Members be reviewed to consider including the following topics, bias, predetermination and conformity.

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**.

(11) Standards Regime – Peer Review – Other Matters Arising as a result of the Review (Minute 29, 11 (a – i))

The Chairman of the Standards Committee **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Standards Committee as set out in Minute 29, 11 (a - i), 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 with regard to Minute 29, together with responses from the Director of Corporate Affairs and Business Transformation.

Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 13.10 stating that where action had been taken previously regarding two councillors, had this been taken illegally and if the jurisdiction test had been applied would the two councillors have been taken to task?

The Chief Executive responded by stating that the complaints would have been received in the first place but had the jurisdiction test been applied no further action would have been taken.

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

142 Questions

There were no questions submitted under Procedure Rule 13.2.

143 Independent Remuneration Panel Report - February 2017

The Council had before it a * report of the Director of Corporate Affairs and Business Transformation informing Members of a review undertaken by the Independent Remuneration Panel and their recommendations.

The Chairman **MOVED, THAT:**

- a) That the Basic Allowance to be paid to all Councillors remain at the current level of £4,865 pa with any increases being linked to the staff pay award.

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

The Chairman **MOVED, THAT:**

- b) That Special Responsibility Allowances be paid to the following Members at the unchanged levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	3.00	£14,595
Deputy Leader	1.50	£7,298
Cabinet Member	1.25	£6,081
Scrutiny Committee Chair	1.25	£6,081
PDG Chair	0.75	£3,649
Audit Committee Chair	0.75	£3,649
Planning Committee Chair	1.25	£6,081
Licensing/Regulatory Chair	0.25	£1,216
Standards Chair	0.25	£1,216
Chairman of the Council	0.50	£2,433

Councillor J L Smith **MOVED** an **AMENDMENT** seconded by Councillor R J Dolley that Special Responsibility Allowances be reduced by 10% and paid to the following Members at the levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	2.7	£13,135
Deputy Leader	1.35	£6,568
Cabinet Member	1.12	£5,472
Scrutiny Committee Chair	1.12	£5,472
PDG Chair	.675	£3,284
Audit Committee Chair	.675	£3,284
Planning Committee Chair	1.12	£5,472
Licensing/Regulatory Chair	.22	£1,094
Standards Chair	.22	£1,094
Chairman of the Council	.45	£2,189

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**.

The Chairman **MOVED, THAT:**

- c) To confirm that no Member should be entitled to claim more than **one** Special Responsibility Allowance.

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

The Chairman **MOVED, THAT:**

- d) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.

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

The Chairman **MOVED, THAT:**

- e) That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers payable to the driver)
- 25p per mile for pushbikes

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

That only travel from within the Mid Devon border to attend an official duty be recompensed to the Member.

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

The Chairman **MOVED, THAT:**

- f) That the subsistence allowances be linked to those of the staff, currently these are as follows:

- Breakfast - £7.02
- Lunch - £9.70
- Tea - £3.81
- Dinner - £12.00

NB: To be increased in line with HMRC rates from 1 April 2017 once known.

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

The Chairman **MOVED, THAT:**

- g) That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.

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

The Chairman **MOVED, THAT:**

h) That an annual digital allowance of £150 continue to be paid to Member using digital devices only.

Councillor J L Smith **MOVED** an **AMENDMENT**, seconded by Councillor R J Dolley that an annual digital allowance of £150 paid to Members using digital devices only be abolished.

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**.

The Chairman **MOVED, THAT:**

i) That the current Town and Parish Council Scheme of Allowances remain in place.

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

The Chairman **MOVED, THAT:**

j) That Members of the Authority are not entitled to pensions and therefore neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

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

144 **Questions to Cabinet Members**

(i) Councillor J L Smith requested an update on the two building sites at Palmeston Park and Westexe.

Councillor Mrs C P Daw stated that she was very concerned about health and safety issues at Palmeston Park as well as drainage issues.

The Cabinet Member for Housing stated that he would provide an update during Members Business.

Note: Councillor Mrs C P Daw declared a personal interest as she was a resident at Palmeston Park.

(ii) Councillor Mrs N Woollatt stated that residents paying Council Tax had a legal right to pay over 12 months. She had observed that the instalment options were available on the website but many people were still not aware they could pay over this length of time. She asked whether this option could be more widely publicised?

The Cabinet Member for Finance stated that it could.

(iii) Councillor R Evans asked the following questions in relation to Junction 27 and the Local Plan:

- a) Given the inclusion of the allocation of land at J27 in the local plan, is it now possible for a developer to submit a major planning application prior to an inspector ruling on the soundness of the plan?
- b) Would any such application put forward whilst the council is deemed not to have an up to date plan in place usurp the masterplanning process?
- c) If this is the case can this Council ensure that this is considered and appropriate actions taken now to ensure any major applications received whilst the plan is awaiting inspection and comment are required to undergo the masterplanning exercise?

The Cabinet Member for Planning and Regeneration responded to each question:

- a) Yes, it is a decision for a land owner or promoter /developer whether to submit a planning application and when. This is irrespective of whether the development in question is allocated in a plan or not and irrespective of the timing of the Inspector's decision on the plan.
- b) At present there is no adopted site specific development plan policy for proposed development at J27. The policy in the Local Plan Review requiring a masterplanning exercise be carried out before the determination of any planning application is draft and subject to objection. It currently carries very little weight. Once the plan is submitted (anticipated end of March) there would then become an assumed policy framework, albeit one that hasn't yet been tested by the inspector and in terms of this site is subject to objection. From this period on, the weight in planning terms strengthens as time goes on until such time as the plan is adopted, at which point it then becomes the explicit planning policy for Mid Devon.

Given the significance of the site, we would expect proposals to be consulted on before any application is received. Once the plan is adopted, the policy wording is fairly specific and tightly-worded to require a masterplan to be adopted as a supplementary planning document. This will require 2 stages of public consultation: the first on the scope and contents of the masterplan and the second on the draft masterplanning document itself. We are regarding consultation undertaken by the promoters to date and that currently being organised as pre-application consultation-rather than going towards a formal masterplan supplementary planning document.

- (c) Any application received will be considered by Planning Committee who will assess the merits of the scheme. The weight that can be given to the emerging draft policy including its masterplanning requirements will depend upon how far it is towards adoption. If the Council is minded to approve a planning application before plan adoption it would be referred to the Secretary of State as a departure and it is possible that it would be considered at the same time as the plan by the Inspector.

- (iv) Councillor J M Downes asked why the top table had not answered the question about what was going to be done to restore the reputations of two councillors?

The Leader responded by stating that it was right and proper that there was a considered response. In the first instance he would discuss the matter with the Chief Executive, then the two councillors involved, after which the rest of the membership would be notified as well as the press.

145 Members Business

Councillor R L Stanley informed Members that Pemberton Homes had been under contract to complete by March. However, after little progress had been made at Birchen Lane and Palmeston Park two notices had been issued which had been ignored due to the developer having significant financial problems. The developer had subsequently gone into administration. Discussion as to what would happen next would take place at the Cabinet meeting the following week to which all Members were welcome.

He referred to an article in the press regarding these sites which he felt was factually incorrect in every detail forcing him to write a rebuttal. The company which had been referred to in the article had not gone into bankruptcy. He specifically explained to Members the system used to secure adequate drainage on sites in order to allay any fears amongst local residents.

With regards to health and safety concerns he assured Members that the area was secured with Harris fencing but he would ask officers to check this again.

Amendments and Written Questions

(The meeting ended at 10.10 pm)

CHAIRMAN

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 22 FEBRUARY 2017

AMENDMENTS

1. Agenda Item 9

Heading: COMMITTEE REPORTS (STANDARDS COMMITTEE - MINUTE 29 – PAGE 337 – 5 – APPEALS AGAINST DECISION)

Amendment submitted by Councillor: Mrs J Roach

Delete all and replace with 'That consideration is given to this Council having an appeals process'.

WORDING IF AMENDMENT APPROVED:

That consideration is given to this Council having an appeals process.

2. Agenda Item 9

Heading: COMMITTEE REPORTS (STANDARDS COMMITTEE - MINUTE 29– PAGE 339 – 10– BIAS AND PREDETERMINATION)

Amendment submitted by Councillor: Mrs J Roach

To amend (a) in the recommendation to read 'guidance and training for Members be reviewed to consider including the following topics, bias, predetermination and conformity.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

(a) Guidance and training for Members be reviewed to consider including the following topics, bias, predetermination and conformity.

3. Agenda Item 7

Heading: COMMITTEE REPORTS (CABINET 5 - JANUARY 2017– MINUTE 119 - PROPOSED GREATER EXETER STRATEGIC PLAN)

Amendment submitted by Councillor: Mrs J Roach

Add (12)

That prior to any formal agreement to cede any powers held by MDDC that a consultation exercise will be held in order to ascertain the views of the residents of MDDC. This to include a state of the district debate.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

1. The subject matter of the Greater Exeter Strategic Plan is agreed, subject to review as the plan is prepared.

2. The timetable for the Greater Exeter Strategic Plan is agreed.
3. The Local Development Scheme attached as Appendix 1 is to have effect from 22nd February 2017.
4. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee (thereby retaining sign off of key plan stages by individual councils).
5. A Member Steering Group is set up with a representative from each of the five councils, to which the Cabinet Member for Planning and Regeneration is appointed, with the Leader as his deputy.
6. A joint informal advisory reference forum is set up consisting of 5 councillors each from Mid Devon, Devon, East Devon, Exeter and Teignbridge to consider and make comments on draft plan proposals before they are formally considered by each council.
7. The "Issues" document attached as Appendix 2 to this report is agreed for consultation.
8. The draft Greater Exeter Statement of Community Involvement attached as Appendix 3 is agreed for consultation.
9. Resolving any minor inconsistencies arising from the decisions of individual councils is delegated to the relevant Chief Executive in consultation with their Cabinet Member for Planning and Economic Regeneration.
10. Delegated authority to agree minor modifications (which do not go to the heart of the documents' meanings) is granted to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration.
11. The staffing proposal is approved with additional funding of £30,000 in order to ensure Mid Devon is represented.
12. That prior to any formal agreement to cede any powers held by MDDC that a consultation exercise will be held in order to ascertain the views of the residents of MDDC. This to include a state of the district debate.

4. Agenda Item 7

Heading: COMMITTEE REPORTS - (CABINET 2 FEBRUARY 2017– MINUTE 138 - PROPOSED HEART OF THE SOUTH WEST PARTNERSHIP GOVERNANCE REPORT)

Amendment submitted by Councillor: Mrs J Roach

Add to (b) : that a state of the district debate be held to enable the people of MDDC to have a say in the future governance of the district.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a) The update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, would have responsibility for developing future

'deal' and combined authority proposals for recommendation to the constituent authorities) be **NOTED**;

b) The proposals for the HotSW Productivity Plan preparation and consultation proposals be approved (including noting that a Joint Committee, if established, would have responsibility for approving and overseeing the implementation of the Productivity Plan); and that a state of the district debate be held to enable the people of MDDC to have a say in the future governance of the district.

5. Agenda Item 11

Heading : INDEPENDENT REMUNERATION PANEL REPORT – FEBRUARY 2017

Amendment submitted by Councillor: J L Smith

Amend - Recommendation b)

Replace with

That Special Responsibility Allowance be reduced by 10% and paid to the following members at the levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	2.7	£13,135
Deputy Leader	1.35	£6,568
Cabinet Member	1.12	£5,472
Scrutiny Committee Chair	1.12	£5,472
PDG Chair	.675	£3,284
Audit Committee Chair	.675	£3,284
Planning Committee Chair	1.12	£5,472
Licensing/Regulatory Chair	.22	£1,094
Standards Chair	.22	£1,094
Chairman of the Council	.45	£2,189

WORDING IF AMENDMENT APPROVED:

b) That Special Responsibility Allowances be paid to the following Members at the unchanged levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	2.7	£13,135
Deputy Leader	1.35	£6,568
Cabinet Member	1.12	£5,472
Scrutiny Committee Chair	1.12	£5,472
PDG Chair	.675	£3,284
Audit Committee Chair	.675	£3,284
Planning Committee Chair	1.12	£5,472
Licensing/Regulatory Chair	.22	£1,094
Standards Chair	.22	£1,094
Chairman of the Council	.45	£2,189

6. Agenda Item 11

Heading : INDEPENDENT REMUNERATION PANEL REPORT – FEBRUARY 2017

Amendment submitted by Councillor: J L Smith

Amend - Recommendation h)

That an annual digital allowance of £150 paid to Members using digital devices only be abolished.

WORDING IF AMENDMENT APPROVED:

h) That an annual digital allowance of £150 paid to Members using digital devices only be abolished.

WRITTEN QUESTIONS

1. STANDARDS COMMITTEE - 25 JANUARY

MIN NO 29

Questions submitted by Councillor Mrs J Roach and the responses of the Monitoring Officer.

- a) Page 337/4 Why is it proposed to remove (b) from the constitution?

(for clarification this is "That the Sanction referred to in Article 10 of the Constitution (10.4 (10) be removed").

RESPONSE:

The report from D Nolan discussed Sanctions in detail – the Act does not give the Council or its Standards Committee any powers to impose sanctions or impose requirements for training on errant Councillors. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Council can take in respect of the Councillor is limited.

- b) Why is the Council appointing an independent person?

RESPONSE:

The arrangements adopted by the Council must include a provision for the appointment by the Council of at least one independent person.

- c) Why is it necessary to amend the constitution to include a 'legal jurisdiction test'?

RESPONSE:

D Nolan in her report again recommended that Council introduce the legal jurisdiction test as a preliminary test to the procedure for determining complaints. Therefore this would be part of the 'Complaints procedure' and the first test the Monitoring Officer would apply.

- d) Two complaints were made against councillors in the past year. Would those complaints have been taken if the Council had the correct procedures in place?

RESPONSE:

No, action would not have been taken

- e) Does the Council comprehend the damage done to the reputation of those two Councillors because the Standards Committee did not comply with the law?

RESPONSE:

Yes, the Council is aware of the situation. However the Standards Committee acted in accordance with the agreed policy and procedure adopted by full Council.

2. CABINET - 2 FEBRUARY 2017

MIN NO 140

Question submitted by Councillor Mrs J Roach and the response of the Director of Finance, Assets and Resources

Does (d) require a transfer (present tense) of £89k from the new homes bonus in order to balance the budget?

RESPONSE:

The minute should state that the 2017/18 requires a one off transfer of £89k from the New Homes Bonus, this was a typographical error.