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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 28 June 2017 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs H Bainbridge, Mrs J B Binks,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
W J Daw, Mrs C P Daw, Mrs G Doe,
R J Dolley, C J Eginton, R Evans,
S G Flaws, Mrs S Griggs, P H D Hare-Scott,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, Mrs J Roach, F J Rosamond,
Mrs E J Slade, C R Slade, T W Snow,
J D Squire, Mrs M E Squires, R L Stanley,
L D Taylor and R Wright

Apologies

Councillors

Mrs E M Andrews, Mrs A R Berry, K Busch,
R M Deed, J M Downes, T G Hughes,
D J Knowles, Miss C E L Slade, J L Smith,
N A Way and Mrs N Woollatt

10 Apologies

Apologies were received from Councillors: Mrs E M Andrews, Mrs A R Berry, K I Busch, R M Deed, J M Downes, T G Hughes, D J Knowles, Miss C E L Slade, J L Smith, N A Way and Mrs N Woollatt.

11 Minutes (00-05-30)

Subject to the addition of Councillor Mrs E M Andrews to the attendance list, the minutes of the annual meeting held on 10 May 2017 were agreed as a correct record and signed by the Chairman.

12 Chairman's Announcements (00-06-03)

The Chairman informed the meeting that he had attended the following events:

- Tiverton Mayor's Parade
- The Crediton Mayor's reception
- Bradninch Civic Service
- The Lord Mayor of Exeter's Civic Service
- A reception to celebrate the major refurbishment of St Luke's Church Posbury
- He had also had the privilege of raising the Armed Forces flag at Phoenix House

The Vice Chairman would be attend the Devon Youth Games in a week's time and that he and the Vice Chairman had been invited to judge the floral displays in Cullompton as part of the town's festival week on Friday.

13 **Public Question Time (00-07-56)**

Councillor Warren (Willand Parish Council) referring to Item 6 (1) Motion 537 on the agenda asked were Members aware that the Director of Operations had sent an email to Town and Parish Councils in which he stated "I think the very clear message from the outset is that it is not council policy to remove fencing from play areas". This appears to be contrary to advice given to Crediton Town Council, Cullompton residents and the press by other officers at earlier dates. There may not be a policy currently but in reality it is happening. With this in mind and the decision of the Chair will Members please be minded to be very clear as to the actual position when discussing the matter at the Environment PDG.

Councillor Grantham (Willand Parish Council) referring to Item 7 (7) on the agenda in relation to the Environment Policy Development Group meeting of 16 May 2017. Asked if Members would note that the policy document listed under this item was questioned particularly in relation to item 5 of the report? Would it be more appropriate to make a clear cross reference to the Cabinet decision recorded in minutes of their meeting of 15 June (Minute 12) where the recommendations clearly identified that bins placed in fenced children's play areas should not be used for faeces?

The Head of Operations responded confirming that the email was correct. A design principles paper would be going to the PDG in July to start discussions on how the policy would be formed. We have a large number of play areas and we will be asking the PDG to discuss and debate the options. With regard to dog bins, there would not be any dog bins in play areas, which had been agreed by the Cabinet.

14 **Petitions (00-12-07)**

There were no petitions from members of the public.

15 **Notices of Motions (00-12-15)**

(1) Motion 537 (Councillor Mrs N Woollatt – 25 May 2017)

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

That this council should adopt a policy of ensuring that play areas in the district that contain play equipment aimed at pre-school or primary school age children are enclosed to facilitate the health and safety of its young users.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor R J Chesterton.

In accordance with Procedure Rule 14.4, the Chairman ruled that this **MOTION STAND REFERRED** to the Environment Policy Development Group.

(2) Motion 538 (Councillor Mrs J Roach – 1 June 2017)

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

Mid Devon District Council is concerned that the present level of grass cutting across the district is the subject of much criticism.

The Mid Devon District Council therefore resolves to urgently review;

1. Whether the budget is sufficient and if it isn't to put forward a request to Council for a supplementary budget to meet the cost of providing an effective service.
2. If it is impossible to provide extra funding the Council should consider asset transfers to Parish Councils and/or individuals.

Taxpayers are now facing the second year of a grass cutting regime which leaves the grass uncut for long periods.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor R Wright.

In accordance with Procedure Rule 14.4, the Chairman ruled that this **MOTION STAND REFERRED** to the Environment Policy Development Group.

(3) Motion 539 (Councillor Mrs J Roach, R M Deed, L Taylor, R Wright, J M Downes and T W Snow – 20 June 2017)

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

This Council notes with concern that the leader called a State of the District Debate in 2015 but didn't hold it until 2016 thereby denying the people of Mid Devon the opportunity to hold a debate in 2015.

We therefore call on the Mid Devon District Council to review and change the Constitution to prevent any Leader from acting in such a manner in the future.

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that this Motion be dealt with at this meeting.

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

"THAT the vote in respect of the **MOTION** 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, F J Rosamond, T W Snow, L D Taylor and R Wright.

Those voting **AGAINST** the **MOTION** : Councillors: Mrs H Bainbridge, Mrs J B Binks, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, 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, Mrs

B M Hull, B A Moore, R F Radford, C R Slade, Mrs E J Slade, J D Squire, Mrs M E Squires and R L Stanley.

Those **ABSTAINING** from voting: Councillors: N V Davey, R J Dolley and Mrs S Griggs.

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

16 **Cabinet Report - 11 May 2017 (00-26-48)**

The Leader presented the report of the meeting of the Cabinet held on 11 May 2017.

17 **Cabinet Report - 15 June 2017 (00-27-15)**

The Leader presented the report of the meeting of the Cabinet held on 15 June 2017.

1. Litter and Dog Bin Policy (Minute 12)

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

THAT the recommendation of the Cabinet as set out in Minute 12 be **ADOPTED**.

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

18 **Scrutiny Committee Report - 22 May 2017 (00-31-31)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 22 May 2017.

19 **Scrutiny Committee Report - 19 June 2017 (00-32-30)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 June 2017.

20 **Audit Committee Report - 30 May 2017 (00-35-55)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 30 May 2017.

1. **Report on Internal Audit Provision from 2017/18 (Minute 7)**

The Chairman of the Audit Committee **MOVED**, seconded by Councillor P H D Hare-Scott:

THAT the recommendation of the Audit Committee as set out in Minute 7 be **ADOPTED**.

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

21 Environment Policy Development Group Report - 16 May 2017 (00-37-18)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 16 May 2017.

22 Homes Policy Development Group Report - 23 May 2017 (00-38-13)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 23 May 2017.

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 Director of Operations.

Councillor Mrs J Roach asked a supplementary question in accordance with Procedure Rule 13.10 requiring an answer to her initial question and that she did not understand the difference with regard to the grant therefore she asked whether anyone had been waiting more than 12 months?

The Director of Operations responded explaining that Housing and Building Services had confirmed the list attached to the response but that if the resident receiving a grant had chosen a private contractor, no data was available but the grant had been processed.

Notes:

- (i) Councillor P J Heal declared a personal interest in this matter as his daughter was in receipt of a disabled facility grant;
- (ii) *Question and response previously circulated, copy attached to minutes.

23 Economy Policy Development Group - Report - 18 May 2017 (00-43-31)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 18 May 2017.

24 Community Policy Development Group Report - 6 June 2017 (00-46-30)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 6 June 2017.

25 Planning Committee Report - 17 May 2017 (00-47-40)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 17 May 2017.

26 Planning Committee Report - 14 June 2017 (00-48-20)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 14 June 2017.

27 Questions (00-50-00)

Councillor Mrs Roach raised an issue with regard to a health and safety matter regarding a prickly bush that had been reported to Customer Services over a period of 5 months and no action had been taken until she had raised the issue, she questioned how the authority was making sure that the calls could be screened to see if there really was a health and safety issue?

Councillor F W Letch raised the issue of the closure of surgeries in Crediton and Cullompton, he had been informed that this had been an operational decision but that the Chief Executive had been unavailable to comment. He felt that the facilities should remain open for the residents who sort the help that the service provided.

28 Decisions taken under Special Urgency (00-54-54)

The Council had before it and **NOTED** a * report of the Leader (and Monitoring Officer) reporting special urgency decisions taken in the preceding quarter.

The Monitoring Officer outlined the contents of the report stating that there was provision in the Constitution for decisions to be taken which were so urgent that there was insufficient time for normal procedures to take place. She explained that such decisions were rare and that she intended to report to Council on a quarterly basis in line with the requirements set out in the Constitution.

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

29 State of the District Debate (00-56-26)

The Leader requested that consideration be given to the theme and format of a State of the District Debate so that he could consider requests and make a decision to be reported at the next meeting. He felt that the subject should be one that would not ordinarily be discussed at the Policy Development Groups.

Members highlighted the following issues:

- Grass Cutting, Play Areas and Public Toilets, it was felt that these were major issues that residents should have the opportunity to discuss and debate.
- What services did the electorate want and what could the Council afford.
- The provision of services to the public.
- The direction and benefit of devolution.
- Whether we should look at reviving the Local Democracy Week as it would be refreshing for Members to visit schools and engage with young people.
- That the event should be a debate and not a lecture.

The Leader requested that any additional ideas be forwarded to him.

30 Questions to Cabinet Members (1-02-00)

There were no questions to Cabinet Members.

31 **Members Business (1-03-00)**

There was no Members business.

(The meeting ended at 7.04 pm)

CHAIRMAN

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AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 28 JUNE 2017

AMENDMENTS

No amendments have been received.

WRITTEN QUESTIONS

1. HOMES POLICY DEVELOPMENT GROUP - 23 MAY 2017

MINUTE NO. 9

Questions submitted by Councillor Mrs J Roach and a response of the Director of Operations

How many people have been waiting over 12 months for adaptations to enable them to have a bath or shower in their own home? Has anyone been waiting more than 2 yrs? Please take the timing from the first request from the tenant.

Is any tenant waiting for the Council to install a ramp to enable the tenant to access and leave their own home independently?

If the answer is yes, how long have they been waiting?

RESPONSE:

In terms of our response there are subtle differences between those occupying their own home or private rented accommodation and those living in our housing stock.

The process required for one of our tenants to receive any form of adaptation work to their home differs slightly to that for a private owner occupier or private tenant. First and foremost a council tenant cannot receive funding from a Disabled Facilities Grant (DFG), as the property is owned by a Local Authority. What this means is that funding for any adaptation work is provided through the Housing Revenue Account (HRA) and as such we carry out the necessary works.

However one thing is the same, in order to qualify for any form of major adaptation work we must receive a statement of need (SON) from the tenant's occupational therapist (OT). The OT will recommend to us what work is required and without this the application would be incomplete. The OT also states the urgency of the case and uses the following as a guide of urgency:

- *Difficulty – 18 months*
- *Deterioration – 12 months*
- *Danger – 6 months*

We currently have three tenants waiting for access works to be carried out and all three have been classified by the OT as 'deterioration' and as such need to be carried out within 12 months of receipt.

1. *Request to provide a path to the back garden and install a gate, there is currently level access to the front of the property but this does involve a long and awkward route to any vehicle. We received this SON on 12/01/2017 and it is categorized as Deterioration.*

2. *Request to provide level access to front door, this involves numerous ramps and alterations to existing steps and ramps, there is currently access but is very long and steep, we have provided temporary ramping to improve situation until DFG works are carried out. We received this SON on 13/03/2017 and it is categorized as Deterioration.*

3. *Request to provide level access to rear door, property currently has level front access but tenant is unable to access Medical vehicles from there. We received this SON on 16/05/2017 and it is categorized as Deterioration.*

All three of these requests should be carried out within the next 3 months, as we will be looking to complete all concreting works by the end of the summer.

For owner occupiers and tenants of privately rented properties the assistance is through the use of Disabled Facilities Grants. The average turnaround from receipt of OT referral to award of grant is 9 weeks. The client chooses when to have the work done and if they are using a private contractor we have no control over the timeline for final completion, however the grant is in place.
