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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 13 December 2017 at 6.00 pm

Present

Councillors

P J Heal (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,
W J Daw, 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,
T G Hughes, Mrs B M Hull, D J Knowles,
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, N A Way,
Mrs N Woollatt and R Wright

Apologies

Councillors

Mrs A R Berry, K Busch, Miss C E L Slade
and L D Taylor

80 **Apologies**

Apologies were received from Councillors: Mrs A R Berry, K I Busch, Miss C E L Slade and L Taylor.

81 **Minutes (00-03-53)**

The minutes of the meeting held on 25 October 2017 were agreed as a true record and signed by the Chairman.

82 **Chairman's Announcements (00-04-48)**

The Chairman:

- outlined the civic events he had attended as Chairman of the Council since the last meeting
- outlined the Parish and Town Councils he had visited
- congratulated Councillor Mrs E M Andrews on receiving a Devon Community Award in the category of 'Good Neighbour' where she was cited as being an incredible woman who was still the main organiser of the Cullompton Festival which she had run for 40 years.

83 **Public Question Time (00-06-29)**

Councillor Warren (Willand Parish Council) referring to item 6(3) and 7(8) on your agenda asked:

Do Members realise how disproportionate some presentations before the planning committee are and how this affects the credibility of the process in the eyes of the public and Town and Parish Councillors in particular?

If officers are minded to recommend approval of an application the officers make a presentation which is invariably biased towards their recommendation. The applicant may speak for three minutes and an objector and/or Town or Parish Councillor has three minutes. A Ward Member has five minutes. None of these persons may speak again but the officer comes back time and time again to press their point of view which invariably is the applicant case as well. This, in effect, is giving the applicant considerably more time as officers have no time restriction. There are times when the officer gives further information which is not complete or is misleading. The Ward Member or Town or Parish Council Member knows that this is misleading or wrong but is not allowed to say so and therefore there is a likelihood that a decision will be made by Committee Members on flawed information. Invariably Town and Parish Council representations are discounted. We have an instance where 70 residents object to an application which is contrary to policy set out in the current and emerging plans, yet officers are indicating that they are going to recommend approval.

How does this equate with the MDDC Charter with Town and Parish Councils where under Planning item 1 it states – ***Have due regard to the views of local councils in determining all planning applications?*** How would members feel if during the three minutes that their councillor has to try and protect the village from overdevelopment the Chair, Vice Chair and Head of Planning are in deep conversation and not listening to a word that is being said?

Under the Planning Service Charter it says that the ***aim is to maintain high professional standards making the best possible decisions for local communities.*** How does this fit with incorrect or slanted figures being presented, a wrong plan being shown to committee and representations made by professional consultees being summarised giving a misleading impression? How do these actions ***encourage the involvement of town and parish councils*** as set out in the charter?

The Chairman indicated that a written response from the Head of Planning, Economy and Regeneration would be requested and that a copy of the response would be forwarded to all Members.

84 **Petitions (00-10-12)**

There were no petitions from members of the public.

85 **Notices of Motions (00-10-21)**

(1) Motion 538 (Cllr Mrs J Roach – 1 June 2017)

The following Motion had been referred to the Environment Policy Development Group for consideration and report.

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

That 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 Environment Policy Development Group discussed this at its meetings on 11 July, 5 September and again at its meeting on 7 November. Councillor Mrs J Roach indicated that she was satisfied with the information provided within the report and discussions that had taken place and would request that her Motion be withdrawn.

In accordance with Procedure Rule 16.6, Councillor Mrs J Roach requested that her Motion be withdrawn. This was **AGREED**.

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 Cabinet Member for Finance.

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

(2) Motion 540 (Councillor Mrs J Roach – 12 October 2017)

The following Motion had been referred to the Economy Policy Development Group for consideration and report.

This Council agrees to give serious consideration to seeking alternative methods of managing the Tiverton Pannier Market, to include a community interest company and a co-operative. Following these considerations Council will be given detailed information about the advantages and disadvantages of the options that were discussed. Council should then be able to decide whether to change their policy and pursue a different management model.

The Economy Policy Development Group at its meeting on 9 November 2017 considered the Motion and recommended that it be supported.

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

(3) Motion 541 (Councillor Mrs J Roach – 30 November 2017)

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

This Council reconsiders the time and times that it allows ward members to speak at the planning committee. The present system gives many opportunities to speak but allows the local member only one opportunity. At the very least Council should give elected Councillors the opportunity to correct incorrect statements, something that exists within standing orders but not allowed at the planning committee. At the last planning committee the situation that exists at the moment prevented me as the

elected Councillor for Silverton for pointing out that the Highways advice was inconsistent with previous advice given on the same site.

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

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that this **MOTION STAND REFERRED** to the Standards Committee.

(4) Motion 542 (Councillor Mrs J Roach – 30 November 2017)

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

That this Council consider the use of recycling trolleys as a pilot project, hopefully in Silverton, as an alternative to assisted collections for those who wish to try out such a system.

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

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

86 Cabinet Report- 26 October 2017 (00-19-28)

The Leader presented the report of the meeting on the Cabinet held on 26 October 2017.

87 Cabinet Report - 23 November 2017 (00-20-04)

The Leader presented the report of the meeting of the Cabinet held on 23 November 2017.

1. Ten Year Management Plan for Open Spaces (Min 77)

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

THAT the recommendations of the Cabinet as set out in Minute 77 be **ADOPTED**.

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

2. Heart of the South West – Joint Committee (Min 79)

The Monitoring Officer informed the meeting that Appendix B was missing from the bundle before Members. It was also missing from the papers which had been before Cabinet on 23 November 2017. Accordingly, and to ensure sound decision-making, the matter should be referred back to Cabinet on 4 January 2018 and, given the timing of the proposed Joint Committee, an Extraordinary Meeting of the Council would need to be arranged.

Councillor R M Deed **MOVED** seconded by Councillor R Evans that in accordance with Procedure Rule 15.1 the item be referred back to the Cabinet for further

consideration and that an Extraordinary meeting of the Council take place on 15 January 2018 to consider a further recommendation.

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

3. Gender Pay Gap (Min 80)

The Leader **MOVED** seconded by Councillor Mrs J Roach:

THAT the recommendation of the Cabinet as set out in Minute 80 be **ADOPTED**.

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

4. Treasury Management Strategy Mid-Year Review Report Committee (Min 81)

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

THAT the recommendations of the Cabinet as set out in Minute 81 be **ADOPTED**.

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

5. Schedule of Meetings (Min 84)

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

THAT the recommendation of the Cabinet as set out in Minute 84 be **ADOPTED**.

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

88 Scrutiny Committee - Report - 6 November 2017 (00-25-01)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 6 November 2017.

1. Strategic Thinking (Min 82)

The Chairman of the Scrutiny Committee **MOVED** seconded by Councillor Mrs J Roach

THAT the recommendation of the Scrutiny Committee as set out in Minute 82 be **ADOPTED**.

Following discussion and in accordance with Procedure Rule 15.1 (d) Councillor R M Deed **MOVED** seconded by Mrs N Woollatt that the recommendation be amended to remove the words "on the budget" so that the recommendation read "that in order to facilitate strategic development 'away days' be reinstated".

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

Note: The Council had before it a question * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 with regard to Minute 79, together with a response from the Cabinet Member for Planning and Economic Regeneration.

*Question previously circulated, copy attached to minutes.

89 Scrutiny Committee - Report - 4 December 2017 (00-38-15)

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

Notes:

(i) The Council had before it a question * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 with regard to Minute 79, together with a response from the Cabinet Member for Planning and Economic Regeneration;

*Question previously circulated, copy attached to minutes.

(ii) Councillor Mrs J Roach declared a personal interest as Chairman of the Room 4U in Silverton.

90 Audit Committee - Report - 21 November 2017 (00-44-17)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 21 November 2017.

91 Environment Policy Development Group - Report - 7 November 2017 (00-44-39)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 7 November 2017.

92 Homes Policy Development Group - Report - 14 November 2017 (00-45-25)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 14 November 2017.

93 Economy Policy Development Group - Report - 9 November 2017 (00-47-08)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 9 November 2017.

94 Community Policy Development Group - Report - 28 November 2017 (00-47-50)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 28 November 2017.

95 Planning Committee - Report - 1 November 2017 (00-50-15)

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

96 **Planning Committee - Report - 29 November 2017 (00-51-02)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 29 November 2017.

97 **Regulatory Committee - Report - 8 December 2017 (00-54-00)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 8 December 2017.

98 **Questions**

There were no questions submitted under Procedure Rule 13.2.

99 **Six Monthly Briefing from the Leader (00-55-56)**

The Leader stated that he had some good news stories to share with Council

- Last Friday he and Councillor Radford had opened the Transfer Station at Carlu Close, therefore by next year no residual waste would be going to landfill, all residual waste would be going to the energy waste facility which would generate waste into electricity
- With regard to leisure, Councillors Slade and Stanley had opened the new dance studio at Exe Valley Leisure Centre and the Chairman of the Council would be opening the new gym extension at the centre in the New Year.
- With regard to the Town Hall site, after decades of inactivity on the site, development would be taking place that the town centre could be proud of.
- The Premier Inn development was anticipated to start in the New Year.

He also added that the current budget pressures would continue and referred to Councillor Evans attendance at an Audit seminar where it had been stated that Councils could no longer stand still and that new ways of creating income had to be the way forward.

He thanked both officers and Members for their work throughout 2017.

100 **Questions to Cabinet Members (1-00)**

Councillor F W Letch addressing the Cabinet Member for Housing and referring to the Disposal of Assets report to the Scrutiny Committee, highlighted the issue of the confidential minutes of the meeting, he asked whether the meetings were advertised and whether Members could request a copy of the minutes under the Freedom of Information Act. He referred to paragraph 4.5 of the report and asked whether the Tiverton Town Hall had been marketed?

The Cabinet Member stated that the Town Hall had not been marketed and the reasons for this.

The Monitoring Officer stated that she was already aware of a current FOI request with regard to this matter and that there was ongoing correspondence with Councillor Mrs J Roach, she asked that she be allowed to look into the matter and report back to the Member.

Cllr F W Letch referred to the Corporate Plan and the need to dispose of assets for the best price.

Cllr J M Downes addressing the Cabinet Member for Planning and Economic Regeneration asked whether he thought that the public perception of the Planning Committee was fair. He referred to the draft Local Plan yet to be ratified and the proposals within that plan. He asked what weight should be given to the emerging plan specifically with regard to the Cromwells Meadow application, the allocation of 34 dwellings in the emerging plan and the 50 dwellings outlined in the current plan. He suggested that the draft plan had been given little standing and that officers were relying on the current plan.

He also remarked that the objectors had been mortified that the officer recommendation had been proposed by the Chairman, he had made promises to the objectors that weight would be given to the emerging local plan.

The Cabinet Member stated that the draft plan did carry some weight but that the adopted plan carried more. The lack of a 5 year land supply was very difficult for Members of the Planning Committee. He and the Chairman of the Scrutiny Committee had visited the Planning Minister the previous week and explained the difficulties that the authority faced; there was a commitment from the Government with regard to growth, but that because of the lack of a 5 year land supply the authority was continually having to fend off developers and that protection was required. He reported that the Planning Officers were talking with the DCLG with regard to the Garden Village and requesting mitigation so that the Garden Village and the allocations within it could be developed.

With regard to public perception of the Planning Committee, there would always be a situation with regard to objectors to applications and accusations of a stitch up, the Planning Committee worked very hard and had a good understanding of the system and the policies that they were working with.

The Chairman of the Planning Committee stated that with regard to who moved the officer recommendation, it was entirely right that the Chairman could move the officer recommendation. Sometimes the Committee worked against the officer recommendation and the Chairman would facilitate that. With regard to the lack of a 5 year land supply, the authority had to work with the situation.

101 Members Business (1-16-33)

Councillor R M Deed stated that Devon County Council were about to grant permission for 2 roundabouts on the A361 north of Tiverton to improve safety. Two years previously Devon County Council had stated that we could not have a roundabout for access to the Eastern Urban Extension because it was inappropriate as the travelling time to North Devon would be delayed. The new junction on the A361 had disturbed the local residents and had been far more costly than a roundabout; he felt that Tiverton had been short-changed.

(The meeting ended at 7.20 pm)

CHAIRMAN

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AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 13 DECEMBER 2017

AMENDMENTS

No amendments have been received.

WRITTEN QUESTIONS

1. AGENDA ITEM 6 – MOTION 538

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

How much did the HRA pay towards grass cutting in the last financial year and how much will the HRA be paying in the next financial year?

RESPONSE:

The cost to the HRA for grass cutting was set out in the paper presented to Environment PDG on 7th Nov 17; as previously advised,

“1.2.6 For 16.17 the Grounds Maintenance recharge to the HRA was £112,510; that charge was posted on 3rd April 2017. The provisional recharge for 17.18 is £118,160. That is due to be posted on the 3rd April 2018.”

Cllr Mrs Roach was present at that Environment PDG; the one where she withdrew her previous motion. For the 18.19 year the provisional budget figure in the draft budget will be £118,160 plus inflationary increase. That will be subject to the ongoing budget discussions through the various PDGs.

2. SCRUTINY COMMITTEE – 6 NOVEMBER

MIN NO 79

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Planning and Economic Regeneration

At the point that the scrutiny committee reviews the Tiverton Town centre masterplan, can we be assured that this will be a genuine review and not a tick box exercise?

The same question applies to the public consultation? Will this be a genuine consultation that will not proceed if there are good economic and financial reasons for not proceeding?

Will the budget for next year have finance allocated in case the proposals are supported by the public?

RESPONSE:

Yes. At the request of Scrutiny Committee, officers will ensure that there is opportunity for the emerging work to be considered and responded to by that Committee. It will be for Members of Scrutiny Committee to consider how it wishes to respond.

It is intended to carry out two separate periods of public consultation on the emerging Tiverton Town Centre masterplan, the first being at scoping stage and the second, on the proposed draft masterplan itself. These consultation periods are considered to be important.

District wide regeneration has been recognised within the draft 2018/19 capital programme in order to ensure project funding (subject to very careful modelling including a thoroughly costed business case).

3. SCRUTINY COMMITTEE – 4 DECEMBER

MIN NO 91

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

Does MDDC consider that using different approaches to the selling or handing over of assets is fair? Given that some assets have been sold to community organisations with a market valuation whilst others have been sold on the basis of a commercial valuation, does the Council intend to have one policy for some people and another policy for others?

If so, what is the basis of the policy?

At what point was this policy approved by full Council?

RESPONSE:

A report on the disposal of Council assets was provided to Scrutiny Committee on the 4/12/17 and was discussed at some length. It was made very clear to the Members of this Committee that it is imperative on the Council to obtain the best price from any asset sale based on all of the unique factors pertaining to the transaction. The Council's financial regulations (approved by the Audit Committee and Full Council in early 2013 – see para 12.5 onwards) and our Asset Management Strategy makes clear reference to achieving the best VFM from any asset disposal.

The issue of "fairness" will always be a subjective one and therefore open to personal opinion and certainly something that couldn't be implemented in to any Council policy. On this basis the Council would look to continue with its existing policies with regard to any future asset disposal – i.e. to obtain the best price achievable based on all the individual/unique particulars to each transaction.

With regard to all commercial asset disposals or indeed acquisitions officers will need to be able to have the ability to negotiate in order to return the best potential deal/offer in order for the Council to demonstrate it has obtained the maximum financial value for all of the residents of the District.

After Scrutiny giving this matter a lot of careful consideration, they voted to support the Council's current policy on the matter.