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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 25 April 2018 at 6.00 pm

### **Present**

#### **Councillors**

P J Heal (Chairman)  
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,  
W J Daw, 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, T G Hughes,  
Mrs B M Hull, D J Knowles, F W Letch,  
B A Moore, Mrs J Roach, Mrs E J Slade,  
C R Slade, T W Snow, J D Squire,  
Mrs M E Squires, R L Stanley, L D Taylor,  
Mrs N Woollatt and R Wright

### **Apologies**

#### **Councillors**

Mrs E M Andrews, Mrs H Bainbridge,  
R M Deed, R F Radford, F J Rosamond and  
N A Way

### **132 Councillor Miss Clarissa Slade**

Those in attendance observed a minute's silence in memory of Councillor Miss Clarissa Slade.

The Chairman presented a book of condolence to her parents Councillors Colin and Mrs Elizabeth Slade.

### **133 Apologies (00-07-08)**

Apologies were received from Cllrs: Mrs E M Andrews, Mrs H Bainbridge, R M Deed, R F Radford, F J Rosamond and N A Way.

### **134 Declaration of Interests under the Code of Conduct**

Members were reminded of the need to declare any interests when appropriate.

### **135 Minutes (00-08-02)**

The minutes of the meeting held on 21 February 2018 were agreed as a correct record and signed by the Chairman.

### **136 Chairman's Announcements (00-08-31)**

The Chairman informed the meeting of the recent events he had attended: he had visited Morchard Bishop Parish Council, raised the flag for Commonwealth Day at

Phoenix House and led the World War 1 Commemorative Act on 12 March, (he thanked his PA Mrs Sarah Lees for all the preparation work for the event). He had also attended Civic Services at Teignbridge, Plymouth and Uffculme (for Devon County Council) and hosted the Mid Devon Civic Service at Morchard Bishop on 15 April (he thanked the Member Services team for their work in organising the event). The previous weekend he had attended a Victoria Cross commemorative event in East Devon and the Mid Devon Scouts Parade in Okehampton and earlier in the week he had attended the Mayor's reception in Crediton.

**137 Public Question Time (00-11-45)**

There were no members of the public present.

**138 Petitions (00-11-53)**

There were no petitions from members of the public.

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

**(1) Motion 541 (Councillor Mrs J Roach - 30 November 2017)**

The following motion had been referred to the Standards Committee for consideration and report:

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 Standards Committee at its meeting on 14 March 2018 considered the Motion and recommended that it not be supported as the matters raised within the Motion had been adequately covered and surpassed by a recommendation to the Planning Committee.

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

**(2) Motion 545 (Councillor L Taylor – 10 April 2018)**

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

That this Council considers the use of British Hedgehog Preservation Society (BHPS) stickers on all Mid Devon grass cutting machinery, requesting that all users check the area to be cut before using the equipment. The stickers are free and are being used by other Councils such as East Devon District Council, Derbyshire County Council and Manchester City Council to name but a few.

The **MOTION** was **MOVED** by Councillor L Taylor and seconded by Councillor R Wright.

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

**(3) Motion 546 (Councillor Mrs J Roach – 11 April 2018)**

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

This Council agrees to clarify the rules in the constitution relating to who can speak at working groups and to non-planning application agenda items at the planning committee. This motion seeks to establish the right in law of Councillors to participate in the democratic process without relying on a Chairman's discretion.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor T W Snow.

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

**(4) Motion 547 (Councillor Mrs J Roach – 11 April 2018)**

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

This Council agrees to amend the constitution by removing the right of a Chairman to use a casting vote.

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

Councillor Mrs J Roach had submitted the following **AMENDMENT** :

To amend the motion to read: This Council recognises that the right of the Chairman to use a casting vote is enshrined in law and cannot be removed from the constitution. However Council recognises that there are a number of issues around the present use of a casting vote, including an issue of predetermination, that the matter should be discussed by the Standards committee.

The Monitoring Officer informed the meeting that the original motion and the amendment were contrary to law - the issue of the Chairman's Casting Vote was enshrined within the Local Government Act 1972 and was also considered within Case Law.

In accordance with Procedure Rule 14.3, as the **AMENDMENT** and the original **MOTION** were not moved, they were therefore **WITHDRAWN**.

**(5) Motion 548 (Councillor Mrs J Roach – 12 April 2018)**

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

This Council regrets that at the last Council meeting Cllr Mrs J Roach was given incorrect and misleading answers to some of her questions.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor T W Snow.

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

The Council had before it a question \* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 with regard to the Motion together with a response from the Cabinet Member for Housing.

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

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

**140 Cabinet - Report of the meeting held on 8 March 2018 (00-34-12)**

The Leader presented the report of the meeting of the Cabinet held on 8 March 2018

**1. Treasury Management Strategy and Annual Investment Strategy (Min 136)**

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

**THAT** the recommendations of the Cabinet as set out in Minute 136 be **ADOPTED**.

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

**141 Cabinet - Report of the meeting held on 5 April 2018 (00-35-19)**

The Leader presented the report of the meeting of the Cabinet held on 5 April 2018

**1. Mid Devon Destination Management Strategy (Min 147)**

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

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

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

**2. Pay Policy (Min 151)**

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

**THAT** the recommendations of the Cabinet as set out in Minute 151 be **ADOPTED**.

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

**142 Scrutiny Committee - Report of the meeting of 12 March 2018 (00-36-33)**

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 March 2018.

**143 Scrutiny Committee - Report of the meeting held on 16 April 2018 (00-37-30)**

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 April 2018.

**144 Audit Committee - Report of the meeting held on 20 March 2018 (00-38-30)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 20 March 2018.

**145 Environment Policy Development Group - Report of the meeting held on 6 March 2018 (00-39-25)**

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 6 March 2018.

**146 Homes Policy Development Group - Report of the meeting held on 13 March 2018 (00-40-15)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 13 March 2018.

**147 Economy Policy Development Group - Report of the meeting held on 8 March 2018 (00-40-42)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 8 March 2018.

**148 Community Policy Development Group - Report of the meeting held on 27 March 2018 (00-41-50)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 27 March 2018.

**149 Planning Committee - Report of the meeting held on 28 February 2018 (00-40-25)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 28 February 2018.

**150 Planning Committee - report of the meeting held on 21 March 2018 (00-44-04)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 21 March 2018.

**1. Recommendations from the Standards Committee – Planning Procedures (min 139)**

The Chairman of the Planning Committee **MOVED** seconded by Councillor Mrs J B Binks:

**THAT** the recommendations (a-c) of the Planning Committee as set out in Minute 139 be **ADOPTED**.

Following discussion and upon a vote being taking, 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 Monitoring Officer.

Notes:

- i) Councillors Mrs J Roach, L Taylor and Mrs N Woollatt requested that their votes against (b) be recorded;
- ii) \*Question previously circulated, copy attached to minutes.

**151 Planning Committee - Report of the meeting held on 18 April 2018 (00-49-27)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 18 April 2018.

**152 Standards Committee - Report of the meeting held on 14 March 2018 (00-50-13)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 14 March 2018.

**153 Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (00-51-09)**

The Chairmen of the Audit Committee and the Scrutiny Committee and the Chairmen of the Environment, Homes, Community and Economy Policy Development Groups presented their Annual Reports\* to the Council.

Note: \*Reports previously circulated, copy attached to minutes.

**154 Special Urgency Decisions (00-51-21)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – January to March 2018.

The Chairman informed the meeting that no such decisions had been taken in this period

**155 Questions in accordance with Procedure Rule 13 (00-51-21)**

There were no questions submitted under Procedure Rule 13.2 that had not been previously answered.

**156 Questions to Cabinet Members (00-51-43)**

Councillor Mrs N Woollatt addressing the Cabinet Member for Housing asked whether the Cabinet Member was aware of a 3 bedroomed Council property in Cullompton which had remained empty for 9 months. She had received complaints from neighbours that the property was deteriorating. She had been informed that the decision had now been made to sell the property, by the time the property was sold it would have stood empty for 12 months and could have been used for the provision of temporary accommodation. She questioned the decision making process with regard to leaving the property empty and then deciding to sell it 10 months later.

The Cabinet Member for Housing responded stating that he was aware of the property; discussions had taken place as to whether to revamp the property or sell it. The decision had now been made to sell the property and he would look into the process.

Councillor T W Snow addressing the Cabinet Member for Housing stated that he had received an email from a local resident regarding land at the top of Hammett Way in Cullompton - a grassed area which was cut twice a year. Would the Cabinet Member consider upgrading the land to make 2 car parking spaces in order to take cars off the road and ease congestion?

The Cabinet Member stated that he would look into the matter.

**157 Members Business (00-55-55)**

Councillor Mrs N Woollatt informed the meeting that, although she had been unable to attend, the new Scout Community Building (at Kingfisher Reach, Cullompton) had been officially opened the previous weekend. She stated that Councillor Snow had fought very hard for the provision of the community building and that he should be commended for his work in this matter.

(The meeting ended at 6.57 pm)

**CHAIRMAN**

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## **AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 25 APRIL 2018**

### **AMENDMENTS**

#### **1. AGENDA ITEM 8 – MOTION 547 (Councillor Mrs J Roach – 11 April 2018)**

**Amendment submitted by Councillor: Mrs J Roach**

To amend the motion to read: This Council recognises that the right of the Chairman to use a casting vote is enshrined in law and cannot be removed from the constitution. However Council recognises that there are a number of issues around the present use of a casting vote, including an issue of predetermination, that the matter should be discussed by the Standards committee.

#### **WORDING IF AMENDMENT APPROVED:**

This Council recognises that the right of the Chairman to use a casting vote is enshrined in law and cannot be removed from the constitution. However Council recognises that there are a number of issues around the present use of a casting vote, including an issue of predetermination, that the matter should be discussed by the Standards committee.

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### **WRITTEN QUESTIONS**

#### **1. AGENDA ITEM 8 – MOTION 548**

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

Please may I have the correct answers to the question that I submitted at the last Council meeting re motion 543.

#### **RESPONSE:**

The written response to Motion 543 included at (3) a reference to the sale of a toilet block in Silverton, this dictated the previously agreed terms of the sale and also stated that the payment amount had been received in full. This one specific point was queried during the meeting and I promised to investigate and come back to Cllr. Jenny Roach with an update.

After consulting the Property Services and Legal teams on Thursday 22 February 2018 I sent an email response to Cllr Jenny Roach on Friday the 23 February 2018 which confirmed – “That the Council had agreed to accept the total amount of £30k on the following basis. The full amount to be paid over 5 equal instalments. The first has been paid – i.e. £6k, the next one is due on the 24/2/18 followed by three further instalments, finalising on the 24/2/21. Please accept my apology for any confusion caused.

## **2. AGENDA ITEM 9 – PLANNING COMMITTEE – 21 MARCH 2018 - MINUTE 139**

### **Question submitted by Councillor Mrs J Roach and the response of the Monitoring Officer**

How can it be fair that members in a double or treble member ward can speak in total for 15mins whilst a single member ward member only gets 5 mins.

#### **RESPONSE:**

The council's Standards Committee had a full debate on public speaking at Planning Committee and there is a recommendation to Full Council (as proposed to be amended by the Planning Committee) as a result of that - papers from both meetings which will be presented to Full Council. This was not something that was put on the table during the discussion at Standards Committee. It was also not something that was raised by members of the Planning Committee when considering the recommendation of the Standards Committee.

Unless Full Council is minded to have a debate on Wednesday evening when considering the recommendation (without the considered views of both Planning and Standards Committees), this issue will need to be referred to those committees for consideration. It is a matter for Members to decide whether to look again at the position of Ward Members when it comes to public speaking rights. However, as the Constitution stands, the right is for the Ward Member(s) to speak for up to 5 minutes each.

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