

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 29 August 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs H Bainbridge, A Bush, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, N V Davey,
W J 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, 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 and N A Way

Apologies

Councillors

Mrs E M Andrews, Mrs A R Berry,
Mrs J B Binks, K Busch, R J Chesterton,
Mrs C P Daw, L G J Kennedy, F W Letch,
R F Radford, F J Rosamond, Mrs N Woollatt
and R Wright

38 Apologies

Apologies were received from: Councillors: Mrs E M Andrews, Mrs A R Berry, Mrs J B Binks, K Busch, R J Chesterton, Mrs C P Daw, L G J Kennedy, F W Letch, R F Radford, F J Rosamond, Mrs N Woollatt and R Wright.

39 Public Question Time

Honorary Alderman David Nation referring to the sale of the Crediton Office made the following statement - You won't be surprised to learn that my question concerns your atrocious decision or should I say the atrocious decision of three Members of the Cabinet to sell the council building in Market Street, Crediton to a commercial bidder, rather than abide by the democratic decision, and I am pleased to hear that in your prayers this evening, that you are still a democracy and yet the clear democratic will of your entire Council was to offer the building for sale to Crediton Town Council at half the valuation. That would have been totally fair and in keeping with the precedent set with regard to the Tiverton Town Hall.

So my question really, and it is especially significant I think, since I have heard today and many of your Members probably aren't aware of this, that the intention to sell that building commercially, that no discussion or information has been imparted by any Council official to the two major tenants in that building. Those are Citizens Advice and Community Transport. Now it takes a lot to surprise me but I am absolutely flabbergasted that this has been going on for 12 months, and whilst a lot of people thought that you would not be as silly as to carry it out, those tenants have had no meetings, no information at all from the Council. That I find absolutely appalling.

But my question in particular, is to those three Cabinet Members who voted to sell this building commercially, are you aware of the strength of feeling in Crediton about this decision. Now you all know that this is a large sparsely populated district and it is difficult to achieve community cohesion right across the area. I think Cabinet Members and any other Members inclined to vote for this proposal and to carry it through ought to be aware of the strength of feeling in Crediton and the disgust towards this Council, will do your standing and the atmosphere throughout the district no good at all.

I have been involved in a good many petitions over several decades in Crediton and I have never known the anger which is felt on the street about this proposal. It is intense, people are fuming. These petitions which you will hear about later are in nearly all the shops in Crediton, people are falling over themselves to sign the petition to show their disgust and I very much hope that those of you, especially Cabinet Members, if this is a delegated decision as I think it must be, are inclined to go through with this deal, bear that in mind you will do the morale in Mid Devon District nothing but harm if you continue with this proposal.

The Chief Executive responded by highlighting the fact that the vote at full council was not a decision. Alderman Nation had accurately pointed out the governance terms; it is the Cabinet that makes the decision, and the wording of the vote at full council was only one of urging Cabinet. In terms of the outcomes, procedurally it carries no weight, it is important to set that in context.

Mr Quinn referring to Item 4 (Minute of the previous meeting) stated that there is an error in the minutes of the meeting of Full Council on 27 June 2018 - specifically in the questions to Cabinet Members item

Councillor Dolley asked "if a progress report of the 3 Rivers Development Company would be presented to Council?"

The minutes state that the response from the Cabinet Member for Housing Councillor Stanley was: "The Cabinet Member stated that annual accounts and the business plan for the Development Company had been reported to both the Cabinet and the Scrutiny Committee."

However the audio recording of the Council meeting has Councillor Stanley clearly stating (and I quote): "3 Rivers is a company that is outside this Council. The Councils owns 100% of its share, as you know, and it is reported once a year in the accounts and that is as far as we go. It is exactly the same as Devonshire Homes - they don't report to the Council, or the public, and the same applies to 3 Rivers". (End of quote)

Councillor Stanley made a clear and accurate statement, but the minutes do not remotely reflect what he said.

It is important that the minutes should be correct. So my question, through the Chairman is:

Will the minutes be corrected so as to show the actual words used by Councillor Stanley in his reply?

Cllr Mrs J Roach stated that she intended to move an amendment to the minutes.

40 **Declarations of Interests under the Code of Conduct (00-10-21)**

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

41 **Minutes (00-10-56)**

Subject to an amendment to Minute 36 (para 8) Councillor Stanley's response that 3 Rivers is a company that is outside this Council. The Council owns 100% of its share, as you know, and it is reported once a year in the accounts and that is as far as we go. It is exactly the same as Devonshire Homes - they don't report to the Council, or the public, and the same applies to 3 Rivers, the minutes of the meeting held on 27 June 2018 were agreed as a correct record and signed by the Chairman.

42 **Chairman's Announcements (00-20-32)**

The Chairman had the following announcements to make:

- He had hosted the suffragette event in July and was joined by many female Councillors including the first female Honorary Alderman.
- He had also visited a number of Parish Councils since the last meeting of Council.

43 **Petitions (00-21-20)**

Mr Collier from Crediton presented a petition with over 800 signatures to the Chairman of the Council and outlined the basis for the petition - we the undersigned residents of the Crediton area, are appalled at the outrageous and undemocratic decision of Mid Devon District Council Cabinet to sell the Market Street Council building to the highest bidder, contrary to the expressed wishes of full Council and their Scrutiny Committee. The building is an essential facility for local people and is used by many mostly voluntary groups. Therefore we request that the Cabinet reconsider their decision and instead sell the property to Crediton Town Council at 50% of the restricted value as recommended by council officers in April 2017.

44 **Notices of Motions (00-24-00)**

(1) Motion 549 (Councillor R B Evans – 8 June 2018)

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

In order that MDDC can take proactive action to assist with the reduction in the use and sale of single use plastic the following motion sets out some initial actions to assist the aim of reduced plastic use with a stated aim to add agreed actions as when viable solutions are available.

The Council therefore agrees to:

Phase out the use of single use plastics (SUP) by MDDC and its suppliers by the end

of 2018 or whenever current contracts expire that would be effected by the required removal of the use or supply of SUP's that may run past this date.

To include, but not exclusively, building materials, chemical containers, paints, chemicals, cleaning products, oil, lubricants, fuel additives, plastic cups, and cutlery. Straws, sachets of sauce and any identified SUP items commonly used but not listed.

Where practicable seek to reduce or remove the use of SUP when dealing with partnership agreements with Devon County Council within leisure facilities.

End the sale of SUP in council buildings including SUP drinks bottles within any all vending machines on MDDC property.

Investigate possibilities of pop up vendors at all events within MDDC area avoiding SUP.

Work with tenants and operators of commercial properties owned by the council to support the phasing out of SUP.

This to include an MDDC initiative encouraging residents when shopping to " avoid the plastic, take a basket , buy loose fruit and vegetables "

Work with festival organisers to create policy in which single use disposable plastic cups are replaced at all festivals within our area with reusable or deposit scheme cups.

One area of exception to be that of medical supplies of any form, to ensure no supply of any equipment or product is in any way compromised.

The Environment Policy Development Group at its meeting on 10 July 2018 considered the Motion and recommended that it be supported.

In accordance with Procedure Rule 16.8 Councillor R B Evans requested a slight amendment to his motion with the insertion of the words "as soon as practicable to" after "The Council therefore agrees".

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

Note: Councillor T W Snow requested that his abstention from voting be recorded.

45 **Reports - Cabinet - Report of the meeting held on 5 July 2018 (00-32-56)**

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

1. Local Plan Examination Hearing – (Minute 41)

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

THAT the recommendations of the Cabinet as set out in Minute 41 be **ADOPTED**.

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

46 Cabinet - Report of the meeting held on 9 August 2018 (00-33-47)

The Leader presented the report of the meeting of the Cabinet held on 9 August 2018.

47 Scrutiny Committee - Report of the meeting held on 1 August 2018 (00-34-19)

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 1 August 2018.

48 Scrutiny Committee - Report of the meeting held on 13 August 2018 (00-36-53)

The Vice Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 13 August 2018.

Note: Councillor R J Dolley drew the meetings attention to Minute 49 and the risk report which had been discussed at the meeting.

49 Audit Committee - Report of the meeting held on 16 July 2018 (00-41-16)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 16 July 2018.

Notes:

- i) Councillor R M Deed drew attention to Minute 23 and the documents he had been promised;
- ii) Councillor R B Evans drew attention to Minute 24 and the fact that the accounts had been delivered on time and had been verified by the external auditor.

50 Environment Policy Development Group - Report of meeting held on 10 July 2018 (00-47-39)

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 10 July 2018.

51 Homes Policy Development Group - Report of the meeting held on 17 July 2018 (00-48-26)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 17 July 2018.

52 Economy Policy Development Group - Report of the meeting held on 12 July 2018 (00-49-00)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 12 July 2018.

53 Community Policy Development Group - Report of the meeting held on 24 July 2018 (00-49-40)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 24 July 2018.

Note: Councillor B A Moore highlighted the Member Briefing that had taken place with regard to diet, lifestyle and nutrition mentioned in Minute 19.

54 Planning Committee - Report of the meeting held on 11 July 2018 (00-51-17)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 11 July 2018.

55 Planning Committee - Report of the meeting held on 8 August 2018 (00-52-55)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 8 August 2018.

Note: The Leader made reference to Minute 37 which highlighted the erroneous report in the Crediton Courier relating to 10 planning applications in Crediton. The Chief Executive informed the meeting that he had written to the editor to convey the Planning Committee's concerns about misleading residents but he had not yet received a response.

56 Questions in accordance with Procedure Rule 13 (00-57-45)

There were no questions submitted under Procedure Rule 13.2.

57 Special Urgency Decisions (00-57-59)

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

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

58 Questions to Cabinet Members (00-58-02)

Cllr R M Deed addressing the Leader asked how many FOI requests had been made by Members over the last 2 years?

The Leader responded stating that he did not have that information to hand, but would provide a written response.

Councillor Deed stated that if there was at least one, then it was sad that Members would have to take this route to gain information.

Councillor Mrs J Roach stated that she had read in the Gazette that £10,000 had been paid to Sir Ian Amory for taking a covenant away from land to the rear of the Town Hall, which budget paid for this and who authorised this payment?

The Chairman stated that a written response would be provided.

Councillor Mrs J Roach addressing the Cabinet Member for Housing stated that in the minutes that had been amended, Councillor Stanley said that it was exactly the same as Devonshire Homes, but I've read the report and 3 Rivers have staff that are seconded and they have a loan and other land passed over to them, have Devonshire Homes been treated in the same way?

The Cabinet Member for Housing stated that the comment was made regarding how the company reports performance for the year; it did not report to committee but the information was placed in the public domain once a year. The Chairman indicated that all accounts go to Companies House and then they are a public document for everyone to look at

Councillor D J Knowles addressing the Leader and referring to gardens, roundabouts and grass cutting stated that the gardens were abysmal, no weeding or grass cutting had taken place, and Tiverton Town Council paid £17,000 a year for grass cutting in the town and were beginning to wonder what they were paying for.

The Leader responded stating that he was sorry that Councillor Knowles was not satisfied with the standard of work. He asked that any particular issues be referred to Stuart Noyce and that if particular areas could be identified then Stuart Noyce would deal with them.

59 Members Business (1-02-36)

The Leader informed the meeting that the State of the District Debate would take place before the end of the calendar year and that the subject would be on Brexit and how it related to the economy of Mid Devon.

Councillor R L Stanley requested a public apology from Councillor Mrs Roach about a comment she had made in the Planning Committee.

Councillor Mrs Roach stated that she had received Councillor Stanley's email and what she had said was that it had been established that Planning Committees could act politically - she had said - not this one. It had been established that some Planning Committees could act politically and she would not apologise.

Councillor C R Slade made a personal statement informing the meeting that they had heard from the Coroner regarding Clarissa's death, she had died from a sudden unexplained cardiac arrhythmia therefore natural causes, her heart had stopped beating whilst she was asleep, there were no suspicious circumstances. He added that a tree would be planted at the University on 15 October and that a plaque had been unveiled in the market reflecting Clarissa's support for the Electric nights events, this plaque had been put in place by the Market Team and traders.

Councillor N Way referring to the petition that had been handed in stated that there was also an online version of the petition and that it was quite possible that there were over 1000 signatures.

Councillor T W Snow sought assurance that the State of the District Debate would not be a lecture but would include a question and answer session that everyone could join in with.

Councillor R M Deed stated that he was very interested in Brexit having studied the European Union, he thought that the date of the event was very close to the next election and hoped that it did not become an election debate. He hoped that that pros and cons would be put forward and that there would be a good panel for a lively and informative debate.

(The meeting ended at 7.10 pm)

CHAIRMAN