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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 24 October 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
A Bush, 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,
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,
L D Taylor, N A Way, Mrs N Woollatt and
R Wright

Apologies

Councillors

Mrs A R Berry, Mrs J B Binks, K Busch,
T G Hughes and Mrs B M Hull

60 Apologies

Apologies were received from Councillors: Mrs A R Berry, Mrs J B Binks, K I Busch, T G Hughes and Mrs B M Hull.

61 Public Question Time (00-03-20)

Mr Wilce – referring to Minute 60 of the Cabinet report stated that the council is only just coming to the end of the town centre relief road consultation and that being the case what evidence was supplied to Homes England in order to demonstrate significant local support for the project which is a condition of the application?

Referring to the report of the Licensing Committee, I note from the minutes that Councillor Busch has attended a meeting at last; does the Council agree with me that electors have the right to expect their elected representative to attend more than two meetings in six months?

Mr Collier referring to agenda item 6 on the agenda (Petitions) stated - I am a long term resident of Crediton, I have a number of questions about the sale of the old MDDC offices in Crediton which I will now outline.

1. Please confirm that the identity of the prospective purchaser was not known to either council members or officers before the decision was made to sell to him?
2. Please confirm the date of exchange of contracts?
3. Please advise on what grounds three Cabinet Members decided to sell to the purchaser who has now exchanged contracts when they were fully aware that

Crediton Town Council wished to purchase the building and a majority of MDDC councillors also wished the building to be sold to Crediton Town Council?

4. Please explain why contracts have now been exchanged in the full knowledge of the ongoing dissatisfaction in Crediton and knowing that a debate on the matter was due at this council meeting?
5. Please explain how the decision made was actually a democratic decision?

Cllr Mrs Brooks-Hocking again referring to Item 6 on the agenda stated - can the Leader of the Council please confirm that this Council understands that the registration of the building of the Town Council offices in Crediton an asset of community value meant that the community of Crediton valued the building and wanted to keep it. Does the council also understand the legislation in the Localism Act related to registering an asset of community value? Does the council understand that the Localism Act allows the District Council to sell to the Town Council at any time during the moratorium period?

Mrs Stephens again referring to Item 6 on the agenda stated - thank you for allowing us the opportunity to ask questions. I don't bring this one just from myself I bring it from a lot of people in Crediton. Each week I speak to many residents, many of them are unable to get to the District council meetings due to the timings of your meetings and also the location. There is no public transport from Crediton to Tiverton. This significantly affects those that are interested in having a town council building. I wonder if members of the MDDC Cabinet are proud of the decision that they took to sell off the town council offices in Crediton and after the prayer this evening do you still have a good conscience in that decision? This decision was made clearly against a very high percentage of the electorate, MDDC councillors and scrutineering. The decision is also taken against the backdrop of another one of MDDC's or presumably just the Cabinet, to increase the housing in Crediton in the immediate future thus raising the population by some 25% whilst selling off the council office diminishing the amenities to the town. In light of the decision taken by just three Cabinet members to sell Crediton town council office and that the Cabinet did not take into consideration the wishes of this full MDDC or take into consideration Scrutiny's comments. This comes from a number of residents in Crediton why are we paying our council tax to pay for all of you sit here, 40 people, who are unable to influence a decision which has been dictated by three members of Cabinet. If the full council were reduced to three Cabinet members who appear to make all the decisions to us from Crediton on MDDC, what would be the annual saving and why are we paying for full council? Why are you all sat here giving your time for us if you have no jurisdiction and no influence on decisions made by the Cabinet. Therefore what would be that annual saving?

Mr Stephens again referring to Item 6 stated that regarding the intended sale of Crediton Town Council offices by MDDC, as an ordinary member of the public I have but little understanding of the workings of local government, perhaps I should say not workings of local government. But as an ordinary voter contemplating where to place my cross next May this is how the narrative quite simply seems to be. For decades Crediton owned a superbly functioning office building serving a multiplicity of community functions as well as modestly fulfilling the functions of our Rathaus or Hotel De Ville for the hundreds of visitors from more than 18 countries worldwide including the USA, Japan, Australia and New Zealand such is those who have signed

in the visitors book in the Parish Church in the last 10 months alone. Now it seems the Mayor of Avranches will have to be welcomed in the alleyway of number 8A North Street. I wondered if Cabinet bothered to ascertain that Crediton is probably more famous abroad than it is in the UK due to St Boniface. In the Local Government reorganisation in 1974 the ownership of the building was transferred to the MDDC presumably not as inherited silverware but in trust to protect the usage. MDDC decides to raise the cash by selling off the silverware; Crediton tries to save it by offering on comparable terms to Tiverton. MDDC full council vote is unopposed even by the Cabinet members to support the Crediton bid. Cabinet exerts its vested powers to ignore that vote. Crediton presents a strong petition to full MDDC and is told MDDC has no power to overrule the Cabinet. Along with several other residents I wrote to the MP Mel Stride and am told that he has no power overturn the Cabinet decision. Crediton residents increased their petition to around 25-35% of the electorate and speak to the Scrutiny Committee. Scrutiny Committee say they have no power over the Cabinet but would write a letter, which I applaud, imploring the decision and requesting for the second time a rethink. Cabinet continues on its unhinged path, at no point offering qualitative rationale only the divine right of Kings. Cabinet sells the building. Mr Chairman when I cast my vote I placed my trust in the elected council thus expressing confidence in them to make good decisions. Until this issue arose I did not know that MDDC delegated powers to Cabinet to make decisions for them let alone to relinquish any power over those decisions. Presumably the full MDDC is basing a similar trust and confidence in their selected Cabinet to make good decisions and retain responsibility for those decisions made on their behalf. As a voter I carry a proportionate responsibility for the actions of those for whom I vote. At the Scrutiny Committee on Monday 8th October the sale of the Crediton Town Council offices was described as a very bad decision. All we have back from every avenue above a Gallic shrug of the shoulders is 'we have no power to make the Cabinet change its decision'. Ensuing from this bizarre lack of control my question is as follows:

As a member of the electorate I will have the opportunity to exert my responsibility in the ballot box next May will MDDC exert its responsibility now for the actions of its own Cabinet members by moving a vote of no confidence in them?

Mrs Briant Evans again referring to Item 6 stated that -Crediton Town office building serves the greater Crediton district not just the town. What arrangements I wonder were made for public consultation about the sale of the building to include those rural parishes which see Crediton as their local business centre and hub. There appears to be no indication of how this might have happened or how the impact on the rural area has been assessed and/or discussed as part of the decision making process which is recorded in the public minutes of the Cabinet meeting of 14th June.

Mrs J Tucker again referring to Item 6 on the agenda stated - my question is somewhat similar to those which have gone ahead in that you have now finally sold Crediton's most vital civic and community asset to a private buyer but actually as others have remarked it was not this council that decided to sell but just three members of one small committee who decided like Shakespeare's shylock to have their pound of flesh out of Crediton regardless of the consequences. They ignored the wishes of the majority of this council, the advice of the Scrutiny Committee, elements of your constitution and finally our petition. And nobody could stop them. This was a travesty of democracy, a betrayal of the electors of Mid Devon and has brought this council into contempt and ridicule. You mention that to people in Crediton and you'll know that's true. What are you going to do about it, which is my question?

What are you going to do to restore democracy to Mid Devon to ensure that none of your committees is ever beyond the power of the whole council and thereby one would hope ensure that no other community in Mid Devon can suffer the sort of damage which has been inflicted on Crediton.

Mrs M Nation again referring to Item 6 asked:

1. When is the completion date of the sale?
2. I firmly believe that there's been a breach of natural justice on the assumption that most of the council also believe that. What are the proposals to remedy the situation and to prevent the same thing happening again perhaps to another authority?
3. When I become a District Councillor I can remember that when you get involved, the Chief Executive firmly says to you any decision you make is for the district as a whole. How can the Cabinet justify their decision to treat Crediton so differently than Tiverton Town Council and how do they think that the people of Crediton and district will regard their decision in the future?

Mrs C Penharris referring to Minute 60 of the Cabinet report stated that the CCA which is Cullompton Community Association have many concerns about the process and the deliverance of the consultation on the proposed Cullompton Relief Road. Here are some examples:

Mixed information was given out at the consultation where MDDC officers, a consultant and councillors were advising members of the public that option C was not an option due to the time limit and cost. The road was needed to improve air quality where according to the MDDC air quality report 2018, it is recorded the greatest decrease in nitrogen dioxide in sites 12 & 13 and is below the national average. It was said that the Garden Village might not happen because planning had not been agreed but according to your air quality report the Garden Village site and the land is secure. Other comments heard were that the relief road would alleviate traffic from the town centre and make way for more traffic from the new developments and we will have to look at making improvements to junction 28. Another concern is on the on-line questionnaire, you have to answer all the questions to allow it to submit, even if you put no to the relief road. My question is because of these concerns, along with the non-delivery of leaflets, which members of the public were advised would happen, and which only a small minority received, do you agree that the consultation was greatly flawed and skewed and if not why not?

62 **Declarations of Interest under the Code of Conduct (00-22-59)**

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

The following Members declared interests:

Mrs E M Andrews	Personal Interest as Vice Chairman of the CCA and a Member of Cullompton Town Council	Minute 60 Cabinet Minutes
N A Way	Personal – Member of	Agenda Item 6 -

	Crediton Town Council	Petitions
F W Letch	Personal – Member of Crediton Town Council and had signed the petition	Agenda Item 6 - Petitions
J M Downes	Personal – Member of Crediton Town Council	Agenda Item 6 - Petitions
R Wright	Personal – Member of Crediton Town Council	Agenda Item 6 - Petitions

63 Minutes (00-24-15)

Subject to the inclusion of the following wording in paragraph 3 of Minute 59 Members Business (Councillor Mrs Roach) “and would not retract her comments” after “and she would not apologise”, the minutes of the meeting held on 29 August 2018 were agreed as a correct record and signed by the Chairman.

64 Chairman's Announcements (00-28-00)

The Chairman had the following announcements to make:

- He had visited several Parish Councils in his role as Chairman and intended to visit more over the next few months.
- Two weeks ago, he had represented the Council at County Hall to witness the Lord Lieutenant presenting British Empire Medals to worthy recipients.

65 Petitions (00-28-53)

Honorary Alderman presented a petition with 1746 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.

In accordance with Procedure Rule 12.2, Honorary Alderman Nation addressed the Council stating that further signatures had been received and raised the following issues:

- The concerns of the residents of Crediton with regard to the Cabinet decision to sell the Council offices in Crediton.
- The procedure that had taken place which led to the sale, which included the valuation figures, the registering of the property as a community asset, previous discussions at Council and at the Scrutiny Committee.

- Contracts had been exchanged but there was still time for the decision to be overturned.
- The Corporate Plan and its priorities and the Policy Framework.
- His time as the Chairman of the Scrutiny Committee and the training he had received with regard to strategic decision making.
- His view that the decision-making with regard to this issue had been inconsistent and was felt that it could be considered to be mal- administration.
- A possible new petition to force a referendum to switch from a cabinet system to a committee system, therefore decisions such as the one taken would be dealt with by the Full Council.

A debate then took place with the following issues arising:

- It was unfortunate that contracts had already been exchanged and that the Cabinet system had allowed such a decision to be made; the number of signatures required to force a referendum to change governance systems. The need for decision-making to be consistent.
- The Motion to Council in February 2018 and the support it had received. Crediton Town Council had made provision to relocate, but that other groups located in the property would suffer from increased charges.
- The issue had been badly handled and that a spotlight had been shone on the cabinet system of decision-making. The alternative to overturning the decision would be a referendum on the governance arrangements of the authority.
- Whether all of the Crediton Town Council were against the Cabinet decision.
- The decision being taken by only 3 Members of the Cabinet and that such a decision should have been taken by the Council, some Members pledged support for a referendum
- The lack of consistency with regard to decision-making, the need to receive best value for the sale of assets, the lack of public representation when the decision to sell the property was determined.
- The role and powers of the Scrutiny Committee, the breakdown in negotiations and the failure to meet a compromise, but not a failure of the Cabinet governance system.
- The difference between the sale of Tiverton Town Hall and the Crediton Office, the registering as a community asset and the breakdown in negotiations.
- The small margins involved in the sale and the lack of willingness to compromise, although agreement with the Cabinet system, why 3 individuals chose to go ahead with the decision against public wishes.
- Support for Crediton Members and residents
- The letter from the Chairman of the Scrutiny to the Leader and the fact that he would respond.
- The opportunity that Crediton Town Council was given to remain in the premises with a security of tenure. The question and timing of why this

opportunity was rejected by the Town Clerk and whether this decision was made by the members of Crediton Town Council

The Chairman indicated that written responses would be supplied to questions asked in public question time and copies would be distributed to all Members of the Council.

Notes:

- i) Councillors J M Downes, N Way and R Wright declared personal interests as Members of Crediton Town Council;
- ii) Councillor F W Letch declared a personal interest as a Member of Crediton Town Council stated that he had signed the petition.

66 Notices of Motions (1-06-00)

No motions were submitted for consideration by the Council.

67 Reports - Cabinet - Report of the meeting held on 30 August 2018 (1-06-14)

The Leader presented the report of the meeting of the Cabinet held on 30 August 2018.

The Council had before it questions * submitted by Councillors Mrs J Roach and Mrs N Woollatt in accordance with Procedure Rule 13.2, together with responses from the Cabinet Member for Planning and Economic Regeneration.

Councillor Mrs N Woollatt asked a number of supplementary questions referring to:

Question 1 - The response to this question is disingenuous. My question was not about means of responding to the consultation, it was about the means of informing residents the consultation was taking place, therefore the example of how many responses to N Devon Link Road were online is irrelevant.

In fact to use the N Devon Link Road consultation as an example, in addition to online methods, the start of that consultation was advertised with the distribution of leaflets to 60 parishes, information boards on A361 and posters on local town and parish noticeboards and libraries. Posters are an issue I will cover further later. Research I have carried out of other relief and link road consultations conducted all over the country in the last few years demonstrates that leaflet, letter or postcards advising of the consultation taking place are the norm, with in most cases delivery of these media directly to households prior to or at the beginning of the consultation.

Question 2 - The reason I asked this question was twofold. One of the routes is literally inches from the showpersons site. I am aware that the Council met with representatives from this site but I am informed that the information about the consultation was not cascaded to the rest of the residents. Surely the Council had a duty to directly inform all the residents on this site? This is one of the many locations in Cullompton which did not receive a leaflet delivery.

When it became apparent that the leaflet delivery had failed to be delivered to the majority of households in Cullompton, the Chief Executive revealed in an email to me

that he tends to resist the leaflet drop approach as he considers it skews the demographic responding. When I asked for further explanation he explained that 'older people' tend to respond to leaflets. Apart from finding this comment 'ageist' a combination of the leaflet delivery failure, mainly online advertisement of exhibition dates and because printed material and questionnaires was not left available for collection in public buildings in the town, I have found many older people I have spoken to who do not use online methods have felt excluded. Is there a document available detailing the equalities impact assessment and may I be sent a copy?

Question 3 - The full response to this question appears to have been put to Q4 ... I would suggest that given the failure of the leaflet delivery, if static exhibition boards had been displayed, it could have been mitigated in that at least residents would have a means to view the information other than online. Unmanned exhibition boards are methods I have seen used in other consultations in addition to the manned exhibitions.

Question 4 - Exhibition boards relate to Q4, By material I was referring to leaflets and questionnaires for responses. Again, the leaflet delivery failure could have been mitigated if residents could pick up information from the library or Town Hall for example. Hard copies of the questionnaires would also have made it easier for people who are not online to contribute, particularly those groups who are not comfortable using online methods. I am not clear from the answer why it was decided not to leave printed material available for collection in public access buildings?

Question 5: - I was not suggesting the entire details of the consultation be published in The Crier, a mention would have been sufficient to help advertise the fact the consultation was taking place. Ironically The Crier was delivered to many households prior to the small amount of consultation leaflets which were eventually delivered.

Question 6 - Another disingenuous answer. The question was asking if posters advertising the consultation and exhibition dates was produced. The answer to this is no. No posters advertising the start of the consultation and exhibition dates was produced or displayed anywhere by the Council.

The poster referred to above was clearly an afterthought, particularly as the press release with a copy of the poster reminding of the deadline of 25th October was published on 23rd October, too late for publication in the local newspaper which was already printed and on sale at that point!

Question 7 - Yet another disingenuous answer. You have explained what you were told by the distribution company which they have not been able to verify as you have not been supplied with GPS data. Evidence from hundreds of residents indicates that leaflet distribution was not completed over a wide geographical area of the town.

However, the question was what did the Council do to remedy the situation, not what you did to find out what happened. The fact is the Council did nothing to correct the situation. In fact, when I asked this question of the Chief Executive I was told there was no intention to do anything and that "short of hiring a van and megaphone" he was comfortable the Council had done all it could. Well I and many residents aren't comfortable with the situation and I find that attitude complacent. The results of this consultation will have a huge impact on the town, whichever route is chosen. All

residents had a right to be properly consulted. Council did not do all it could. It could have done much more to advertise and provide information in the town and surrounding areas and it should have stepped up its efforts when it was realised that the delivery of leaflets had failed.

Question 9 - Testimonials on a company's website are not likely to include testimonials from their dissatisfied customers. Was any research on their reputation and reliability carried out anywhere other than the company's own website?

The company has not provided that tracking information and there is evidence from residents that delivery did not take place in large parts of the town. I even have reports of not every house being delivered to in some streets that they did carry out deliveries. What is the Council going to do to hold this company to account for their breach of contract?

Question 10 - Will the Council be seeking a refund for work that was not carried out?

Question 11 - Leaflet distribution was viewed as an additional means of consultation. Therein lies the problem I think, this view that leaflets are an 'added extra'. Printed paper information whether by letter, leaflet or postcard is an integral part of publicising every other consultation I have looked at from the past few years. It should have been distributed at the start of the consultation. Not half way through after most if not all public exhibitions had been held, that was in the case of those that did get distributed.

It particularly concerns me when I am contacted by a constituent who finds out about the consultation in its dying days and who has talked to his neighbours to find out they were unaware also. This is from a resident living where one of the routes would directly impact his property. I can't defend the Council when he should have had a leaflet delivered and the Council did nothing to rectify this when that failed.

Question 12 - Yes, many people are aware, but not all. If you are not an online follower of Council websites, a follower of certain social media pages or a reader of the Culm Valley Gazette you have been left at a disadvantage. Indications from locations of reports that I have had of non-delivery also indicate that there was no delivery in many of the geographical areas most affected by the various routes. For something which will have such a major impact on the town and its future we should not be satisfied that many people knew ... the bar should have been set that everybody knew, especially those who will be most directly affected. Given what has happened with the failure of communication direct to householders, will the Council consider doing a second stage of consultation once a preferred route has been identified to feed into and comment on the further work which will take place on development of junction strategies, engineering and environmental assessments and so on prior to submission of a formal planning application? This is an approach I have seen taken by other authorities.

The Chief Executive responded stating that he had been asked by Councillor Mrs Woollatt to explain what 'demographic profile' meant in the context of consultation responses and that, having provided such an explanation to her, this doesn't equate

to ageism in anyway. Councillor Mrs Woollatt would receive written responses to her supplementary questions.

Councillor Mrs Roach stated that her questions had not been answered as she had asked for specifics in relation to the Gunning Principles which was case law in relation to consultation and the way in which the Cabinet Office asked for consultation to be carried out. The answer to Mrs Woollatt's question 11 did not comply with the Gunning Principles of the demands of fairness which were likely to be higher when the consultation related to a decision which was likely to derive someone of an existing benefit, the problem was that the questions that she had asked to lots of consultations had not been answered in full and the answers were not acceptable.

With regard to Minute 62, Councillor Mrs Roach did not feel that her question had been answered.

Notes:

- i) Councillor Mrs Andrews drew attention to Minute 60 outlining her views on the proposed relief road;
- ii) Councillor Mrs E M Andrews declared a personal interest with regard to Minute 60 as she was Vice Chairman of the CCA and a member of Cullompton Town Council.
- iii) * Questions previously circulated, copy attached to minutes.

68 Cabinet - Report of the meeting on 27 September 2018 (1-27-29)

The Leader presented the report of the meeting of the Cabinet held on 27 September 2018.

The Council had before it a question referring to Minute 72 * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2, together with a response from the Cabinet Member for Planning and Economic Regeneration.

Although not a supplementary question, Councillor Mrs Roach highlighted the work that she had progressed following her motion to Council in 2013, she had contacted the Town and Parish Councils and consulted further with other stakeholders all in line with the Gunning Principles, none of this had been taken into consideration, she felt that the issue would now be further delayed and wondered if the Greater Exeter Strategic Partnership had ideas to use the land for development?

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

69 Scrutiny Committee - Report of the meeting held on 10 September 2018 (1-32-40)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 10 September 2018.

70 Scrutiny Committee - Report of the meeting held on 8 October 2018 (1-33-16)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 8 October 2018.

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 Planning and Economic Regeneration.

Councillor Mrs Roach asked the following supplementary question of the Chairman of the Scrutiny Committee: she wondered why Minute 81 had just been noted, as the consultation methods obviously were not working as the response had been very poor. Cllr Mrs Daw and herself had consulted with the public on another matter and had received 175 responses just by talking to people in the 3 main towns for a period of 9 hours.

The Chairman of the Scrutiny Committee responded stating that the Committee had been assured that this had been stage 1 of the consultation process, the consultation process was more than just talking to people and some people did not believe that the changes to the Tiverton Town Centre would be in their life time.

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

71 Audit Committee - Report of the meeting held on 18 September (1-37-49)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 18 September 2018.

72 Environment Policy Development Group - Report of the meeting held on 4 September 2018 (1-38-27)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 4 September 2018.

73 Homes Policy Development Group - Report of meeting held on 11 September 2018 (1-39-02)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 11 September 2018.

74 Economy Policy Development Group - Report of the meeting held on 6 September 2018 (1-39-32)

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

75 Community Policy Development Group - Report of the meeting held on 18 September 2018 (1-40-25)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 18 September 2018.

76 Planning Committee - Report of the meeting held on 5 September 2018 (1-41-06)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 5 September 2018.

77 Planning Committee - Report of the special meeting held on 19 September 2018 (1-41-53)

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 19 September 2018.

78 Planning Committee - Report of the meeting held on 3 October 2018 (1-42-17)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 October 2018.

79 Licensing Committee - Report of the meeting held on 9 October 2018 (1-43-21)

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 9 October 2018.

1. Fourth Review of the Gambling Act 2005 Statement of Principles (Minute 7)

The Chairman of the Licensing Committee **MOVED** seconded by Councillor Mrs G Doe

THAT the recommendations of the Licensing Committee as set out in Minute 7 be **ADOPTED**.

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

2. Fourth Review of the Licensing Policy under the Licensing Act 2003 (Minute 8)

The Chairman of the Licensing Committee **MOVED** seconded by Councillor Mrs E J Slade

THAT the recommendations of the Licensing Committee as set out in Minute 8 be **ADOPTED**.

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

The Chairman indicated that a written response would be provided to questions posed in public question time.

80 Regulatory Committee - Report of the meeting held on 9 October 2018 (1-47-46)

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 8 October 2018.

81 **Mid Devon and the Local Industrial Strategy (1-48-45)**

The Council had before it a report of the Leader, authored by the Chief Executive seeking delegated authority for approval of the Local Industrial Strategy to the Heart of the South West Joint Committee.

The Chairman explained the contents of the report.

The Chairman **MOVED**, that

1. Council agrees to delegate the partnership approval of the Local Industrial Strategy to the Heart of the South West Joint Committee (Council's vote vesting through the Leader as the representative on that body).
2. The approval of any Mid Devon-specific input or content to the LIS is delegated to the Chief Executive in consultation with the Leader.
3. The update report being prepared by the HotSW Joint Committee Programme Management Office is shared with the Cabinet and the Council as it becomes available.

Discussion followed with regard to the ultimate approval of the Local Industrial Strategy resting with the LEP but that there was a need for the proposal to be signed off by the statutory joint committee with approval sought from Council to allow Mid Devon to vote on the item at the joint committee. Concern was raised as to whether Members of the authority had any input into the decision and that delegated authority was sought for 2 people to make decision on behalf of the authority. Members were reminded that the terms of the Heart of the South West Joint Committee had been approved by Council.

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

Notes:

- i) Councillors Mrs J Roach and Mrs N Woollatt requested that their votes against the decision be recorded;
- ii) *Report previously circulated, copy attached to minutes.

82 **Questions in accordance with Procedure Rule 13 (1-54-56)**

There were no questions submitted under Procedure Rule 13.2.

83 **Outside Body Appointment (1-55-04)**

There was a need to seek nominations to appoint one Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee (Outside Body).

Councillor Mrs Woollatt **MOVED** seconded by Councillor Mrs J Roach that Councillor R M Deed be appointed as the Council's representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee.

The Leader **MOVED** seconded by Councillor C R Slade that Councillor L G J Kennedy be appointed as the Council's representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee.

Following discussion and upon a vote being taken it was **RESOLVED** that Councillor L G J Kennedy be appointed as the Council's representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee.

84 **Special Urgency Decisions (1-58-29)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – July to September 2018

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

85 **Questions to Cabinet Members (1-58-39)**

Councillor Mrs N Woollatt addressing the Cabinet Member for Planning and Economic Regeneration stated that she had been made aware that Jonathan Guscott was working at the Cullompton Relief Road exhibition. The former Head of Planning had been employed as a consultant for the Local Plan, was he being employed on other projects as well?

The Cabinet Member stated that the former Head of Planning has been employed to work on two parts of the Local Plan; one was the road infrastructure for the East of Cullompton (now the garden village area) and he was also looking at elements of the Junction 27 proposed allocation.

Councillor F W Letch addressing the Leader stated that bearing in mind that Drew Pearce gave a commercial valuation for Tiverton Town hall, could he please have Cabinet explain to him, Members and the Council tax payers of Mid Devon District Council why that building which clearly had a commercial value was never put on the open market. Is he aware that at least one Parish Council did not support Crediton Town Council by writing to Mid Devon District Council saying don't be so naughty, sell it to them because of what had happened and I have seen the written report from the Chairman of the Parish Council that they had been told that :

- a) Crediton Town Council wanted the building for nothing – not true
- b) They had never offered half of the restricted value – which I maintain is not true
- c) Their bids were put in too late – not true
- d) The building was not a Grade II listed building – not true

He asked for further discussion with regard to the issue of the Parish Council.

The Leader stated that he did not have any figures available but would be happy to respond in writing and with regard to the other issue he would be happy to receive correspondence from the Member.

86 Members Business (2-03-06)

The Leader stated that he had been delighted to be invited by Cullompton Town Council to attend their food and drink festival; he had attended with Councillor R Evans and other Members. He was also delighted to be informed that they had recently won an award for best farmers market, also congratulations to Crediton as he believed they were in the top three.

Councillor Mrs J Roach stated that the written questions that she had asked earlier were to try and establish whether the Gunning Principles had been and were going to be followed by this Council in consultations, one of the few rights that back bench members had, who are part of a ruling party was to ask questions of the Council and expect a decent reply to those questions, she felt that the answers she had received to questions today showed arrogance on the part of the people who were writing them, it seemed to her that when she had read the answers that they were saying oh it's just Councillor Mrs Roach, let's just say we have done the consultation, she felt that her questions were not answered and she would be contacting the Monitoring Officer tomorrow to ask what action she could take to ensure that in future that her right as a back bench member of the Council were upheld by the officers of the Council and that never again would her questions be treated in such a manner.

Councillor R J Dolley asked for assistance with an issue first raised by a resident in his Ward in 2013 with regard to an area of land adjacent to his own which was to be designated an area of natural beauty and requested that the Cabinet Member of Housing discuss the matter with him. The Cabinet Member stated that he was happy to do so.

The Cabinet Member for Housing informed the meeting that he and the Director of Operations would be travelling to London on 27 November to discuss the issue of 'Right to Buy' with the Housing Minister.

Councillor R M Deed stated that as a member of the Audit Committee he had recently attended a conference; of particular interest was a presentation with regard to the demise of Northampton Council and that he had been reminded of the demise this evening, he suggested that Members look at the report and take lessons from it.

(The meeting ended at 8.08 pm)

CHAIRMAN

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Minute Annex

WRITTEN QUESTIONS – FULL COUNCIL – 24 OCTOBER 2018

1. MINUTE 60 – CABINET 30 AUGUST 2018

Questions submitted by Councillor Mrs N Woollatt and the response of the Cabinet Member for Planning and Economic Regeneration

It is stated in the minutes that the Head of Planning, in response to my request for distribution of information on the consultation direct to households, claimed that “today the majority of consultations were more web based”

1. Please explain what the basis for the Head of Planning's comment was?

RESPONSE

In Councillor Woollatt's request that a leaflet be distributed to addresses in Cullompton, reference was made to consultation undertaken in Crediton by Devon County Council in connection with the link road some 10 years ago. Since then, electronic means of communication and engagement have increased in frequency, including those in response to consultations. This has been reflected in the method of responses received for recent public consultations such as the North Devon Link Road where 90% of responses were via the scheme website.

Delegated authority was given to the Head of Planning and Cabinet Member for Planning and Regeneration to prepare and finalise the consultation material.

2. Was an equalities impact assessment carried out as part of the preparation for the consultation?

RESPONSE

Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with 6 public exhibitions at which staff were on hand to talk through proposals. Means of consultation took equalities impact into account.

3. When preparing for the consultation was any consideration given to a static display of the exhibition boards being located in a public building in Cullompton?

RESPONSE

Yes.

4. Why was it decided not to leave any material about the consultation in any of the public access buildings in Cullompton?

RESPONSE

5 (later revised to 6) public exhibitions were being held at which staff were on hand to talk through proposals and answer questions. The same opportunity would not be available via static display. The availability of all the consultation material including the exhibition boards online on the consultation webpage was also taken into account.

5. Was any discussion held with Cullompton Town Council to include mention of the consultation in the town council newsletter The Crier which was delivered to Cullompton households during the consultation period?

RESPONSE

Yes. The distribution of the next available edition of The Crier was later than the distribution timescale originally agreed with the distribution company. It was therefore expected that residents would have received an A3 leaflet on the consultation in advance of The Crier's distribution. The size and format of the publication also did not suit the summary information on route options and its legibility by readers. It was considered that an A3 format was required in order to provide both maps of the route options and accompanying text.

6. Were any posters advertising the consultation and exhibition dates produced by the Council and if so where were they displayed?

RESPONSE

Yes, posters were produced approximately one week before the end of the consultation for display to remind of the deadline. They were handed over for display at the Town Hall, The Hayridge Centre, Culm Valley Leisure Centre, Tesco and Mole Valley Farmers.

For the main period of consultation other means of communicating information was in place.

After the Cabinet meeting I was told that leaflets about the consultation would be delivered to households in Cullompton to the same distribution area that the town council covers with The Crier newsletter.

7. When it came to light that the majority of households in Cullompton had not had a leaflet delivered what actions did the Council take to remedy the situation?

RESPONSE

Officers contacted the distribution company across multiple days, seeking to establish the situation. Officers were advised by the company that the leaflet distribution was mainly completed to the agreed timescale and in full by 5th October. Officers have also sought GPS tracking information from the company for verification.

8. How many distribution companies were considered, were they local or national and on what criteria was the delivery company the job was awarded to chosen and others discounted?

RESPONSE

Sourcing a distribution company took place against a series of criteria: geographical area covered by the company, ability to distribute within a set area that equated to only part of the EX15 1 postcode, timescale within which distribution could take place, cost and

accountability. A total of 5 distributors were contacted comprising local and national providers. The company chosen was the only one that stated they would be able to complete the distribution within timescale and offered accountability post distribution to the client via GPS tracking.

9. What due diligence took place to assess the reputation and reliability of the distribution company contracted?

RESPONSE

Testimonials of their service are available on their website and were viewed prior to commissioning. The company in question offered clients the ability to check the geographical area of distribution via GPS tracking information.

10. Has the delivery company been paid?

RESPONSE

Yes.

11. Does the council think it is acceptable that people living in property which will be directly affected by the proposed routes have not been informed directly?

RESPONSE

Extensive efforts have been made to raise awareness of the consultation via a range of platforms. Leaflet distribution was viewed as an additional means of consultation. In speaking to those attending the vast majority were aware and had heard about the consultation before seeing the static exhibition displays, for example the Gazette has had nearly weekly coverage of the consultation via articles and letters.

12. In hindsight does the Council think it did everything it could to ensure that there was widespread awareness of the consultation amongst all sectors of the community?

RESPONSE

As of early Monday 22nd October, 467 consultation responses had been received and 1,114 unique new users had accessed the consultation website with several days to go until the consultation closes on 25th October 2018. It is also estimated that nearly 800 people attended the 6 public consultation exhibitions at which staff were on hand to talk through proposals. Consultation material was available and promoted across a range of platforms and media types. This level of interest and response for a geographically focussed rather than district wide consultation indicates many people in Cullompton are aware of the consultation and proposals.

The effectiveness of consultation methods can always be reflected upon after the event and improvements identified. However this does not mean that the consultation exercise as carried out was ineffective or fundamentally flawed.

2. MINUTE 60 – CABINET 30 AUGUST 2018

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

Fairness and the Common law duty to consult.

The cabinet office state that 'the governing principle is proportionality of the type and scale of the consultation and the potential impacts of the proposal decision being taken and thought should be given to achieving a real engagement rather than following a bureaucratic process'

The general principles derived from case law known as the Gunning principles.

They are,

Consultation should occur when proposals are at a formative stage.

Consultation should give sufficient reasons for any proposal to permit intelligent consideration.

Consultations should allow adequate time for consideration and response.'

There must be clear evidence that the decision maker has considered the consultation responses or a summary of them before taking a decision.

Recent case law added two further general principles, 'The degree of specificity regarding the consultation should be influenced by those who are being consulted.

The demands of fairness are likely to be higher when the consultation relates to a decision which is likely to deprive someone of an existing benefit.

Addressing each point individually, has the Council complied with the Gunning principle and how did they achieve compliance?

RESPONSE:

Yes. Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with 6 public exhibitions at which staff were on hand to talk through proposals.

No decision has yet been made over the preferred route and the public consultation period has not yet closed. A public consultation report will be prepared prior to decision making so that it may be taken into account.

3. MINUTE 62 – CABINET 30 AUGUST 2018

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

Identical question to previous one.

RESPONSE:

Ward Members, Cullompton Town Council and Kentisbeare Parish Council were consulted over proposed garden village governance arrangements prior to their agreement and establishment.

The report in question focusses upon the governance of the project and the decision making powers of the Garden Village Delivery Board and makes it clear that in accordance with 2.3.7 and 2.3.8 that the Board has no statutory decision making powers. Statutory decisions (e.g approval of planning documents) will be made through the usual processes of the relevant authority and subject to any associated consultation in the normal way.

4. MINUTE 72 – CABINET 27 SEPTEMBER 2018

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

Identical question to previous one.

RESPONSE

No decision has yet been made over whether to seek Area of Outstanding Natural Beauty status for the Exe Valley. The resolution was that officers bring back a revised options paper once the Government's review has concluded. Should the Council wish, there is opportunity to consider consultation prior to decision making.

Extra Question, Why was the consultation work undertaken by Cllr Mrs J Roach not considered when making this decision?

RESPONSE:

The officers exploring the potential for designation and preparing the report did not see consultation feedback gained by Councillor Roach in 2014/15 until after the PDG reports had been prepared and were due to be published. The information was provided to them by her on 28th August. Email exchanges led officers to believe that Councillors Roach and Stanley would take the opportunity to update PDG and Cabinet Members at the meetings on the discussions they had had with Parishes. Councillor Stanley made the point at the meeting of Cabinet that the proposal would likely be supported by the parishes in his ward based on discussions he had had with them.

5. MINUTE 81 – SCRUTINY COMMITTEE 8 OCTOBER 2018

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

This important report on a consultation exercise which had an extremely poor response has only been noted.

What is the Council going to do to ensure that this consultation meets all the requirements of the Gunning principles given that it has the potential to affect a number of residents and business owners.

RESPONSE:

Principles of consultation were met by ensuring consultation material was available and promoted across a range of platforms, media types and by supplementing that with public exhibitions at which staff were on hand to talk through proposals. These took place during an 'Electric night' event and at a Friday market. Whilst only 55 consultation responses were received, most were detailed responses.

When Cllr Daw and I visited the three towns we managed to get a response rate of 175.

Will the Council agree to a further 'Meet the people ' exercise to ascertain the views of local people?

RESPONSE:

A second stage of public consultation on the draft masterplan documentation is yet to take place and will seek to engage across a range of platforms including direct contact at public exhibitions.

What is the overall aim of the masterplan? is it retail, the night economy, tourism...what is the council planning to do, what are the outcomes and the cost?

RESPONSE:

The masterplan will set out a comprehensive regeneration and investment blueprint for the future of the town centre. Members will be aware of work taking place to produce an Economic Strategy and that the masterplan will also sit within the context of this wider piece of work.

The masterplanning process is not yet complete, but will result in a masterplan supplementary planning document together and investment programme.

The value of the consultant's commission is £51,810.