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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 25 October 2017 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, A Bush, R J Chesterton,
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, R F Radford, Mrs J Roach,
F J Rosamond, Mrs E J Slade,
Miss C E L 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 J B Binks, K Busch, Mrs C P Daw and
F W Letch

55 **Apologies**

Apologies were received from Councillors: K I Busch, Mrs J B Binks, Mrs C P Daw and F W Letch.

56 **Minutes**

The minutes of the meeting held on 30 August 2017 were agreed as a true record and signed by the Chairman.

57 **Chairman's Announcements (00-04-30)**

The Chairman:

- outlined the civic events he had attended as Chairman of the Council since the last meeting.
- outlined the Parish Councils he had visited
- welcomed Councillor Anthony Bush to the Council following the by-election at Westexe, Tiverton.

58 **Public Question Time (00-05-10)**

There were no questions from members of the public present.

59 **Petitions (00-05-38)**

There were no petitions from members of the public.

60 **Notices of Motions (00-05-49)**

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

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

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 **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 had ruled that this **MOTION STAND REFERRED** to the Economy Policy Development Group for consideration.

61 **Cabinet Report - 31 August 2017 (00-06-30)**

The Leader presented the report of the meeting of the Cabinet held on 31 August 2017.

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

THAT the recommendation of the Cabinet as set out in Minute 43 be **ADOPTED**

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

62 **Cabinet Report - 28 September 2017 (00-12-06)**

The Leader presented the report of the meeting of the Cabinet held on 28 September 2017.

Consideration of the recommendation within Minute 65 would be taken later in the meeting under agenda item 14.

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 Working Environment and Support Services.

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

63 Scrutiny Committee Report - 11 September 2017 (00-13-34)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 11 September 2017.

64 Scrutiny Committee report - 9 October 2017 (00-17-28)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 9 October 2017.

The Council had before it a question * submitted by Councillor F W Letch in accordance with Procedure Rule 13.2 together with a response from the Cabinet Member for Housing.

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

65 Audit Committee Report - 19 September 2017 (00-18-25)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 September 2017.

66 Environment Policy Development Group - Report - 5 September 2017 (00-19-06)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 5 September 2017.

67 Homes Policy Development Group - Report - 12 September 2017 (00-23-27)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 12 September 2017.

68 Economy Policy Development Group - Report - 7 September 2017 (00-24-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 7 September 2017.

69 Community Policy Development Group - Report - 26 September 2017 (00-25-40)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 26 September 2017.

70 Planning Committee - Report - 6 September 2017 (00-26-18)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 6 September 2017.

71 Planning Committee - Report - 4 October 2017 (00-27-09)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 October 2017.

72 **Standards Committee - Report - 18 October 2017 (00-28-14)**

The Vice Chairman of the Standards Committee presented the report of the meeting of the Committee held on 18 October 2017.

73 **Allocation (00-30-44)**

Following the by-election at Westexe Tiverton, the Council had before it * tables setting out the proposed allocation of seats on Committees and other Council bodies.

The Chairman **MOVED THAT:**

The tables be **APPROVED** with regard to the allocation of seats on Committees and other bodies.

Upon a vote being taken, the allocation and the following amended table were **APPROVED** including the appointment of Councillor D J Knowles to the Environment Policy Development Group, the Licensing Committee and the Regulatory Committee; Councillor Mrs N Woollatt to the Environment Policy Development Group and the Planning Policy Advisory Group and Councillor R J Dolley to the Planning Committee.

<p>Scrutiny (12)</p> <p>Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs F J Colthorpe (C) Mrs C P Daw (C) Mrs G Doe (C) Mrs B M Hull (C) T G Hughes (C) Mrs J Roach (UG) F J Rosamond (ING) T W Snow (ING) N A Way (LD) F W Letch (LD)</p>	<p>Audit Committee (7)</p> <p>Mrs J B Binks (C) Mrs C A Collis (C) R M Deed (UG) R Evans (C) T G Hughes (C) R F Radford (C) L Taylor (LD)</p>	<p>Environment PDG (9)</p> <p>C P Daw (C) D R Coren (C) R Evans (C) R F Radford (C) Mrs E J Slade (C) J D Squire (C) R Wright (LD) D J Knowles (UG) Mrs N Woollatt (UG)</p>	<p>Homes PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) D R Coren (C) W J Daw (C) Mrs G Doe (C) R J Dolley (UG) P J Heal (C) F W Letch (LD) J D Squire (C)</p>
<p>Community PDG (9)</p> <p>Mrs E M Andrews (ING) Mrs H Bainbridge (C) Mrs A R Berry (C) Mrs C Daw (C) Mrs G Doe (C) R J Dolley (UG) F W Letch (LD) B A Moore (C) Mrs E J Slade (C)</p>	<p>Economy PDG (9)</p> <p>Mrs A R Berry (C) Mrs C A Collis (C) S G Flaws (C) J M Downes (LD) R Evans (C) T G Hughes (C) Mrs B M Hull (C) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p>Planning Working Group (8)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) P J Heal (C) D J Knowles (UG) F W Letch (LD) B A Moore (C) R F Radford (C) J D Squire (C)</p>	<p>Planning Substitutes (7)</p> <p>K I Busch (C) Mrs G Doe (C) J M Downes (LD) R Evans (C) C J Eginton (C) Mrs B M Hull (C) Mrs J Roach (UG)</p>
<p>Standards (9)</p> <p>Mrs J B Binks (C) Mrs F J Colthorpe (C) C J Eginton (C) F J Rosamond (ING) C R Slade (C) Mrs E J Slade (C) Mrs M E Squires (C) L Taylor (LD) Mrs N Woollatt (UG)</p>	<p>Planning Committee (11)</p> <p>Mrs H Bainbridge (C) Mrs F J Colthorpe (C) Mrs C Collis (C) P J Heal (C) F W Letch (LD) B A Moore (C) R F Radford (C) R L Stanley (C) J D Squire (C) R J Dolley (UG) To be advised (C)</p>	<p>Licensing Committee (12)</p> <p>Mrs E M Andrews (ING) K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) S G Flaws (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) L Taylor (LD) R Wright (LD) D J Knowles (UG) To be advised (C)</p>	<p>Regulatory Committee (12)</p> <p>K I Busch (C) R J Chesterton (C) Mrs F J Colthorpe (C) D R Coren (C) Mrs G Doe (C) S G Flaws (C) P H D Hare-Scott (C) T G Hughes (C) D J Knowles (UG) L Taylor (LD) R Wright (LD) D J Knowles (UG)</p>
<p>GESP Member Reference Forum (5)</p> <p>Mrs F J Colthorpe (C) P J Heal (C) Mrs B M Hull (C) D J Knowles (UG) N A Way (LD)</p> <p>Oct 2017</p>	<p>Planning Policy Advisory Group (9)</p> <p>Mrs H Bainbridge (C) R J Chesterton (C) Mrs F J Colthorpe (C) Mrs B M Hull (C) R L Stanley (C) To be advised (C) F W Letch (LD) F J Rosamond (ING) Mrs N Woollatt (UG)</p>	<p>Appointments Panel (5)</p> <p>Leader Deputy Leader Chairman of the Council Cabinet Member for WE & SS Chairman of Scrutiny</p>	<p>C – Conservatives ING – Independent Non-Aligned Group LD – Liberal Democrats UG – Ungrouped Member</p>

Notes:

- (i) Councillor Mrs J Roach requested that her vote against the allocation be recorded;
- (ii) * Tables previously circulated copy attached to minutes.

74 Outside Body Appointment (00-35-03)

The Council had been requested to appoint a Member to the Councillor Advocate System which would act as a link between the Council, the Officer of the Police and Crime Commissioner and the local Police team.

Nominations were sought for this post.

The Leader **MOVED**, seconded by Councillor Mrs M E Squires that Councillor P J Heal represent the Council on this body.

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

75 Special Urgency Decisions (00-36-03)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – July to September 2017.

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

76 Questions to Cabinet Members (00-36-15)

Councillor J M Downes on behalf of Councillor F W Letch asked the Cabinet Member for Housing whether the breakdown of costs for the maintenance of the Town Square were available as he had not received the information previously requested.

The Cabinet Member stated that he had provided the information, but would look at providing it again.

Councillor J M Downes addressing the Cabinet Member for Planning and Economic Regeneration stated that Crediton was being subjected to aggressive speculative planning applications because of the delay in the Local Plan which we may have to agree. When J27 was added to the plan the Council had been assured that it would not hold the Local Plan up, this was now not the case. It now looked like we hadn't done enough ground work to make sure that the Plan was sound, now we were being targeted for not doing what we should have done. The Council should have already done the work to make sure that the Plan was sound and we would now have the Plan in place and have sufficient land supply. We were now dealing with applications on allocated sites using the current Local Plan, some of the allocations were at a higher density than the new Plan. Why had we failed to do the necessary work which had now delayed the plan?

The Chief Executive responded stating that this had been debated at the Scrutiny Committee, Members were aware that normally the Local Plan would not be barrister

led and that the plan had been to take it through ourselves but there were some points that required clarification and therefore legal advice had been sought, the advice from the barrister was that additional work was required so that the authority could be certain that the plan was sound. There was little point in seeking legal advice and then ignoring it.

The Cabinet Member explained that it was a decision of the Council to go ahead with the J27 allocation, the Inspector had asked for additional information and whilst this was frustrating, especially with regard to the delay in the 5 year land supply. The timing of the inspection was still unknown and in the hands of the inspector. The consultants had been instructed to review the evidence; there may be a need for further evidence which may require a consultation period.

Further discussion took place regarding:

- the use and cost of consultants;
- what the proposed allocation at J27 was;
- the cost of keeping J27 in the Local Plan and whether to cut our losses and proceed without it;
- A previous change of heart with regard to the J27 allocation
- Economic benefits of keeping the allocation in the Local Plan

Councillor Way addressing the Cabinet Member for Finance asked that Member Briefings on the budget be arranged in advance and the dates notified and that one of the events take place in Crediton?

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

Councillor Dolley addressing the Cabinet Member for Housing asked for assurances that the development at Palmerston Park was progressing?

The Cabinet Member stated that the road was in and that the development was progressing.

77 Members Business (00-57-26)

Councillor Mrs N Woollatt reminded the meeting of the previous visit of the WASPI ladies and the Motion which had been approved with regard to ladies born in the 1950's who had had their pension age moved a fair transitional stage. A new petition had now been formed and leaflets regarding this were available to all who were interested or effected.

78 Access to Information - Exclusion of Press and Public (00-58-42)

Prior to considering the following items on the agenda, discussion took place as to whether it was necessary to pass the following resolution to exclude the press and public having reflected on Article 15 15.02(d) (a presumption in favour of openness) of the Constitution. The Council decided that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Chairman **MOVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information)

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

Note: Councillors: Mrs E M Andrews, R M Deed, J M Downes, D J Knowles, Mrs J Roach, T W Snow, L Taylor, N A Way and R Wright requested that their vote against the decision be recorded.

79 **Cabinet - 28 September 2017 - Minute 65 - Proposed Property Transaction**

Following consideration of the report of the meeting of the Cabinet held on 28 September 2017 earlier in the meeting, further consideration was given to Minute 65.

The Council had before it a * report of the Director of Finance, Assets and Resources providing information regarding the possible purchase of a property in Tiverton.

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 Housing.

The Chairman **MOVED** that Procedure Rule 16 (Rules of Debate) be suspended for this item to allow for a full debate to take place.

Councillor R L Stanley **MOVED** seconded by Councillor R Evans **THAT** the recommendation of the Cabinet as set out in Minute 65 be **ADOPTED**.

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

Notes:

- (i) Councillor Mrs S Griggs declared a personal interest as she worked for Seddons Estate Agents, but informed the meeting that she did not work in the commercial department.
- (ii) Councillor Mrs J Roach requested that her vote against the decision be recorded;
- (iii) Councillors Mrs S Griggs and Mrs N Woollatt requested that their abstention from voting be recorded;
- (iv) **Question previously circulated , copy attached to minutes;
- (v) *Report previous circulated.

(The meeting ended at 8.20 pm)

CHAIRMAN

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Minute Annex

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 25 OCTOBER 2017

AMENDMENTS

There are no amendments.

WRITTEN QUESTIONS

1. SCRUTINY MINUTES 9 OCTOBER 2017

MIN NO 66

Questions submitted by Councillor F W Letch and the response of the Cabinet Member for Housing

Following the discussions at a recent Scrutiny meeting would Cllr Stanley, Cllr Eginton or Andrew Jarret indicate what policy or protocol was used by the members of Cabinet to agree, at the meeting of 5th January 2017, to sell Tiverton Town Hall to Tiverton Town Council at 50% of the valuer's restricted value?

RESPONSE:

There are no specific policies with regard to disposal of council assets, however Cabinet was mindful of the terms of the Asset Management and Capital Plan 2016-2020 specifically Section 4. Further the overall objective of the Council in disposal of assets is to achieve best value as included in Section 123 of the LGA 1972.

Additional consideration was given to:

- a) Total usable/ unusable square footage of the building*
- b) Capital expenditure and future maintenance*
- c) Suitability to attract commercial interest.*

2. CABINET – 28 SEPTEMBER

MIN NO 57

Question submitted by Councillor Mrs J Roach and the response of the Cabinet Member for the Working Environment and Support Services

What is the cost to MDDC of each agency worker under this contract?

RESPONSE:

At the Cabinet meeting on the 28/9/17 where a new agency supplier was recommended – paragraph 2.3 showed that Mid Devon DC's expenditure on agency staff was much lower (£279k) than all of our neighbouring Councils – in fact our spend was some £188k lower than the next lowest (£467K). An appendix to the report (included in the part 2 papers as page 54) showed the hourly rates for a range of agency staff that the Council could make

use of – this indicated that comparing the new contract with the existing one – that some rates were lower (in the main these were the services that have the highest level of agency need – i.e. street scene) and some that were higher – but in services that have a lower need for agency support.

As far as the cost impact of this new agency contract – based on the same level of activity – we would see a reduction of £8k to our level of agency spend.

3. AGENDA ITEM 14 – COMMERCIAL PROPERTY ACQUISITION

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

May I have confirmation that an offer of (sum outlined within the report) was made prior to a structural survey being undertaken?

If the survey shows serious problems will the offer of (sum outlined within the report) be rescinded?

RESPONSE:

A full structural survey was undertaken for the properties on 19 November 2015 when MDCC first considered a purchase at that time. This structural survey was undertaken by Will Gannon and Smith Limited, Consulting Engineers, subsequently as this has arisen as a possible purchase, a short review of the report by the original author is being undertaken this week. No serious concerns were evident in the original report and it is unlikely that the building would have been subject to any major failures since 2015. However, should the report be unfavourable, we will reconsider our position.