

MID DEVON DISTRICT COUNCIL

MINUTES of a MEETING of the COUNCIL held on 27 June 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs H Bainbridge, Mrs A R Berry,
Mrs J B Binks, A Bush, R J Chesterton,
Mrs C Collis, D R Coren, N V Davey,
W J Daw, Mrs C P Daw, R M Deed,
R J Dolley, C J Eginton, R Evans,
S G Flaws, Mrs S Griggs, P H D Hare-Scott,
T G Hughes, Mrs B M Hull, L G J Kennedy,
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,
Mrs N Woollatt and R Wright

Apologies

Councillors

Mrs E M Andrews, K Busch,
Mrs F J Colthorpe, Mrs G Doe, J M Downes,
D J Knowles and N A Way

11 Apologies

Apologies were received from Councillors: Mrs E M Andrews, K I Busch, Mrs F J Colthorpe, Mrs G Doe, J M Downes, D J Knowles and N A Way.

12 Public Question Time (00-04-50)

The Chairman read a message from Mr Welchman referring to Item 8 (Reports – Cabinet, 14 June, Minute 22) on the agenda

Are all Councillors aware, that concerning the proposal to amend the Local Plan to remove the housing parcels south of West Manley lane, only one objection to this proposal was received, as against 74 emails and letters of support, thus demonstrating massive and overwhelming public support for the proposal?

The Chairman also clarified that it was the masterplan that Mr Welchman was referring to not the Local Plan. The question would be answered when the item was discussed.

13 Declaration of Interests under the Code of Conduct (00-06-47)

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

14 **Minutes (00-07-01)**

The minutes of the annual meeting held on 9 May 2018 were agreed as a correct record and signed by the Chairman.

15 **Chairman's Announcements (00-07-36)**

The Chairman welcomed Councillor L G J Kennedy to his first meeting of the Council.

He informed the meeting of the events he had attended since the previous meeting.

He reminded Members that he would be hosting a tree planting event at People's Park Tiverton to commemorate the suffrage movement on Friday 6 July at 11am, those who wished to attend were asked to contact his PA.

16 **Petitions (00-09-48)**

There were no petitions from members of the public.

17 **Notices of Motions (00-09-56)**

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

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

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

The motion, previously considered by the PDG on 9 January 2018 had been referred back to the Group by Council (in line with Procedure Rule 15.1(e) for further consideration at its meeting in March 2018. At the March meeting the Group had **RESOLVED** that a sample trolley be sourced which was suitable for use with the current recycling fleet, in order that Members could have a look and see how it operated. This had taken place prior to the meeting.

The Environment Policy Development Group at its meeting on 15 May 2018 reconsidered the Motion and recommended that it not be supported.

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

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 Environment Policy Development Group at its meeting on 15 May 2018 considered the Motion and recommended that it be supported.

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

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

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

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 Standards Committee at its meeting on 6 June 2018 considered the Motion and recommended that it be supported and that the Constitution be amended by replacing the original wording in paragraph 27.5 to the Access of Information Rules with the following "Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward member to speak as set out in paragraphs 9.32 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)"

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED** and it was **RESOLVED** that the Constitution be amended accordingly.

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

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

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

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 **MOTION** was **MOVED** by Councillor R B Evans and seconded by Councillor Mrs C A Collis

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

18 Reports - Cabinet - Report of the meeting held on 10 May 2018 (00-27-10)

The Leader presented the report of the meeting of the Cabinet held on 10 May 2018.

19 Cabinet - Report of the meeting held on 23 May 2018 (00-27-49)

The Leader presented the report of the meeting of the Cabinet held on 23 May 2018.

20 Cabinet - Report of the meeting held on 14 June 2018 (00-29-57)

The Leader presented the report of the meeting of the Cabinet held on 14 June 2018

1. Tiverton Eastern Urban Extension Area A – Masterplanning – Land South of West Manley Lane (Min 22)

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

THAT the recommendations of the Cabinet as set out in Minute 22 be **ADOPTED**.

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

Note: In response to Mr Goff's question in Public Question Time, the Cabinet Member for Planning and Economic Regeneration stated that the answer was the same as he had given at the Cabinet Meeting on 14 June.

2. Community Housing Fund Grant Policy (Min 28)

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

THAT the recommendations of the Cabinet as set out in Minute 28 be **ADOPTED**.

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

3. Annual Treasury Management Report (Min 30)

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

THAT the recommendations of the Cabinet as set out in Minute 30 be **ADOPTED**.

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

Note: Councillor C J Eginton declared a personal interest as he received a pension from Lloyds Banking Group.

21 Scrutiny Committee - Report of the meeting held on 21 May 2018 (00-34-18)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 21 May 2018.

22 Scrutiny Committee - Report of the meeting held on 18 June 2018 (00-39-41)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 18 June 2018.

23 Audit Committee - report of the meeting held on 29 May 2018 (00-40-25)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 29 May 2018.

24 Environment Policy Development Group - Report of the meeting held on 15 May 2018 (00-42-00)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 15 May 2018.

25 Homes Policy Development Group - Report of the meeting held on 22 May 2018 (00-42-45)

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 22 May 2018.

26 **Economy Policy Development Group - Report of the meeting held on 17 May 2018 (00-43-25)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 17 May 2018.

27 **Community Policy Development Group - Report of the meeting held on 29 May 2018 (00-44-40)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 29 May 2018.

28 **Planning Committee - Report of the meeting held on 16 May 2018 (00-45-15)**

The Vice Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 May 2018.

29 **Planning Committee - Report of the meeting held on 13 June 2018 (00-46-16)**

The Vice Chairman of the Planning Committee presented the report of the meeting of the Committee held on 13 June 2018.

30 **Standards Committee - Report of the meeting held on 6 June 2018 (00-47-05)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 6 June 2018.

31 **Questions in accordance with Procedure Rule 13 (00-48-12)**

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

32 **Allocation (00-48-19)**

Following the by-election in the Cranmore Ward on 7 June 2018, there was a need to consider an * updated allocation.

The Chairman **MOVED THAT:**

the tables be approved with regard to the allocation of seats on Committees and other bodies;

Councillor Mrs J Roach **MOVED** an **AMENDMENT**, seconded by Councillor Mrs N Woollatt that an alternative allocation be considered.

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

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

Note:

- i) With regard to the amendment: Councillor Mrs J Roach requested that her vote for the amendment be recorded and Councillors: R J Dolley, T W Snow and Mrs N Woollatt requested that their abstention from voting be recorded;
- ii) With regard to the original allocation, Councillors Mrs J Roach and Mrs N Woollatt requested that their vote against the decision be recorded;
- iii) * Allocation previously circulated copy attached to minutes.

33 **Local Government Act 1972, Section 91 - Inquorate Parish Council (00-58-23)**

The Council had before it a * report of the Returning Officer seeking the Council's authority to make an Order appointing named persons to be Parish Councillors on a temporary basis. This would enable the work of the Parish Council to continue until such time as it had co-opted or elected sufficient Councillors to be quorate. There was also a need to consider whether to delegate authority to the Returning Officer, in consultation with the local Ward Member(s) and the relevant Parish/Town Clerk, to make such orders in future, should similar situations arise.

The Returning Officer outlined the contents of the report highlighting the issues at Burlescombe and Section 91 of the Local Government Act 1972 which gave the district council the power to make a temporary appointment to fill vacancies on the Parish Council until sufficient Parish Councillors were elected and took up office.

Consideration was given to:

- The details of the proposed Burlescombe Parish Council (Temporary Appointment of Councillors) Order 2018 – Appendix A of the report
- The procedure for making temporary appointments to Town and Parish Councils outlined in Appendix B and a request to include adjacent Ward Members to the pool of Members who could be approached and the removal of "or co-opted" from paragraph 4.

The Chairman **MOVED THAT:**

a) The Council agrees to make the Order attached at Appendix A (subject to the removal of "be" and the insertion of "by" – so as to read ".....Mid Devon District Council as the principal council by order appoint persons....") to appoint parish councillors to Burlescombe Parish Council so that the Parish Council is quorate and can continue to act.

b) Delegated authority be given to the Returning Officer, in consultation with district Ward Member(s) for the parish affected and the Parish Clerk, to make orders under Section 91 of the Local Government Act 1972 should a similar situation arise in future in respect of this or another parish, following the procedure set out in Appendix B subject to the addition of the words "or adjacent District Ward Members after "the relevant Country Ward Member" and the removal of the words "or co-opted" in paragraph 4.

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

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

34 **Six Monthly Briefing from the Leader (1-24-36)**

The Leader of the Council addressed the Council highlighting some of the successes from the 2017/18 municipal year:

- With regard to the Waste Service, there had been some excellent results: the average net cost of the waste service per household had reduced from £60.88 to £50.35, due to the move to Carlu Close, vehicle costs had been reduced and now that Grounds Maintenance had also moved to the same site it was hoped that further improvements could be made to the service.
- The Waste Transport Centre had opened in December with all waste now going to the Waste to Energy Plant in Exeter
- The Private Sector Housing Team had produced some excellent results bringing 128 empty homes back in to use.
- The Housing Services had been shortlisted for a tenancy award
- The Exe Valley Leisure Centre extension had opened in January 2018 and there had been an increase in attendance across all of the sites.
- The Land Charges and Gazetteer departments had both received awards for their work.
- The financial outturn reports had been very encouraging with both the General Fund and the Housing Revenue Fund producing underspends. He requested that congratulations to all staff be recorded.

35 **Delegation and Substitution of Powers in the Officer's Structure - Appointment of Deputy Chief Executive (1-32-11)**

The Council had before it a * report of the Chief Executive informing the Council of a decision to appoint a Deputy Chief Executive and that the appointment had been made.

It was agreed that it was not necessary to exclude the press and the public from the meeting to consider this item.

Councillor N V Davey **MOVED** seconded by Councillor Mrs J B Binks **THAT**:

- a) The appointment of Mr Andrew Jarrett as Deputy Chief Executive be noted.
- b) Delegated authority be given to the Monitoring Officer, in consultation with the Chief Executive to make such consequential changes to the Constitution as may be appropriate to give effect to the appointment including any changes to the Scheme of Delegations.

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

Note: * Report previously circulated.

36 **Questions to Cabinet Members (1-34-07)**

Councillor F W Letch addressing the Cabinet Member for Housing requested that a report be sent to him justifying the decision of the Cabinet to sell the Crediton Office to a commercial buyer and choosing to ignore the Council's wish that the building be sold to Crediton Town Council on the same basis as the Tiverton Town Hall was sold to Tiverton Town Council. Referring to the Outturn report he requested that the report include information with regard to budget code PS830 and the expenditure from this code on Tiverton Town Hall.

The Cabinet Member confirmed that he would supply the information requested.

Councillor Mrs N Woollatt addressing the Leader explained that the Post Office in Cullompton had closed on 12 June and had not reopened; she requested that the Leader write to the post office to push for a temporary solution to this problem.

The Leader confirmed that he was happy to write to the Post Office.

Councillor Mrs N Woollatt again addressing the Leader asked for some clarity with regard to her fellow Ward Member for Cullompton North. She asked whether he was still a Member of the Conservative Group, she felt that his Register of Interest Form was out of date and that his attendance at meetings had been very limited, would the Leader consider discussing with Cllr Busch whether, in the interests of the electorate, it was appropriate for him to continue?

The Leader stated that Councillor Busch was a member of the Conservative Group and that he did not want to discuss individual circumstances of a Member in the public domain.

Councillor R J Dolley addressing the Cabinet Member for Housing asked if a progress report of the 3 Rivers Development Company would be presented to Council.

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.

Councillor T W Snow addressing the Cabinet Member for Planning and Regeneration raised concerns with regard to the shortage of water and the impact of increased development on water courses in the area.

The Cabinet Member stated that discussions were taking place with the Environment Agency and other partner bodies which included South West Water.

37 **Members Business (1-44-24)**

- Councillor Mrs Roach thanked officers for the provision of fans for the meeting
- Councillor R L Stanley informed the meeting that 3 Rivers Development Limited would be making a presentation at the Design Awards on Monday 2 July.

- Councillor Mrs N Woollatt referring to the closure of Cullompton Post Office stated that if Members knew of people who were having difficulty getting to another post office and required a lift they were to contact her.

(The meeting ended at 7.46 pm)

CHAIRMAN