

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 19 December 2018 at 6.00 pm

Present

Councillors

P J Heal (Chairman)
Mrs A R Berry, Mrs J B Binks, 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, S G Flaws, Mrs S Griggs,
P H D Hare-Scott, T G Hughes,
Mrs B M Hull, D J Knowles, F W Letch,
B A Moore, R F Radford, F J Rosamond,
Mrs E J Slade, C R Slade, T W Snow,
J D Squire, Mrs M E Squires, R L Stanley,
N A Way, Mrs N Woollatt and R Wright

Apologies

Councillors

Mrs E M Andrews, Mrs H Bainbridge,
K Busch, R Evans, L G J Kennedy and
L D Taylor

87 Councillor Mrs Jenny Roach

Those in attendance observed a minute silence in memory of Councillor Mrs Jenny Roach.

88 Apologies (00-05-52)

Apologies were received from Councillors: Mrs E M Andrews, Mrs H Bainbridge, K I Busch, R B Evans, L Kennedy and L Taylor.

89 Public Question Time (00-06-21)

Mr Wilce stated that following attendance at the previous meeting he had asked 2 questions:

Relating to question 1, that application for information was refused, can the Council please tell me how they think that a reply providing that simple information will harm the prospects of the relief road.

For question 2, I was promised a written response and I have not received one.

The Head of Planning, Economy and Regeneration in response stated: the first part of the question was referring to a response of the Council which was treated as a request under the Freedom of Information Act, she had not personally been responsible for the receipt of a reply, however, she would look into the issue.

Referring to the second part of Mr Wilce's question with regard to the written response, she explained that she had responded to his questions regarding the relief road and provided a date and time of her response.

Mr Wilce stated that his question referred to Councillor Busch and he reiterated his question: 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? He stated that he was promised a written response and as far as he could recall, he had not had one.

The Chairman indicated that he would look into the matter.

Councillor Mrs Woollatt requested that she be copied into any response.

90 Declaration of Interest under the Code of Conduct (00-11-39)

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

The following Members declared interests:

C J Eginton	Personal As he received a pension from Lloyds Banking Group	Minute 108 Cabinet Minutes 22 November 2018
Mrs N Woollatt	Personal She lived in the vicinity of part of 2 of the proposed routes and nearby to Station Road, which the proposed routes would remove traffic from.	Matters to do with Cullompton Relief Road

91 Minutes (00-12-26)

Subject to the following amendments:

Page 57 - Minute 67 – Councillors Mrs Roach's supplementary question, penultimate paragraph replace 'derive' with 'deprive'.

Page 62 – Minute 86 – second paragraph, include 'not' before 'part of the ruling party'

the minutes of the meeting held on 24 October were agreed as a correct record and signed by the Chairman.

92 **Chairman's Announcements (00-16-09)**

The Chairman had the following announcements to make:

- He had visited several Parish Councils in his role as Chairman
- He had attended the Civic Services at East Devon and South Hams
- That morning he had attended the service of remembrance for Councillor Mrs Roach.

93 **Petitions (00-16-38)**

There were no petitions from members of the public.

94 **Notices of Motions (00-16-38)**

(1) **Motion 550 (Councillor Mrs N Woollatt – 5 December 2018)**

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

As despite enquiries, I have been unable to ascertain whether this will happen anyway, to ensure that it does I propose ...

That once the Cullompton Relief Road Route Options consultation responses have been reviewed by the project team along with the completed flood modelling and environmental survey work and potentially a preferred route arrived at, that the results and information regarding that are presented to the Planning Policy Advisory Group for comment prior to the report to Cabinet.

In accordance with Procedure Rule 14.3, Councillor Mrs N Woollatt chose to **WITHDRAW** the **MOTION** as she had been advised that officers were proposing to call a meeting of the Planning Policy Advisory Group.

(2) **Motion 551 (Councillor Mrs N Woollatt – 5 December 2018)**

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

The payment in advance to a company contracted to deliver leaflets on behalf of the Council on the Cullompton Relief Road consultation who subsequently did NOT deliver to large parts of the town does not appear to have been effective use of tax payers money.

In the absence of any response as at 5th December to my supplementary question at Council of 24th October enquiring as to whether a refund would be sought for work not carried out by the delivery company, I propose ...

That this Council seeks to hold the company contracted to deliver leaflets informing residents about the Cullompton Relief Road to account for the non delivery of a large proportion of said leaflets and seeks to recover a refund for the element of work which was not carried out.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor R M Deed

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

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

(3) Motion 552 (Councillor Mrs N Woollatt – 5 December 2018)

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

I believe that the Council has a duty to inform residents directly when an issue which will have a major impact on them is being consulted on by the Council. That is also the view of many residents. Given the failings, as detailed in the previous motion, to communicate directly with a large number of residents on the recent Cullompton Relief Road Route Options consultation, and the complaints that elements of the community (e.g. older people) were disadvantaged, again, in the absence of a response as at 5th December to my supplementary question on this at Council of 24th October I propose ...

That this Council carries out a second stage of consultation on the Relief Road once a preferred route has been identified to feed into and comment on the further more detailed work which will take place on development of junction strategies, engineering, environmental assessments and so on, prior to submission of a formal planning application.

Further to that, that this Council ensures that residents and businesses within Cullompton are informed in advance of the consultation commencing by direct contact via a letter or leaflet delivery.

Also, that hard copies of information regarding the consultation and means of responding be left in public buildings in the town in order that people who are not online or comfortable using computers can easily access and contribute to the consultation.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor R M Deed.

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

In accordance with Procedure Rule 15.1 (i), Councillor Mrs N Woollatt requested that the **MOTION** be amended to read:

That this Council **would like** a second stage of consultation on the Relief Road once a preferred route has been identified to feed into and comment on the further more detailed work which will take place on development of junction strategies, engineering, environmental assessments and so on, prior to submission of a formal planning application.

Further to that, that this Council ensures that residents and businesses within Cullompton are informed in advance of the consultation commencing by direct contact via a letter or leaflet delivery.

Also, that hard copies of information regarding the consultation and means of responding be left in public buildings in the town in order that people who are not online or comfortable using computers can easily access and contribute to the consultation.

Following discussion and upon a vote being taken, the Motion (as amended) was declared to have been **CARRIED**.

Note: Councillor Mrs F J Colthorpe requested that her abstention from voting be recorded.

95 **Reports - Cabinet - Report of the meeting held on 25 October 2018 (00-39-05)**

The Leader presented the report of the meeting of the Cabinet held on 25 October 2018.

1) Schedule of Meetings (Minute 96)

The Leader **MOVED**, seconded by Councillor C R Slade

THAT the recommendation of the Cabinet as set out in Minute 96 be **ADOPTED**

Councillor R J Chesterton **MOVED** an **AMENDMENT** seconded by Councillor R L Stanley that a correction be made to the Schedule of Meetings – Cycle 5 2020 by changing the date of the Environment Policy Development Group to 14 January and the Homes Policy Development Group to 21 January.

Upon a vote being taken, the **AMENDMENT** was declared to have been carried.

96 **Cabinet - Report of the meeting held on 22 November 2018 (00-40-46)**

The Leader presented the report of the meeting of the Cabinet held on 22 November 2018.

1) **Heart of the South West Joint Committee – Work Programme (Minute 106)**

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

THAT the recommendation of the Cabinet as set out in Minute 106 be **NOTED**

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

2) **Treasury Management Strategy and Mid-Year Review Report Committee – Work Programme (Minute 108)**

The Leader **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Cabinet as set out in Minute 108 be **ADOPTED**

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

97 **Scrutiny Committee - Report of the meeting held on 5 November 2018 (00-42-06)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 5 November 2018.

98 **Scrutiny Committee - Report of the meeting held on 22 November 2018 (00-42-50)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 22 November 2018.

99 **Audit Committee - Report of the meeting held on 20 November 2018 (00-45-51)**

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

100 **Environment Policy Development Group - Report of the meeting held on 6 November 2018 (00-46-35)**

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

101 **Homes Policy Development Group - Report of the meeting held on 15 October 2018 (00-47-15)**

The Chairman of the Homes Policy Development Group presented the report of the special meeting of the Group held on 15 October 2018.

102 **Homes Policy Development Group - Report of the meeting held on 13 November 2018 (00-47-55)**

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

103 **Economy Policy Development Group - Report of the meeting held on 8 November 2018 (00-48-20)**

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

104 **Community Policy Development Group - Report of the meeting held on 20 November 2018 (00-49-06)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 20 November 2018.

105 **Planning Committee - Report of the meeting held on 31 October 2018 (00-50-00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 31 October 2018.

106 **Planning Committee - Report of the meeting held on 5 December 2018 (00-51-02)**

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

107 **Regulatory Committee - Report of the meeting held on 27 November 2018 (00-52-15)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 27 November 2018.

108 **Standards Committee - Report of the meeting held on 12 December 2018 (00-52-22)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 12 December 2018.

1) Procedure for Monitoring and Assisting the Delivery of Housing and Employment Developments (Minute 19)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor R J Dolley:

THAT the recommendation of the Standards Committee as set out in Minute 19 be **ADOPTED**

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

2) Terms of Reference of the Audit Committee (Minute 20)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor C R Slade:

THAT the recommendation of the Standards Committee as set out in Minute 20 be **ADOPTED**

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

3) Councillors – Leave of Absence from Council Meetings (Minute 21)

The Chairman of the Standards Committee **MOVED**, seconded by Councillor Mrs E J Slade:

THAT the recommendation of the Standards Committee as set out in Minute 21 be **ADOPTED**

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

109 **Questions in accordance with Procedure Rule 13 (00-57-27)**

There were no questions submitted under Procedure Rule 13.2.

110 **Ungrouped - Committee Membership**

Following the recent death of Councillor Mrs J Roach it was necessary to appoint a Member of the Ungrouped to the following: the Scrutiny Committee, the GESP Member Reference Forum and also as a substitute for the Planning Committee.

1. Councillor D J Knowles **MOVED**, seconded by the Chairman:

THAT Councillor R M Deed fill the vacancy on the Scrutiny Committee.

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

2. Councillor D J Knowles **MOVED**, seconded by the Chairman:

THAT Councillor R M Deed fill the vacancy on the GESP Member Reference Forum.

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

3. Councillor D J Knowles **MOVED**, seconded by the Chairman:

THAT Councillor R J Dolley fill the vacancy on the list of Planning Committee substitutes.

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

111 **Six Monthly Briefing from the Leader (00-57-32)**

The Leader addressed the Council highlighting the Government's publication of the Resources and Waste Strategy for consultation which would have an impact on all local authorities and provided the following headlines:

- The Government would be looking for a standardised waste and recycling collection across the country, which could pose problems for certain Councils that were locked into external contracts.
- The Government recognised financial pressures on local authorities and would therefore be giving additional resource for policies set out in the strategy which included net upfront transition costs and operational costs.
- A core set of materials to be collected by all authorities
- To support high levels of recycling, there would be consultation on whether to introduce non-binding performance indicators for the quantity of materials collected for recycling and minimum service standards for recycling
- The possible introduction of legal powers to introduce mandatory targets for food waste prevention would also be consulted upon
- The confidence to invest in infrastructure to deal with waste and promote UK based recycling.

112 Questions to Cabinet Members (1-00-37)

Councillor F W Letch addressing the Leader asked if it was possible to look at the 3 hats worn by Councillor Stanley and whether there was a conflict of interest as he was director of a building company, the Cabinet Member for Housing and a Member of the Planning Committee.

Councillor Stanley responded stating that he recognised the position and that if re-elected in May he intended to relinquish his seat on the Planning Committee.

Councillor N A Way addressing the Leader stated that he had had complaints regarding waste collection and litter in Crediton and wondered whether there was a problem in the area.

The Leader stated that the issue of missed waste collections should be reported in the normal way, if there was a problem with litter then the litter busters team would be able to deal with this.

Councillor F J Rosamond addressing the Cabinet Member for Housing asked for feedback from his visit to the Housing Minister.

The Cabinet Member stated that his visit had been cancelled but that he hoped to be able to meet with the Minister in the New Year.

Councillor J M Downes addressing the Cabinet Member for Community Well-Being congratulated him for the work taking place at Lords Meadow Leisure Centre, however he felt that there was an issue with the on-line and telephone booking systems; he felt that there was a need to be able to access classes in a better way.

The Cabinet Member thanked the councillor for bringing this to his attention and he agreed to look into the matter.

Councillor T W Snow asked whether there was a supply of smartphones within the Council and if so how many staff had one.

The Chief Executive stated that he had a smartphone and would find out the number of officers who also had one and provide members with an answer to this question.

113 Members Business (1-09-19)

Councillor Mrs N Woollatt was pleased to see paper cups in the chamber.

She also referred to the last words of Councillor Mrs Roach in the minutes of the previous meeting regarding a complaint that her questions had not been answered adequately and that her supplementary questions were not given the courtesy of answers within the 10 working day protocol as set out in the Constitution. She informed the meeting of her visit to Councillor Mrs Roach in hospital and that their last conversation about the Council was that neither Councillor Mrs Roach nor Councillor Mrs Woollatt had had answers to their supplementary questions from the Council meeting in October. Councillor Mrs Roach had felt that it demonstrated a lack of respect. Councillor Mrs Woollatt reported that it had taken 32 working days to receive answers to her supplementary questions, of which there were 7 and some

only required a simple yes or no answer. She felt that she could have had a quicker answer by using the FOI system. She felt that if officers could not abide by the Constitution, did Members have to use the FOI legislation to be answered in a timely manner. She did not want to be hindered in carrying out her role as a councillor and having to submit motions without having been given the information and answers to questions she had asked. She added that Councillor Mrs Roach's last words to the Council were about seeking to ensure that back bench members rights to ask questions were upheld.

(The meeting ended at 7.11 pm)

CHAIRMAN