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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 24 April 2019 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, 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, T G Hughes, Mrs B M Hull,  
L G J Kennedy, F W Letch, 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 E M Andrews, K Busch, P H D Hare-  
Scott, B A Moore and R F Radford

### 143 **Apologies**

Apologies were received from Councillors: P H D Hare-Scott, B A Moore and R F Radford.

### 144 **Public Question Time**

Mr Philip Richardson from Bolham referring to the Operations Directorate Enforcement Policy and to litter and fly tipping stated that: I would like to commend Jason and his team who have been making improvements in and around Tiverton over recent months. However it cannot be ignored that fly-tipping and general littering is a significant problem. It must be a substantial cost to the Council to continually have to clean the same areas time and time again and there has to be a deterrent.

My wife and her friend clean up every week in the same place and I have some photographs that I would like to share with you.

I believe that unless signs are shown to the public that action will be taken in the form of cameras and that appropriate fines will be imposed by the Council, the element who will continue this behaviour will not change.

In conclusion, it is known that Plymouth Council have wardens going out in twos and do on the spot fines. Bristol Council have passed an undertaking to a private body with no cost to the Council, these are measures in my opinion that need investigating and action taken. I would like to ask the Council to seriously consider some of these suggestions, if you start it we will keep an eye on it for you.

The Leader responded stating that it was good that Mr Richardson was impressed with the work of the officers and acknowledged that littering was a constant battle. Most people in Mid Devon behaved in a normal way but it was the minority who caused the problems. The enforcement officers did do on spot fines and the littering of cigarette butts was prevalent. It was good that Mrs Richardson and teams within the town offered help and he would try to ensure that the nuisance was eradicated.

#### 145 **Declarations of Interest under the Code of Conduct**

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

#### 146 **Minutes (00-10-51)**

The minutes of the meeting held on 27 February 2019 were agreed as a correct record and signed by the Chairman.

#### 147 **Chairman's Announcements (00-11-32)**

The Chairman informed the meeting that he had represented the Council at Exeter City Council, Plymouth City Council and Devon County Council's Civic Services.

#### 148 **Petitions**

There were no petitions from members of the public.

#### 149 **Notices of Motions (00-12-09)**

##### **(1) Motion 553 (Councillor R B Evans – 13 February 2019)**

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

Background

Members are aware that a number of planning applications need to go to Planning Committee for consideration; these applications have an array of detail and associated information for members to consider along with an officer recommendation and report.

Within this suite of reports there is often a detail on affordable housing and the section 106 agreement outlining jointly agreed contributions that will be applied to the build should the application be successful, these agreements are evidently part of the detail members are asked to consider and naturally will assist members in making their informed decision .

It has become apparent that after approval has been received, it is not uncommon for developers/ applicants to seek to alter such agreements retrospectively via negotiations with officers, common reasons sited are funding/ budget related.

This motion is sought to be applied to any planning application that has been considered by the planning committee and evidently agreed where a retrospective application to alter the affordable housing or the section 106 agreement is then received.

## **Proposed motion**

Any planning application that is approved by Committee giving specific affordable housing provision and or a detailed section 106 agreement as part of the information for members to consider that subsequently receives any application to alter all or part of these agreements must be referred to the relevant ward member/s for their consideration and input.

Should both the officer dealing and the ward member/s agree to the changes these can be allowed to form the new affordable housing agreement and or section 106 agreements.

Should the ward member/s and officer dealing fail to agree on the proposed changes or cannot negotiate agreeable alternatives then the application to change the affordable housing and or section 106 agreement should be referred back to the committee for their consideration and agreement / disagreement .

The Planning Committee at its meeting on 3 April considered the Motion and recommended that it be supported.

Councillor Evans, in accordance with Procedure Rule 16.5 requested that his motion be amended to include the wording “and the Cabinet Member for Housing” after ...”relevant Ward Members” in the last line of the first paragraph.

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

### **(2) Motion 554 (Councillor R J Chesterton – 20 March 2019)**

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

In light of recent press articles on the subject, this Council believes that

- (i) Parish and town councils should, in reply to any street naming proposal from a developer, be allowed to recommend to this Council that a street be named after an individual, including the living.

The **MOTION** was **MOVED** by Councillor R J Chesterton and seconded by Councillor C R Slade.

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

### **(3) Motion 555 (Councillor F W Letch – 8 April 2019)**

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

Mel Stride MP recently said: “Central Devon has market towns with a wonderful variety of high street shops selling high-quality local produce and offering a range of services. Many are doing very well, but others face stiff competition from out of town

and online retailers. I know that the margin between success and failure can be very small and even a small increase in the number of people who make it a priority to shop locally more often can make a big difference.”

High Street Saturday was on 16<sup>th</sup> of March. I propose that:- In order to encourage the high street shops in Mid Devon's 3 main towns, this council will not charge for Saturday parking in the long stay car-parks of Tiverton, Cullompton and Crediton.

The **MOTION** was **MOVED** by Councillor F W Letch and seconded by Councillor R Wright.

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

#### **(4) Motion 556 (Councillor N A Way – 8 April 2019)**

Mid Devon District Council has a record of environmental protection and protecting wildlife.

Council is greatly concerned by the growing trend across the country of developers using netting over hedgerows and trees at development sites to stop birds nesting and other wildlife using the hedges and trees.

This is wrong and runs against the best interests of supporting and enhancing local wildlife.

We call on all developers not to use netting in Mid Devon. Additionally, we call on Government to ban the use of netting at all sites with planning consent, those sites identified in the Local Plan and the emerging Greater Exeter Strategic Plan.

The **MOTION** was **MOVED** by Councillor N A Way and seconded by Councillor J M Downes.

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.

#### **150 Reports - Cabinet Report - 7 March 2019 (00-23-04)**

The Leader presented the report of the meeting of the Cabinet held on 7 March 2019

##### **1. Supporting the formation of a South West Mutual Bank (Minute 167)**

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

**THAT** the recommendations of the Cabinet as set out in Minute 167 be **ADOPTED**.

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

**151 Cabinet - Report of the meeting held on 4 April 2019 (00-24-00)**

The Leader presented the report of the meeting of the Cabinet held on 4 April 2019

**1. Operations Directorate Enforcement Policy (Minute 182)**

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

**THAT** the recommendations of the Cabinet as set out in Minute 182 be **ADOPTED**.

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

**152 Scrutiny Committee - Report of the meeting held on 18 March 2019 (00-25-30)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 18 March 2019.

**153 Scrutiny Committee - Report of the meeting held on 15 April 2019 (00-26-25)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 April 2019.

**154 Audit Committee - Report of the meeting held on 19 March 2019 (00-27-25)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 19 March 2019.

**155 Environment Policy Development Group - Report of the meeting held on 5 March 2019 (00-28-09)**

The Vice Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 5 March 2019.

**156 Homes Policy Development Group - Report of the meeting held on 12 March 2019 (00-28-55)**

The Chairman of the Homes Policy Development Group presented the report of the meeting of the Group held on 12 March 2019.

**157 Economy Policy Development Group - Report of the meeting held on 14 March 2019 (00-29-48)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 14 March 2019.

**158 Joint Policy Development Group - Report of the meeting held 15 March 2019 (00-31-17)**

The Vice Chairman of the Community Policy Development Group presented the report of the joint meeting held on 15 March 2019.

**159 Community Policy Development Group - Report of the meeting held on 19 March 2019 (00-31-17)**

The Vice Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 19 March 2019.

**160 Planning Committee - Report of the meeting held on 6 March 2019 (00-32-00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 6 March 2019.

**161 Planning Committee - Report of the meeting held on 3 April 2019 (00-33-00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 3 April 2019.

**162 Planning Committee - Report of the special meeting held on 17 April 2019 (00-33-55)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 17 April 2019.

**163 Licensing Committee - Report of the meeting held on 1 March 2019 (00-36-25)**

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 1 March 2019.

**164 Regulatory Committee - Report of the meeting held on 1 March 2019 (00-36-50)**

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 1 March 2019.

**165 Questions in accordance with Procedure Rule 13 (00-37-28)**

The Council had before it questions referring to Minutes 125 and 135 of the Council meeting held on 27<sup>th</sup> February submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 13.2 together with a response from the Deputy Chief Executive (S151). In accordance with Procedure Rule 13.7 Councillor Mrs Woollatt stated that there was such a thing as transparency and disclosure of the correct information. She asked the Council to be transparent and add a note to the decision which would highlight the inaccuracy.

The Council also had before it questions referring to Minute 138 of the Council meeting held on 27<sup>th</sup> February submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 13.2 together with a response from the Leader.

**166 Special Urgency Decisions (00-39-13)**

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – January to March 2019.

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

**167 Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (00-39-13)**

The Chairmen of the Audit Committee and the Scrutiny Committee and the Chairmen of the Environment, Homes, Community and Economy Policy Development Groups presented their Annual Reports\* to the Council.

Note: \*Reports previously circulated, copy attached to minutes.

**168 Appointment of IRP Members (00-39-49)**

The Council had before it a \*report of the Group Manager for Legal Services and Monitoring Officer recommending appointments to the Independent Remuneration Panel for Members Allowances in Mid Devon.

The Chairman **MOVED** that:

- (1) Mr Paul Baker, Mrs Karen Stone and Mrs Marianne Hulland be appointed to the Independent Remuneration Panel until the Annual General Meeting in May 2023
- (2) The members of the Independent Remuneration Panel be paid travelling expenses for attendance at meetings of the Panel at the same rates as those paid to councillors and officers from time to time

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

Note: \*Report previously circulated.

**169 Questions to Cabinet Members (00-40-00)**

Councillor R M Deed addressing the Leader referred to the urgent decision taken on 18 December 2018, he explained that he had attended a meeting on 6 February 2019 and met with senior partners involved in the new Group Hub which the urgent decision of lending £2.1m to the NHS referred to. From this meeting it was clear that it was still unknown who the borrower would be, was it still the NHS? He also understood that only £1.3m was identified as being required, what was the other £700k for? If the Council have lent £2.1m, 5 months later we don't know the truth of who the borrower is?

The Leader indicated that he had not been involved in any negotiation but would provide a written response to the councillor.

Councillor F W Letch addressing the Leader and referring to the question from Mr Richardson at the beginning of the meeting asked whether information could be provided with regard to the number of fines issued to those who had littered?

The Leader indicated that he would provide the information to the member.

Councillor N A Way addressing the Cabinet Member for Planning and Economic Regeneration stated that he had been approached by a family in Crediton who had moved onto a new development and that at the last minute the developer had chosen not to have the road adopted by the County Council and therefore wished to form a management company to manage it on the developer's behalf where contributions from residents would be required. Was this similar to other new developments in the district, as people were purchasing property and then finding out later that they were liable for the maintenance of the road.

The Cabinet Member requested that the member provide him with the details and he would look into the matter.

Councillor R M Deed referring to the same subject asked whether a bond would be entered into with the Highway Authority and therefore if the developer failed, the bank would have the bond to cover the highway issue.

The Group Manager for Legal Services and Monitoring Officer informed the meeting that the County Council dealt with highway matters, a S278 agreement dealt with adopted highways and a S38 agreement was used for internal estate roads, but the developer did not have to enter into an agreement with the County Council with regard to internal estate roads.

Councillor Mrs J B Binks addressing the Cabinet Member for Housing requested an update on the provision of Syrian refugees in Mid Devon.

The Cabinet Member stated that he would provide the information to the member.

Councillor F J Rosamond addressing the Cabinet Member for Housing asked whether he had had the opportunity to meet with the Housing Minister. The Cabinet Member stated that he had yet to have a private meeting with the minister.

#### **170 Members Business (00-54-25)**

There was no Members business.

#### **171 Invitation for Retiring Members to address the Council (00-54-34)**

The Chairman thanked those Members not seeking re-election for their work and invited them to address the Council:

Councillors F J Rosamond, Mrs H Bainbridge, T W Snow, R Wright, N A Way and J D Squire addressed the Council and the Leader read a statement from Councillor P H D Hare-Scott.

The Council also remembered those Members who had passed away during the previous 13 months namely Councillors: Miss Clarissa Slade and Mrs Jenny Roach.

(The meeting ended at 7.19 pm)

**CHAIRMAN**

# Minute Annex

## WRITTEN QUESTIONS – FULL COUNCIL – 24 April 2019

1. Relating to Minutes 125 and 135 of Council meeting of 27<sup>th</sup> February 2019

### **Questions submitted by Councillor Mrs N Woollatt and the response of the Deputy Chief Executive (S151)**

In relation to information published regarding the special urgency decision to agree in principle for this Council to make a loan to the NHS of £2.1m.

1. Why, despite it now having been raised on several occasions, do both the summary details and statutory notice published on the website (as at 13.4.19) still not contain a note of correction of the false information published in the notice stating that the project had the benefit of planning permission when it did not?

## RESPONSES

It has been pointed out that the initial urgent decision form included reference to the site having planning permission, this was incorrect and has been apologised for. However, in order to keep a transparent record of the Council's formal decision making process, our records must keep the original unaltered decision recording form to enable anyone wishing to see on what basis a decision was made.

It should be remembered that this was an "in principle" decision that was made prior to all of the necessary due diligence that the Council would undertake in order to protect/mitigate any of the potential risks associated with this commercial transaction. Members can be and have been reassured that until the Council receives all the detailed information that is necessary to enter in to a loan arrangement of this magnitude, then no decision will be formally agreed.

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2. Relating to Minute 138 of Council meeting of 27<sup>th</sup> February 2019  
(question to Leader regarding weed spraying)

### **Questions submitted by Councillor Mrs N Woollatt and the response of the Leader**

Some years ago the then Head of Environmental Services gave me an assurance that the Council did not use glyphosate based weed killer in any of our operations.

1. Please will you confirm whether this is still the case?
2. Does the Council currently subcontract any of this type of work out?
3. If we do, or were to subcontract in the future, does the Council have any policy to set conditions preventing the use of glyphosate?

## RESPONSES

1. The Council's response to media and social media enquiries has been '*In a heavily regulated industry and within national guidelines, we can confirm that we do use Glyphosate in the form of Round Up Pro Vantage.*' The Head of Environmental Services is a legacy role; glyphosate has been the industry standard for many years and as such Mid Devon District Council has been using it for many years.
  2. The provision of grounds maintenance is in-house and not subcontracted. From time to time in order to cover staff absence a suitably trained agency member of staff may undertake weed spraying.
  3. The Council do not have a policy to set conditions preventing the use of glyphosate. At present a suitable and effective alternative has yet to come to market.
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