

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 26 February 2020 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
G Barnell, E J Berry, W Burke, J Cairney,
R J Chesterton, S J Clist, Mrs F J Colthorpe,
D R Coren, N V Davey, Mrs C P Daw,
R M Deed, R J Dolley, J M Downes,
C J Eginton, R Evans, Mrs S Griggs,
B Holdman, T G Hughes, D J Knowles,
F W Letch, E G Luxton, B A Moore,
Miss J Norton, S J Penny, D F Pugsley,
R F Radford, C R Slade, R L Stanley,
L D Taylor, Ms E J Wainwright,
B G J Warren, A White, A Wilce,
Mrs N Woollatt, J Wright and A Wyer

Apologies

Councillors

Mrs E M Andrews, Mrs C Collis, Mrs I Hill
and Mrs M E Squires

123 Councillor John Daw and Honorary Alderman Eric Shapland

Those in attendance observed a minute's silence in memory of Councillor John Daw and Honorary Alderman Eric Shapland.

124 Apologies (00-12-41)

Apologies were received from Councillors: Mrs E M Andrews, Mrs C A Collis, Mrs I Hill and Mrs M Squires.

125 Public Question Time (00-13-13)

Mr Welchman referring to the Planning Committee reports asked for clarification with regard to the status of the Tidcombe Hall planning application which in his view would endanger life and increase flooding issues in the area. He stated that recent events had highlighted a contradiction that some schemes were only a one in a one hundred year event. He requested that he be informed of the latest news with regard to the application.

The Chairman indicated that he was not aware that an application for the site had been submitted but would request that a written response be sent to Mr Welchman.

126 Declarations of Interest under the Code of Conduct (00-15-16)

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

127 Minutes (00-15-16)

The minutes of the meeting held on 8 January 2020 were agreed as a correct record and signed by the Chairman.

128 Chairman's Announcements (00-16-42)

The Chairman had the following announcements to make:

- He had attended the funeral of Councillor John Daw on 4 February and also the funeral of Honorary Alderman Eric Shapland that morning.
- He had also recently attended the Tiverton Junior Operatic Production of 'Happy Days'.
- He informed Members of an Extraordinary Meeting that would take place on the rising of the normal Council meeting on 29 April to consider the appointment of Honorary Aldermen.

129 Petitions (00-18-02)

There were no petitions presented.

130 Notices of Motions (00-18-19)

(1) Motion 561 (Councillor R B Evans – 17 December 2019)

The following motion had been referred to the Cabinet for consideration and report:

Development Management Policy

That this council commits to proactively seeking out and exploring that every opportunity is taken to install a carbon neutral power supply option within all new build development from 01/01/2021 but specifically when residential development is being planned.

The Cabinet at its meeting on 13 February 2020 were due to consider the motion. At the meeting Councillor Evans requested that the motion be **WITHDRAWN**.

It was therefore **NOTED** that in accordance with Procedure Rule 16.6, Councillor R B Evans had requested that Motion 561 be **WITHDRAWN**.

(2) Motion 562 (Councillor R B Evans – 17 December 2019)

The following motion had been referred to the Cabinet for consideration and report:

That MDDC commits to proactively seeking out and exploring development of a long term partnership with a company / companies that can supply innovative power generation that offers carbon neutral power and where possible seeks to give an income stream back to the authority when operational.

That officers are instructed to seek out and explore such opportunities with available companies with immediate effect in order that MDDC can ensure we are actively addressing our own policy to seeking to be carbon neutral by 2030.

The Cabinet at its meeting on 13 February 2020 considered the Motion and following discussion RECOMMENDED to Council that Motion 562 be supported.

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

131 **Reports - Cabinet Meeting 16 January 2020 (00-20-48)**

The Leader presented the report of the meeting of the Cabinet held on 16 January 2020

1. Tax Base Calculation (Minute 120)

The Leader **MOVED** seconded by Councillor A White:

THAT the recommendations of the Cabinet as set out in Minute 120 be **ADOPTED**.

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

2. Corporate Plan (Minute 122)

The Leader **MOVED** seconded by Councillor Mrs N Woollatt:

THAT the recommendations of the Cabinet as set out in Minute 122 be **ADOPTED**.

Councillor R L Stanley **MOVED AN AMENDMENT** seconded by Councillor R J Chesterton:

Page 69 bullet point 4 within the Homes section to remove the wording “Lobby to see the abolition of the Right to Buy or.....” and replace with the following: “Lobby for the devolvement of discounting powers to individual local housing authorities”.

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

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

132 **Cabinet - Report of the meeting held on 13 February 2020 (00-35-33)**

The Leader presented the report of the meeting of the Cabinet held on 13 February 2020.

1. Budget (Minute 146)

The Leader **MOVED** seconded by Councillor A White:

THAT the recommendations of the Cabinet as set out in Minute 146 (a) – (g) be **ADOPTED**.

Councillor C J Eginton **MOVED AN AMENDMENT** seconded by Councillor C R Slade that:

Recommendation (b) to be amended to read; General Fund budget for 2020/21 to be approved subject to the reinstatement of the Weed Team at a cost of £53k.

Recommendation (d) to be amended to read; The General Fund budget requires a temporary transfer of £337k from New Homes Bonus EMR.

Following discussion Councillor C J Eginton **MOVED** in accordance with Procedure Rule 19.4

“THAT the vote in respect of this **AMENDMENT** shall be by Roll Call”

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **AMENDMENT**: Councillors E J Berry, J Cairney, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, R J Dolley, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade, and R L Stanley.

Those voting **AGAINST** the **AMENDMENT**: Councillors: G Barnell, S J Clist, L J Cruwys, R M Deed, J M Downes, B Holdman, D J Knowles, F W Letch, E G Luxton, Miss J Norton, D F Pugsley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

Those **ABSTAINING** from voting: Councillor: W Burke.

The **AMENDMENT** was declared to have **FAILED**.

The Chairman **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of the original **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors: G Barnell, W Burke, J Cairney, S J Clist, L J Cruwys, R M Deed, R J Dolley, J M Downes, B Holdman, D J Knowles, F W Letch, E G Luxton, Miss J Norton, D F Pugsley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer

Those voting **AGAINST** the **MOTION**: Councillors: E J Berry, R J Chesterton, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, B A Moore, S J Penny, R F Radford, C R Slade and R L Stanley.

The **MOTION** was declared to have been **CARRIED**.

2. Capital Programme (Minute 147)

The Leader **MOVED** seconded by Councillor G Barnell:

THAT the recommendations of the Cabinet as set out in Minute 147 be **ADOPTED**.

The Chairman **MOVED** in accordance with Procedure Rule 19.7:

“**THAT** the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken.

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, S J Clist, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R B Evans, Mrs S Griggs, B Holdman, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, S J Penny, D F Pugsley, R F Radford, C R Slade, R L Stanley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

The **MOTION** was declared to have been **CARRIED**.

(3) Capital Strategy (Minute 148)

The Leader **MOVED**, seconded by Councillor Mrs N Woollatt:

THAT the recommendation of the Cabinet as set out in Minute 148 be **ADOPTED**.

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

(4) Treasury Management Strategy and Annual Investment Strategy (Minute 149)

The Leader **MOVED**, seconded by Councillor B A Moore:

THAT the recommendation of the Cabinet as set out in Minute 149 be **ADOPTED**.

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

(5) Policy Framework (Minute 150)

The Leader **MOVED**, seconded by Councillor B A Moore:

THAT the recommendation of the Cabinet as set out in Minute 150 be **ADOPTED**.

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

(6) Establishment (Minute 151)

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

THAT the recommendation of the Cabinet as set out in Minute 151 be **ADOPTED**.

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

(7) Pay Policy (Minute 152)

The Leader **MOVED**, seconded by Councillor D J Knowles:

THAT the recommendation of the Cabinet as set out in Minute 152 be **ADOPTED**.

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

Note: Councillor B G J Warren declared a personal interest in (1 - Budget) as a member of Willand Parish Council.

133 Council Tax Resolution 2020/2021 (1-46-17)

The Chairman **MOVED**,

“THAT the Council Tax for 2020/21 be increased by 2.45% being £208.84 (in accordance with the revised referendum limit ability of 2% or £5 per Band D property)”

With regard to the draft Council Tax resolution in respect of the year 2020/21:

The Chairman then **MOVED** in accordance with Procedure Rule 19.7:

“THAT the vote in respect of this item shall be by Roll Call”

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: G Barnell, E J Berry, W Burke, J Cairney, R J Chesterton, S J Clist, Mrs F J Colthorpe, D R Coren, L J Cruwys, N V Davey, Mrs C P Daw, R M Deed, R J Dolley, J M Downes, C J Eginton, R B Evans, Mrs S Griggs, B Holdman, T G Hughes, D J Knowles, F W Letch, E G Luxton, B A Moore, Miss J Norton, S J Penny, D F Pugsley, R F Radford, C R Slade, R L Stanley, L D Taylor, Ms E J Wainwright, B G J Warren, A White, A Wilce, Mrs N Woollatt, J Wright and A Wyer.

The **MOTION** was declared to have been **CARRIED** and it was accordingly:-

RESOLVED that the recommendations within the report be approved.

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

134 Reports - Scrutiny Committee – Report of the meeting held on 27 January 2020 (1-50-41)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 27 January 2020.

135 Scrutiny Committee Report - 24 February 2020 (1-51-24)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 24 February 2020.

136 Audit Committee - Report of the meeting held on 28 January 2020 (1-52-14)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 28 January 2020.

137 Environment Policy Development Group - Report of the meeting held on 14 January 2020 (1-52-44)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 14 January 2020.

138 Environment Policy Development Group - Report of the special meeting held on 30 January 2020 (1-53-12)

The Chairman of the Environment Policy Development Group presented the report of the special meeting of the Group held on 30 January 2020.

139 Homes Policy Development Group - Report of the meeting held on 21 January 2020 (1-53-45)

Councillor D R Coren presented the report of the meeting of the Group held on 21 January 2020.

140 Economy Policy Development Group - Report of the meeting held on 23 January 2020 (1-55-00)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 23 January 2020.

141 Community Policy Development Group - Report of the meeting held on 28 January 2020 (1-55-40)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 28 January 2020.

142 Planning Committee - Report of the meeting held on 15 January 2020 (1-56-10)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 15 January 2020.

143 Planning Committee - Report of the meeting held on 12 February 2020 (1-56-59)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 12 February 2020.

144 Standards Committee - Report of the meeting held on 5 February 2020 (1-57-49)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 5 February 2020.

1. Governance Arrangements (Minute 27)

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

THAT the recommendations of the committee as set out in Minute 27 be **ADOPTED**.

Councillor R B Evans **MOVED AN AMENDMENT** seconded by Councillor B A Moore that:

Recommendation (ii) 3.2 be amended to state that: The effect of the resolution under rule 3.1, is that the decision will stand deferred to the next meeting of the cabinet which follows the council's consideration of the matter in question. In order that delay in decisions being made is kept to an absolute minimum the following should apply: 1). No decision can be deferred if the next full council meeting would be longer than a maximum of 6 (six) weeks following the cabinet meeting considering a deferral. 2). The cabinet meeting to consider councils views is more than 8 weeks from the original cabinet meeting

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

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

145 Questions in accordance with Procedure Rule 13 (2-08-06)

There were no questions submitted under Procedure Rule 13.2.

146 Special Urgency Decisions (2-08-18)

With regard to any decisions taken under Rule 16 (of the Constitution) Special Urgency – October to December 2019. The Chairman informed the meeting that no such decisions had been taken in this period.

147 Independent Remuneration Panel Report (2-08-32)

The Council had before it a * report of the Head of Legal (Monitoring Officer) informing Members of a review undertaken by the Independent Remuneration Panel and their recommendations.

The Chairman **MOVED, THAT:**

- a) The Basic Allowance to be paid to all Councillors remains at the current level of £5112.15 p.a., with any increases being linked to but not greater than the staff pay award.
- b) Special Responsibility Allowances ("SRA") be paid to the following Members at the levels indicated:

Position	Weighting basic	x SRA
Leader of the Council	3.00	£15,336
Deputy Leader	1.50	£7668
Cabinet Member	1.25	£6390
Scrutiny Committee Chair	1.25	£6390
PDG Chair	0.75	£3834
Audit Committee Chair	0.75	£3834
Planning Committee Chair	1.25	£6390
Licensing/Regulatory Chair	0.25	£1278
Standards Chair	0.25	£1278
Chairman of the Council	0.50	£2556

- c) No Member should be entitled to claim more than **one** Special Responsibility Allowance.
- d) Carers' allowances be calculated on the current basis namely, the actual expenditure up to the national living wage of a person over 25.
- e) That travel allowances be linked to HMRC rates and calculated at the national levels indicated, currently:

- 45p per mile for the first 10,000 miles
- 25p per mile thereafter
- 5p per mile per passenger carried (up to a maximum of 4 passengers, payable to the driver)
- 20p per mile for push bikes
- 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2020 once known.

- f) That subsistence allowances only be paid when councillors are conducting approved duties outside of the Mid Devon District Council area (where refreshments are not provided by the host) and that they be linked to those of the staff, currently these are as follows in each case up to a maximum of:

- Breakfast £7.70
- Lunch £10.63
- Tea £4.18
- Dinner £13.15

NB: To be increased in line with HMRC rates from 1 April 2020 once known.

- g) That all claims for travel and subsistence reimbursement be accompanied by an appropriate receipt.
- h) That an annual digital allowance of £150 continues to be paid to Members using digital devices only.

- i) The Council considers the removal of the digital allowance by the time of the next District Council election.
- j) That the Chief Executive or Monitoring Officer may consider the payment of any additional claims or support arrangements that fall outside the scope of the scheme to support Members with additional needs.
- k) That Members of the Authority are not entitled to pensions and neither the basic allowance nor SRA be treated as an allowance in respect of which pensions are payable.

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

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

148 **Green Group Nomination to Scrutiny Committee (-09-41)**

The Council had before it a * report of the Head of Legal (Monitoring Officer) explaining the position where a political group is unable to nominate from within its group to one of its allocated seats and to note the position with regard to a nomination made by the Green group to Scrutiny Committee.

The Chairman **MOVED, THAT:** the nomination of Councillor John Downes to Scrutiny Committee and the reasons for it be **NOTED**.

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

149 **Questions to Cabinet Members (2-10-40)**

Councillor Mrs C P Daw addressing the Cabinet Member for Planning and Economic Regeneration asked whether the Cabinet Member was aware that at the Scrutiny Committee on Monday 24 February the document he was quoting from was the 2017/18 market report and whether he would be able to bring an up to date report to a future meeting of the Scrutiny Committee?

The Cabinet Member responded stating that he would look into the matter and that he would also like to provide trend information at a future meeting.

Councillor Mrs S Griggs addressing the Cabinet Member for Planning and Economic Regeneration stated that Tiverton did not have a Town Centre Manager and had not since 2017, although there was a Town Centre and Market Manager. Were there any other plans for a Town Centre Manager or a leader who would take plans forward for the town centre? She also stated that economic viability was a responsibility of the Council and asked could the Cabinet Member let her know who was responsible for the health checks in the towns of Tiverton Crediton and Cullompton. She also added that there was a smashed shop window in one of the Fore Street properties and that the unit looked unkempt. Her final query was when the 'harris' fencing would be removed from the outside of the multi storey car park.

The Cabinet Member stated that he would require clarification with regard to the health checks. He would look into the matter of the shop on Fore Street. There were no plans to recruit a Town Centre Manager, but there was a Market Manager. Any

changes in the future would come from the town centre masterplanning exercise which would come before members in the spring, he emphasised the need to meet with the Town Council, the Town Centre Partnership and local members to shape the masterplan.

Councillor F W Letch addressing the Leader asked if there were any new plans for CCTV across the district as at present Crediton didn't have any and there had been several burglaries on the high street.

The Leader stated that he would like to see an upgraded system across the district, he had written to the Police and Crime Commissioner and met with a representative of the commissioner where discussions had taken place with regard to financial support to improve CCTV in Tiverton and throughout Mid Devon, and he would keep the council informed of any updates.

150 **Members Business (2018-58)**

There were no issues raised under this item.

Amendments

(The meeting ended at 8.28 pm)

CHAIRMAN