

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 6 January 2021 at 6.00 pm

Present

Councillors

L J Cruwys (Chairman)
Mrs E M Andrews, G Barnell, E J Berry,
W Burke, J Cairney, R J Chesterton,
S J Clist, Mrs C Collis, 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, B A Moore, Miss J Norton,
S J Penny, D F Pugsley, R F Radford,
C R Slade, Mrs M E Squires, 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

103 **Apologies (00-08-12)**

There were no apologies.

104 **Protocol for Remote Meetings (00-08-18)**

The protocol for remote meetings was **NOTED**.

105 **Public Question Time (00-08-37)**

The Chairman read a statement on behalf of Mr Quinn concerning agenda item 9 (5):
Report of Homes PDG - 10 Nov 2020

At the 10th of November meeting of the Homes PDG, I pointed out that the draft minutes of the previous meeting were incorrect.

The PDG Members agreed that the draft minutes did require correction and Minute 31 of this report shows the words they approved for this purpose.

However, the uncorrected minutes of that September PDG meeting are still being shown on the Council Website as the: 'Printed Minutes'.

An item called "Amendment to Minutes 21 and 17" has been published - but the minutes shown on that page have not been corrected.

Asking the public to open two documents and work out the correct form of the minutes for themselves is both confusing and bad practice.

It seems to me that, there should only ever be one set of minutes published for any meeting – the Correct Ones!

If the Members, of any meeting, agree that the draft minutes require amendment, then the draft minutes should be removed from the Website, corrected, and then published as the agreed minutes of the meeting.

My question is:

Does this Council agree that: where the draft minutes of any meeting have been amended, then the corrected minutes should be published on the council's website?

The Head of Legal (Monitoring Officer) in response stated that the physical minutes would continue to be amended by hand, however electronic minutes were amended by addendum and highlighted within the minutes of the following meeting. Tracked changes to the original minutes did not work in the publishing system but she was happy to look at other ways to overcome this issue if members thought that was necessary.

106 Declarations of Interest under the Code of Conduct (00-13-58)

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

Councillor Mrs E M Andrews declared a personal interest in Minute 258 (19 High Street, Cullompton) of the Cabinet Minutes of 29 October as a Town Councillor and a Member of the Town Team.

107 Minutes (00-15-03)

The minutes of the meeting held on 28 October 2020 were agreed as a correct record.

108 Chairman's Announcements (00-15-42)

The Chairman had the following announcements to make:

- He had attended alongside a representative of the RBL and the Mayor of Tiverton a short wreath laying commemorative event for Armistice Day. He also thanked Councillors J M Downes and R F Radford for laying a wreaths in Crediton and Cullompton.
- He had written a short piece in the Members weekly information sheet with regard to the death of former councillor Tony Bush who had passed away before Christmas and informed the meeting that he had been invited to attend the funeral where he would represent the District Council.
- He thanked Members who had contacted him for their kind wishes following the death of his mother.

109 Petitions (00-18-13)

No petitions had been presented.

110 Notices of Motions (00-18-32)

(1) Motion 565 – (Councillors: G Barnell and LD Taylor – 17 December 2020)

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

This Council understands that an updated Business Case from 3RDL will be submitted to Cabinet in February or March. The recent financial information provided to members on the financial performance of the Company and, in particular, on the substantial losses arising from the development of the St George's Court site in Tiverton, do not give confidence that the Company has a future as a viable entity or that further investment of taxpayers money is warranted.

This Council agrees that members must have independent and expert advice on all the options open to the Council about the future of 3RDL and that this advice be made available to all members of the Council at the same time as the new business case is presented .

In order to inform the wider-decision making of the Council beyond the shareholder function performed by Cabinet, this Council, therefore, resolves to:-

1. Commission an independent appraisal of the Company's new business plan by a company or by individuals experienced in the business of speculative property development.
2. Commission an independent report on the options for the liquidation or winding up of the Company from a suitable professional entity experienced in such matters.
3. Ensure the presentation of the new 3RDL Business Case is made at the same time as the above reports both to the Council's Audit Committee and also to the Scrutiny Committee before the matter is subject to Cabinet consideration and decision

The **MOTION** was **MOVED** by Councillor G Barnell and seconded by Councillor L D Taylor.

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

Consideration was given to:

- The updated business plan for 3RDL which was due to be submitted to the Cabinet in February
- The need for due diligence prior to further investment in the company and for further external advice to be received
- The independent reports previously commissioned and the 33 recommendations that had followed and the involvement of the Scrutiny Committee and Audit Committee in those recommendations
- The recruitment of 2 new directors who had only just taken up their posts
- The controls already in place for any investment in projects
- The cost of further independent reports
- The need to allow time to consider the business plan and possible pre-scrutiny of the plan prior to a Cabinet decision

Councillor R B Evans **MOVED** in accordance with Procedure Rule 19.4

'**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, J Cairney, S J Clist, J M Downes, B Holdman, F W Letch, L D Taylor, A White, J Wright and A Wyer.

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, E J Berry, W Burke, R J Chesterton, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, N V Davey, Mrs C P Daw, R M Deed, C J Eginton, R B Evans, Mrs S Griggs, T G Hughes, D J Knowles, B A Moore, S J Penny, D F Pugsley, R F Radford, C R Slade, Mrs M E Squires, B G J Warren, A Wilce and Mrs N Woollatt.

Those **ABSTAINING**: Councillors: L J Cruwys, R J Dolley, Miss J Norton and Miss E Wainwright

The **MOTION** was declared to have **FAILED**

Notes:

- i) Councillor R L Stanley declared a Disclosable Pecuniary Interest with regard to his involvement with 3 Rivers Developments Limited and left the meeting for the discussion and vote;
- ii) Councillor Mrs S Griggs declared a personal interest as an employee of Seddons Estate Agents who had involvement with the company.

(2) Motion 566 – (Councillors: G Barnell and S J Clist – 17 December 2020)

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

This Council agrees to commission, as a matter of urgency, a plan based on evidence of local housing need for the delivery of affordable rented and social rented housing across Mid Devon. This plan should make best use of the Government's Affordable Housing programme 2021/26 and be presented to Council by June 2021.

The **MOTION** was **MOVED** by Councillor G Barnell and seconded by Councillor S J Clist

In accordance with Procedure Rule 14.4, the Chairman of the Council ruled that the **MOTION STAND REFERRED** to the Cabinet for consideration and report.

(3) Motion 567 – (Councillors: J Wright and Miss E Wainwright, R Dolley and Mrs C P Daw – 18 December 2020)

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

This Council:

- Welcomes and appreciates the work that has gone in to developing our climate action plan so far, especially in the context of the Covid pandemic, which stretched capacity and resources.

- Welcomes the recruitment of a Climate and Sustainability Officer, to develop our work.
- Requests that once in place, the new Climate and Sustainability Specialist focuses on further development to our climate action plan, so that it shows the priority actions for the short, mid and longer term, covering the entire period to 2030 and beyond. Plans should outline the strategic actions we need to take to be on track to meet this target.
- Requests that officers explore opportunities to develop the Net Zero Advisory Group, so that it has more authority and responsibility for our climate strategy, and so that the public can access it (e.g. via agendas published online, and being able to attend meetings).
- Requests that budget be created and ring-fenced for developing our climate work - through a mixture of funding bids; income generation; prioritisation; partnerships; and 'spend to save' schemes.

The **MOTION** was **MOVED** by Councillor J Wright and seconded by Councillor Miss E Wainwright.

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

Following a discussion with regard to:

- The impact of climate change and the need to address matters
- The role of the specialist officer to support the work with regard to climate change
- Working with Devon County Council with regard to the Devon Carbon Plan
- The involvement and support required from the Environment Policy Development Group
- Funding streams available
- Work already in hand with regard to climate change issues
- How the Cabinet Member for Climate Change could progress funding through the budget setting process
- The acknowledgement of the work undertaken by the Corporate Manager for Property, Leisure and Climate Change

Councillor A Wilce **MOVED**, seconded by Councillor B A Moore that in accordance with Procedure Rule 15.1(e) that the Motion be referred to the Environment Policy Development Group for consideration and report.

Upon a vote being taken, the referral of the Motion to the Policy Development Group was **AGREED**.

111 **Cabinet - Report of the meeting held on 29 October 2020 (1-55-00)**

The Leader presented the report of the meeting of the Cabinet held on 29 October.

1. Treasury Management Strategy and Mid Year Review (Minute 255)

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

THAT the recommendations of the Cabinet as set out in Minute 255 be **ADOPTED**.

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

Reason for the Decision – in line with CIPFA guidance, the Council must agree a Treasury Management Strategy.

Note: Councillor Mrs E M Andrews declared a personal interest in Minute 258 (19 High Street, Cullompton) as a member of the Town Council and a member of the Town Team.

112 **Cabinet - Report of the meeting held on 3 December 2020 (2-01-55)**

The Leader presented the report of the meeting of the Cabinet held on 29 October.

1. Strategic Planning (Minute 268)

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

THAT the recommendations of the Cabinet as set out in Minute 268 be **ADOPTED**.

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

Reason for the Decision – there was a need to agree the most appropriate way to take forward sub-regional spatial planning and collaboration across the housing market area in light of previous Council decisions on the subject.

2. Community Infrastructure Levy (Minute 270)

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

THAT the recommendations of the Cabinet as set out in Minute 270 be **ADOPTED**.

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

Reason for the Decision – In anticipation of reform, the Council needed to decide whether to proceed with the Community Infrastructure Levy given the pending examination in public of the submitted draft charging schedule.

3. Schedule of Meetings 2021-22 (Minute 275)

The Leader **MOVED** seconded by Councillor R B Evans

THAT the recommendations of the Cabinet as set out in Minute 275 be **ADOPTED**.

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

Reason for the Decision – there was a need to agree the schedule of meetings for the next municipal year.

113 Scrutiny Committee - Report of the meeting held on 9 November 2020 (2-16-02)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 9 November 2020.

114 Scrutiny Committee - Report of the meeting held on 14 December 2020 (2-16-53)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 14 December 2020.

The Council had before it questions* referring to Minute 124 submitted by Councillor G Barnell in accordance with Procedure Rule 13.2, together with responses from the Cabinet Member for Housing and Property Services and the Cabinet Member for Planning and Economic Regeneration.

Note: *Questions and written responses attached to minutes

115 Audit Committee - Report of the meeting held on 17 November 2020 (2-19-09)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 17 November 2020.

116 Environment Policy Development Group - Report of the meeting held on 3 November 2020 (2-19-48)

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 3 November 2020.

117 Homes Policy Development Group - Report of the meeting held on 10 November 2020 (2-20-41)

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 10 November 2020.

118 Economy Policy Development Group - Report of the meeting held on 5 November 2020 (2-21-38)

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 5 November 2020.

119 Community Policy Development Group - Report of the meeting held on 17 November 2020 (2-22-17)

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 17 November 2020.

120 **Community Policy Development Group - Report of the special meeting held on 8 December 2020 (2-23-30)**

The Chairman of the Community Policy Development Group presented the report of the special meeting of the Group held on 8 December 2020.

121 **Planning Committee - Report of the meeting held on 4 November 2020 (2-24-12)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 November 2020.

122 **Planning Committee - Report of the special meeting held on 13 November 2020 (2-24-52)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 13 November 2020.

123 **Planning Committee - Report of the meeting held on 2 December 2020 (2-25-20)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 December 2020.

124 **Questions in accordance with Procedure Rule 13 (2-26-08)**

There were no questions submitted under Procedure Rule 13.2.

125 **Special Urgency Decisions (2-26-30)**

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

126 **Independent Remuneration Panel Report(2-26-39)**

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 Leader **MOVED** seconded by Councillor R J Dolley, **THAT:**

- a. The Basic Allowance to be paid to all Councillors remains at the current level of £5252.70 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		£15,758.10
Deputy Leader	1.50		£7,879.05
Cabinet Member	1.25		£6,565.88

Scrutiny Committee Chair	1.25	£6,565.88
PDG Chair	0.75	£3,939.53
Audit Committee Chair	0.75	£3,939.53
Planning Committee Chair	1.25	£6,565.88
Licensing/Regulatory Chair	0.25	£1,313.18
Standards Chair	0.25	£1,313.18
Chairman of the Council	0.50	£2,626.35

- 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)
- 25p per mile for push bikes
- 24p per mile for motorcycles

NB: To be increased in line with HMRC rates from 1 April 2021 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 £7.87
- Lunch £10.86
- Tea £4.27
- Dinner £13.44

NB: To be increased in line with HMRC rates from 1 April 2021 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. 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.

- j. 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.

127 **Outside Body Appointments (2-32-02)**

There was a need to seek nominations for the following:

- One Member of the Council to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee to replace Councillor Richard Chesterton (the Terms of Reference state that this must not be a Cabinet member or a County Councillor). The Joint Scrutiny Committee will provide a strategic overview and scrutiny of the activities of the Heart of the South West Local Enterprise Partnership (LEP).

Councillor R B Evans **MOVED**, seconded by Councillor C R Slade that Councillor C J Eginton be nominated for the role.

Councillor L D Taylor **MOVED**, seconded by Councillor F W Letch that Councillor S J Clist be nominated for the role.

Upon a vote being taken it was **RESOLVED** that Councillor C J Eginton be appointed as the representative to the Heart of the South West Local Enterprise Partnership Joint Scrutiny Committee

- One Member of the Council to the Mid and East Devon Children's Centres Advisory Board to replace former Councillor Mrs Irene Hill who resigned in June 2020.

Councillor R B Evans **MOVED**, seconded by Councillor C R Slade that Councillor Mrs M E Squires be nominated for the role.

RESOLVED that Councillor Mrs M E Squires be appointed to the Mid and East Devon Children's Centres Advisory Board.

128 **Governance Working Group Update (2-47-51)**

The Council had before it a *briefing paper from the Chairman of the Governance Working Group.

Councillor B A Moore outlined the contents of the paper highlighting the work that had taken place to date.

In accordance with Procedure Rule 15.1(d) Councillor A Wilce **MOVED** seconded by Councillor B A Moore that: Council supports the conclusions as set out in the report and agrees that the Working Group proceeds on this basis.

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

Note *Briefing paper previously circulated, copy attached to minutes.

129 Questions to Cabinet Members (2-56-14)

There were no questions to Cabinet Members.

130 Members Business (2-56-55)

Councillor A Wilce addressed the Council stating that he was elected to represent the Council for CPRE Devon, but the fact was that the Council was not a member of CPRE and so he had not been able to represent it on that body. The CPRE Devon had been actively campaigning against the proposed Government changes to the planning system and had been able to show that 300,000 new homes could be built, without building on green-field sites in Devon. They continued to campaign about littering, the effects of plastic waste and other impacts upon the countryside.

He thanked all the COVID19 support volunteers working within in our communities. He knew how much work was taking place and he wanted to give particular thanks to Lou Carnall, in Cullompton.

He stated that he was a representative from MDDC to the Councillor Advocate Scheme of the Office of the Police and Crime Commissioner. Any member could be a Councillor Advocate and he was aware that other members had already joined the scheme, he would forward information to all members. He added that so far as the aims of the scheme were concerned, he regretted to inform members that it had not been a success locally. Local police had not fulfilled any of their obligations under the scheme and nor had anyone within Devon and Cornwall Police responded to requests for contact under the scheme; he felt that there had been little or no community engagement, certainly in Cullompton if not in Mid Devon.

He added that he would ask members to note that there were no recommendations coming forward from the last round of meetings of the Scrutiny and Audit committees, and requested that members reflect on whether everything in the garden was rosy, or if everything was not as it should be?

Councillor Dolley raised the issue of the state of the roundabout leading to Phoenix House from Blundells which he felt was a disgrace and referred to the big tree lodged in the River Exe on Great Western Way. Councillor Slade as County Councillor stated that he would look into the matter.

The Leader and Councillors: S J Clist, R F Radford, A Wilce, Mrs C A Collis, Miss J Norton and G Barnell thanked Councillor B G J Warren for his hard work during the recent planning appeal. Councillor Warren responded stating that he had been representing the Planning Committee and thanked the Head of Legal (Monitoring Officer) for her work.

Councillor B Holdman requested that the Council recognise the work of the Covid-19 support groups within Tiverton.

(The meeting ended at 9.07 pm)

CHAIRMAN