

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 25 February 2015 at 6.00 pm

Present Councillors

Mrs H Bainbridge, E J Berry, M D Binks,
R J Chesterton, Mrs F J Colthorpe,
N V Davey, W J Daw, R M Deed,
C J Eginton, R Evans, A V G Griffiths,
Mrs S Griggs, P H D Hare-Scott,
Mrs C Heal, P J Heal, Mrs L J Holloway,
T G Hughes, D J Knowles, M R Lee,
M A Lucas, E G Luxton, D F Pugsley,
Mrs J Roach, F R Rosamond, C R Slade,
T W Snow, J D Squire, Mrs M E Squires,
R L Stanley, Mrs M E Turner, P F Williams,
K D Wilson, Mrs N Woollatt and R Wright

Apologies Councillors

Mrs E M Andrews, Mrs D L Brandon,
D R Coren, J M Downes, Mrs B M Hull,
R F Radford, Mrs J Rendle and N A Way

111 Apologies (00-01-32)

Apologies were received from Councillors Mrs E M Andrews, Mrs D L Brandon, D R Coren, J M Downes, Mrs B M Hull, R F Radford, Mrs J R Rendle and N A Way.

112 Minutes (00-02-18)

Subject to the following amendments to Minute 92 to remove the word "Cabinet" and insert "Committee" and the inclusion of the wording "upon a vote being taken, the **MOTION** was declared to have been **CARRIED**" to Minute 103, the minutes of the Meeting of the Council held on 17 December 2014 and were agreed as a correct record and signed by the Chairman.

The minutes of Extraordinary Meeting held on 21 January 2015 were agreed as a correct record and signed by the Chairman.

113 Chairman's Announcements (00-04-32)

The Chairman informed Members that prior to the meeting he had presented Long Service Awards to Mrs Shirley Manaton (Customer First Officer) and Mr Gordon Cleaver (Economic Development Manager) who had both completed 25 years service with the District Council.

114 Public Question Time (00-05-00)

Honorary Alderman Mrs Meads stated that she had come to a meeting in October and informed the Council that she was concerned that the State of the District Debate had not taken place. She had then been informed that a debate on the governance of the Council was going to take place and therefore she had been waiting to hear when the debate would take place. She had since been informed that the debate had been cancelled as the date announced had been inconvenient to Members.

The Leader stated that it was intended to hold a State of the District Debate on 27 February and the matter for debate was the merit of the Cabinet System against the Committee system. It had become obvious that certain Councillors could not attend and therefore it was unfair to go ahead without both sides being available. There was also the matter of inviting outside speakers and the closeness of the election, he had therefore taken the decision to postpone the event until the new municipal year.

115 **Petitions (00-08-57)**

There were no petitions from members of the public.

116 **Notices of Motion (00-09-40)**

(1) Motion 495 (Councillor D F Pugsley – 4 September 2014)

The following motion was referred back by Council at its meeting on 17 December to the Standards Committee for further clarification with regard to who would request the subject of the debate.

Motion prior to amendment:

This Council resolves to amend the Constitution by adding the following sentence at the end of Procedure Rule 16.1:

"If in any year the Leader fails to call a debate, it may be called by notice in writing to the Chief Executive signed by any 5 members of the Council."

In accordance with Procedure Rule 15.6(a) Councillor D F Pugsley has requested that the Motion be altered to read:

"that the Constitution be amended by adding the following sentence at the end of Procedure Rule 16.1:

If the Leader declines or fails to call a debate within nine months in any municipal year, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the Council.

The Standards Committee reconsidered the motion at its meeting on 14 January 2015 and in accordance with Procedure Rule 15.6(a) Councillor D F Pugsley has requested that the Motion be further altered to read:

The following sentence be added at the end of Procedure Rule 16.1: - If the Leader declines or fails to call a debate within nine months in any municipal year, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the

Council and that the debate shall be held on the subject specified by those 10 Members.

The Standards Committee at its meeting on 14 January considered the proposal and recommended that it be supported.

Upon a vote being taken, the amended motion was **CARRIED**.

(2) Motion 510 (Councillor T W Snow – 13 January 2015)

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 13.1:

That the Council re-visits the numbers of Councillors that are needed with a view to reducing it from the present number.

The **MOTION** was **MOVED** by Councillor T W Snow and seconded by Councillor P F Williams. In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that this Motion be debated at this meeting.

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

(3) Motion 514 (Councillor Mrs J Roach – 19 January 2015)

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

That this Council considers and investigates the possibility of applying to the Secretary of State to transfer Charlton Lodge to Mid Devon District Council (Localism Act Sect 15) to enable Mid Devon District Council to provide a scheme similar to the Abundant Life Project being run at Dartington.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor D F Pugsley. In accordance with Procedure Rule 13.4, the Chairman had ruled that this **MOTION STAND REFERRED** to the Decent and Affordable Homes Policy Development Group.

(4) Motion 515 (Councillor Mrs N Woollatt – 20 January 2015)

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

That this Council:

1. Bans the sale or use of sky lanterns when issuing licences for open-air events
2. Bans the release of sky lanterns from MDDC property
3. Urges Devon County Council to consider a similar ban as at (2.) on its property

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J Roach. In accordance with Procedure Rule 13.4, the Chairman had ruled that

this **MOTION STAND REFERRED** to the Managing the Environment Policy Development Group.

(5) Motion 516 (Councillor Mrs J Roach – 22 January 2015)

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

That this Council resolves to investigate the possibility of acquiring Charlton Lodge, Orchard Lea and Bampton residential Homes in order to meet unmet housing needs in this district.

The **MOTION** was **MOVED** by Councillor Mrs J Roach and seconded by Councillor Mrs N Woollatt. In accordance with Procedure Rule 13.4, the Chairman had ruled that this **MOTION STAND REFERRED** to the Decent and Affordable Homes Policy Development Group.

(6) Motion 517 (Councillor Mrs N Woollatt – 12 February 2015)

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

That this Council calls upon the Government to ban the sale and use of sky lanterns throughout the UK.

The **MOTION** was **MOVED** by Councillor Mrs N Woollatt and seconded by Councillor Mrs J Roach. In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that this Motion be debated at this meeting.

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

Note: Councillor Mrs F J Colthorpe declared a personal interest in relation to Motion 517 as she was a Member of the Fire Authority in her role as County Councillor.

117 Cabinet Report - 8 January 2015 (00-22-12)

The Leader presented the report of the meeting of the Cabinet held on 8 January.

Arising thereon:

(1) Digital Transformation (Minute 94)

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

THAT the recommendation of the Cabinet as set out in Minute 94 be **ADOPTED**.

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

118 Cabinet Report 5 February 2015 (00-23-33)

The Leader presented the report of the meeting of the Cabinet held on 5 February 2015.

Arising thereon:

(1) Budget (Minute 108)

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

THAT the recommendation of the Cabinet as set out in Minute 108 (a) – (g) be **ADOPTED** subject to (e) being amended by the addendum in the report stating that HRA rents to be increased by an average of 2.7%.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“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: Mrs H Bainbridge, M D Binks, E J Berry, R J Chesterton, Mrs F J Colthorpe, N V Davey, W J Daw, R M Deed, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, Mrs C Heal, P J Heal, Mrs L J Holloway, T G Hughes, D J Knowles, M R Lee, M A Lucas, E G Luxton, D F Pugsley, Mrs J Roach, F J Rosamond, C R Slade, T W Snow, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**: Councillors P F Williams and R Wright.

Those **ABSTAINING** from voting: Councillor K D Wilson.

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

The Council had before it questions * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1). Councillor Mrs Roach asked a series of supplementary questions in accordance with Procedure Rule 12.2 (6).

Question 1 – Adequacy of Reserves: I would like to know where the money is carried forward from and who authorises it and whether it meets the financial tests, I would therefore like reassurance that there is an audit trail?

The Cabinet Member for Finance stated that there was a proper audit trail, the use of reserves relieves pressure on the General Fund and everything is transparent.

Question 2 – Budget: the Financial regulations state that after the budget is agreed no further increased expenditure should take place?

The Head of Finance stated that there was a clear audit trail for any expenditure and this was reported in the Financial Monitoring Reports to the PDG's and Cabinet.

Question 3 – Pannier Market: I require confirmation that any money earmarked for the Pannier Market will be available and used to provide a roof for the market.

The Head of Finance stated that the money would be available in the 2015/16 capital programme if it was unspent in the 2014/15 capital programme.

Question 5 – Capital Programme: If I want to do something I will cost it, get an estimate and then if I can afford it buy it. You identify £100k a year for economic development by 2018; you will have £800k, why not use the money now on something else?

The Chief Executive stated that it took time to build up savings.

Note: *Questions previously circulated, copy attached to signed minutes.

(2) Capital Programme 2015/16 – 2018-19 (Minute 109)

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

THAT the recommendation of the Cabinet as set out in Minute 109 be **ADOPTED**.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“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: Mrs H Bainbridge, M D Binks, E J Berry, R J Chesterton, Mrs F J Colthorpe, N V Davey, W J Daw, R M Deed, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, Mrs C Heal, P J Heal, Mrs L J Holloway, T G Hughes, D J Knowles, M R Lee, M A Lucas, E G Luxton, D F Pugsley, F J Rosamond, C R Slade, T W Snow, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner and Mrs N Woollatt.

Those voting **AGAINST** the **MOTION**, Councillors: Mrs J Roach P F Williams K D Wilson and R Wright.

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

(3) Policy Framework (Minute 113)

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

THAT the recommendation of the Cabinet as set out in Minute 113 be **ADOPTED**.

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

119 Council Tax Resolutions 2015/2016 (00-55-17)

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

“THAT the Council Tax for 2015/16 be frozen at the 2014/15 level being £182.15 per Band D property”

With regard to the draft Council Tax resolution in respect of the year 2015/16.

The Chairman **MOVED** the resolutions to confirm the requirement from the Collection Account for the year 2015/16.

Following debate, the Chairman **MOVED** in accordance with Procedure Rule 18.7:

“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: Mrs H Bainbridge, M D Binks, E J Berry, R J Chesterton, Mrs F J Colthorpe, N V Davey, W J Daw, R M Deed, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, Mrs C Heal, P J Heal, Mrs L J Holloway, T G Hughes, D J Knowles, M R Lee, M A Lucas, E G Luxton, D F Pugsley, Mrs J Roach, F J Rosamond, C R Slade, T W Snow, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner, Mrs N Woollatt and R Wright.

Those **ABSTAINING** from voting Councillors: P F Williams and K D Wilson.

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 signed minutes

120 Scrutiny Committee - Report 19 January 2015 (00-59-23)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 19 January 2015.

121 Scrutiny Committee - Report 16 February 2015 (00-59-58)

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 16 February 2015.

122 Audit Committee - Report - 27 January 2015 (1-06-19)

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 27 January 2015.

123 Managing the Environment Policy Development Group - Report - 13 January 2015 (1-07-00)

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 13 January 2015.

124 Decent and Affordable Homes Policy Development Group - Report 20 January 2015 (1-13-28)

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 20 January 2015.

125 Community Well-Being Policy Development Group - Report 27 January 2015 (1-14-00)

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 27 January 2015.

126 Planning Committee- Report - 7 January 2015 (1-14-40)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 January 2015.

127 Planning Committee - Report 4 February 2015 (1-15-17)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 4 February 2015.

128 Planning Committee - Report - 11 February 2015 (1-15-57)

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 11 February 2015.

129 Standards Committee - Report 14 January 2015 (1-17-30)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 14 January 2015.

130 Standards Committee - Report 5 February 2015 (1-19-35)

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 5 February 2015.

131 Licensing Committee- Report 18 December 2014 (1-24-58)

The Chairman of the Licensing Committee presented the report of the meeting of the Committee held on 18 December 2014.

132 Regulatory Committee - Report 18 December 2014 (1-25-22)

The Chairman of the Regulatory Committee presented the report of the meeting of the Committee held on 18 December 2014.

133 Questions (1-26-00)

Questions submitted under Procedure Rule 12.2 had been dealt with earlier in the meeting.

134 Questions to Cabinet Members (1-26-19)

1. Councillor Mrs N Woollatt asked the Leader for assurances that when serious issues (such as the Harlequin Valet) arose that action was taken in a timely manner.

The Leader stated that he shared the frustrations and he would do whatever he could whilst he was Leader.

2. Councillor Mrs L J Holloway stated that in order to provide an efficient as possible organisation our Council needs to use all its resources and talent to the best of its ability, would the Leader consider Members other than from the majority party serving as Members of the Cabinet.

The Leader stated that it would depend on the political composition of the Council, 4 years ago there was no majority and the Cabinet was mixed, that was the will of the electorate.

3. Councillor P F Williams directed a question to the Cabinet Member for Planning and Regeneration, stating that 2/3 years ago a working group of the Planning Committee was formed to look at how Planning Committees procedures worked in other authorities with a view to considering best practice. A report was put before the Committee and then it went out to public consultation. He would very much like to see a final report on procedure before it was out of date and before the end of the current Council.

The Cabinet Member stated that he would look into the matter and report back to the Member.

4. Councillor F J Rosamond directed a question to the Cabinet Member for Planning and Regeneration, stating that there seemed a rush towards digital transformation however there were still issues with broadband in rural areas and asked if Members could be updated on the progress of scheme to improve broadband facilities in the rural areas.

The Cabinet Member stated that he was looking to meet with Devon County Council in the near future and he assured that Members would be fully informed of the outcome.

5. Councillor R M Deed directed a question to the Cabinet Member for Planning and Regeneration, stating that the Secretary of State had changed the approach to the development of agricultural buildings, it seemed that in Mid Devon these developments were given the nod however not all Councils were taking the same approach?

The Cabinet Member stated that the Local Planning Authority was not passing everything, there was criteria to be met and that some cases were being turned down. He suggested that he meet with the Member and officers to discuss this further; other interested Members were also welcome to attend.

6. Councillor Mrs L J Holloway asked the Cabinet Member for Planning and Regeneration and the Cabinet Member for Environment who were both part of the Members Digital Transformation Working Group of their view on how realistic was the view that the new Council would work with tablets?

The Cabinet Member for Planning and Regeneration stated that it was realistic to think that a proportion of Members would use tablets. He found that the new Modern.Gov app was working well and he hoped that a high proportion

would choose to try it, but had some reservations that it would be used by all Councillors

The Cabinet Member for the Environment stated that he was also successfully using the Modern.Gov app. He felt that there might be an issue with maps highlighting the plans associated with the Local Plan.

135 **Members Business (1-43-17)**

Councillor Mrs Woollatt stated that she had submitted a Motion to Council regarding verbal updates and reports to meetings being kept to a minimum and only used when absolutely necessary which had been rejected by the Chief Executive as he had stated that this would fetter the authority of the Chairman of the Committee, she felt that without a report it was difficult to prepare for a meeting and asked the Chairmen of Committees to consider this.

Councillor Mrs J Roach reiterated the concerns of Councillor Mrs Woollatt stating that it was vitally important that written reports were produced as there was a need to prepare questions for committee meetings.

The Leader stated that the last meeting of the Council would take place on 29 April and it was sad that retiring Members were not given the opportunity to say a few words. He therefore stated that he had requested an additional item be added to the agenda for the next meeting which would give the opportunity for those Members not standing for re-election to address the Council if they so wished.

(The meeting ended at 7.50 pm)

CHAIRMAN