

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 26 April 2023 at 6.00 pm

### **Present**

#### **Councillors**

R F Radford (Chairman)  
G Barnell, J Bartlett, E J Berry, J Buczkowski, W Burke,  
J Cairney, S J Clist, Mrs C Collis, D R Coren, L J Cruwys,  
N V Davey, Mrs C P Daw, R M Deed, R J Dolley (Vice Chairman),  
J M Downes, C J Eginton, P J Heal, B Holdman, D J Knowles,  
F W Letch, Miss J Norton, S Pugh, D F Pugsley, Mrs E J Slade,  
C R Slade, Mrs M E Squires, B G J Warren, A White, A Wilce,  
Mrs N Woollatt and J Wright

### **Apologies**

#### **Councillors**

R J Chesterton, Mrs F J Colthorpe, R Evans, Mrs S Griggs,  
B A Moore, S J Penny, R L Stanley, L D Taylor and A Wyer

### **161 Apologies (0:06:52)**

Apologies were received from Councillors: R J Chesterton, Mrs P Colthorpe, R Evans, Mrs S Griggs, B A Moore, S J Penny, R L Stanley, L Taylor and A Wyer.

Councillors D Coren, C J Eginton, Mrs E Lloyd and R Deed attended via Zoom.

### **162 Public Question Time (0:07:23)**

The Council received a public question from Sophia Beard which was read out by the Chairman with answers provided at the meeting. The recording of this can be found [here](#) at: 0:07:23 of the recording.

Clarification by a member was sought whether written answers needed to be attached to the minutes to which the District Solicitor & Monitoring Officer explained that this would be looked into.

### **163 Declarations of Interest under the Code of Conduct (00:14:26)**

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

### **164 Minutes (00:14:40)**

The minutes of the Full Council meetings held on the 14 December 2022, 18 January 2023, 22 February 2023 and 8 March 2023 were agreed as a correct record and **SIGNED** by the Chairman.

### **165 Chairman's Announcements (00:17:38)**

Attended an event with the Air Training Corps at West Exe.

Thanked those that were not standing and wished them the best of health, thanked them for their service and wished those standing all the best.

166 **Petitions (00:19:07)**

No petitions were presented.

167 **Notices of Motions (00:19:13)**

There were none.

168 **Cabinet - Report of the meeting held on 7 February 2023 (00:19:20)**

The Leader presented the report of the meeting of the Cabinet held on 7 February 2022.

1. Pay Policy (minute 133)

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

**THAT** the recommendations of the Cabinet as set out in Minute 133 be **ADOPTED**

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

Reason for the Decision – The Localism Act 2011 requires an annually published Pay Policy be adopted by the Council.

2. Establishment (Minute 134)

The Leader **MOVED**, seconded by Councillor A Wilce

**THAT** the recommendations of the Cabinet as set out in Minute 134 be **ADOPTED**

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

Reason for the Decision – The Constitution states that the Establishment should be received by Council annually.

3. Cullompton Town Centre Masterplan (Minute 137)

The Leader **MOVED**, seconded by Councillor DJ Knowles

**THAT** the recommendations of the Cabinet as set out in Minute 137 be **ADOPTED**

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

Reason for the Decision – So that the Draft Cullompton Town Centre Masterplan Supplementary Planning Document and Delivery Plan can be approved.

4. East Cullompton (Culm Garden Village) Masterplan SPD (Minute 139)

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

THAT the recommendations of the Cabinet as set out in Minute 139 be **ADOPTED**

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

Reason for the Decision – So that the revised East Masterplan Supplementary Planning Document could be adopted.

5. Policy Framework (Minute 142)

The Leader **MOVED**, seconded by Councillor C P Daw

THAT the recommendations of the Cabinet as set out in Minute 142 be **ADOPTED**

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

Reason for the Decision – the Constitution states that the Policy Framework must be approved by Council each year.

6. Schedule of Meetings (Minute 143)

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

THAT the recommendations of the Cabinet as set out in Minute 143 be **ADOPTED**

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

Reason for the Decision – there was a need for Council to approve the schedule of meetings.

169 **Cabinet - Report of the meeting held on 7 March 2023 (00:28:12)**

The Leader presented the report of the meeting of the Cabinet held on 7 March 2023.

170 **Cabinet - Report of the meeting held on 4 April 2023 (00:28:57)**

The Leader presented the report of the meeting of the Cabinet held on 4 April 2023.

171 **Scrutiny Committee - Report of the meeting held on 17 April 2023 (00:29:56)**

The Chairman of the Scrutiny Committee presented the report of the meeting held on 17 April 2023.

**172 Audit Committee - Report of the meeting held on 28 March 2023 (00:32:11)**

The Chairman of the Audit Committee presented the report of the meeting held on 28 March 2023.

**173 Environment Policy Development Group - Report of the meeting held on 14 March 2023 (00:33:20)**

The Chairman of the Environment Policy Development Group presented the report of the meeting held on 14 March 2023.

**174 Homes Policy Development Group - Report of the meeting held on 21 March 2023 (00:34:05)**

The Chairman of the Homes Policy Development Group presented the report of the meeting held on 21 March 2023.

**175 Community Policy Development Group - Report of the meeting held on 28 March 2023 (00:35:51)**

The Chairman of the Community Policy Development Group presented the report of the meeting held on 28 March 2023.

**176 Economy Policy Development Group - Report of the meeting held on the 16 March 2023 (00:36:36)**

The Chairman of the Economy Policy Development Group presented the report of the meeting held on 16 March 2023.

**177 Planning Committee - Report of the meeting held on 1 March 2023 (00:37:39)**

The Chairman of the Planning Committee presented the report of the meeting held on 1 March 2023.

**178 Planning Committee - Report of the meeting held on the 15 March 2023 (00:38:16)**

The Chairman of the Planning Committee presented the report of the meeting held on 15 March 2023.

**179 Planning Committee - Report of the meeting held on the 5 April 2023 (00:38:38)**

The Chairman of the Planning Committee presented the report of the meeting held on 5 April 2023.

**180 Standards Committee - Report of the meeting held on the 8 February 2023 (00:39:17)**

The Chairman of the Standards Committee presented the report of the meeting held on 8 February 2023.

1. Task and Finish Group (Council Procedure Rules Review) (minute 17)

A written **AMENDMENT** was **MOVED** by Cllr Mrs N Woollatt, seconded by Councillor A Wilce that:

- a) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.
- b) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report subject to the following:
  - i. Under 4.3 word 'approved' be removed, to read "the Chief Executive will send a summons".
  - ii. With the removal of "present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required)" from 6.1.
  - iii. That point 9 to 9.2, single issue debate be kept, pending an investigation by the Monitoring Officer as to whether it could be removed.
  - iv. That 11.1.6 (b) be kept unchanged, but with proposition changed to motion.
  - v. That 12.1 (b) (rules of debate) and the paragraph below, not be removed, pending an investigation by the Monitoring Officer as to whether it could be removed.
  - vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.

- c) The Council Procedure Rules regarding Member Questions be amended as set out in Appendix B Rule 10. except for the removal of text at 10.2 (b) and 10.2 (d)

*Entire extract of 10.2 copied here for clarity and context with text to be removed struck through in bold.*

#### 10.2 Questions on notice at full Council

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

(a) concerns the Council's powers / duties or which otherwise affects the District;

~~(b) relates to matters on which the Council has or may determine a policy;~~

(c) the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;

~~(d) the question has first been discussed at a meeting of the Cabinet or Committee and the Member is not satisfied with the adequacy of the answer contained in the relevant Minutes;~~ and

(e) the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:

- (i) is scurrilous, improper, capricious, irrelevant or otherwise objectionable
- (ii) is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
- (iii) requires the disclosure of confidential or exempt information unless the question is raised in closed session;
- (iv) contains expressions of opinion; or
- (v) relates to questions of fact.

d) The Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 8 subject to the additions and omissions shown by strike through and bold text below:

## 8. Questions **and Statements by** ~~from~~ the Public

8.1 Residents, electors or business rate payers of the District **may make a statement or** ~~shall be entitled to~~ ask questions at a meeting **which** ~~provided that:~~

**(a) concerns the Council's powers / duties or which otherwise affects the District; Where a question does not relate to an agenda item, and a response is required from a member or an officer, the question must be submitted to the Member Services Manager two working days before the meeting to give time for a response to be prepared. Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question. Contributions from members of the public will be limited to 3 minutes and 15 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.**

**(b) At all meetings of the Cabinet, PDGs, Scrutiny, Audit and Standards Committees, members of the public have the general right to make statements and/or ask questions in respect of all agenda items. The normal procedure to be that after a report has been introduced by the relevant Portfolio holder and/or officer the Chair will enquire of any member of the public whether they wish to speak in respect of the matter and/or ask questions. In each case, contributions from members of the public will be limited to 3 minutes.**

**(c) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.**

**(d) NB Planning Committee has its own arrangements for public questions**

- ~~(a) the question(s) are relevant to an item on the Agenda for that meeting;~~
- ~~(b) all the questions from one body shall not exceed three minutes when read out;~~
- ~~(c) written notice has been given to the Member Services Manager by noon plus one clear working day before the meeting (via email or otherwise as he / she agrees) of the question(s) to be asked; and~~
- ~~(d) the questions have not been rejected in accordance with Rule 8.5.~~

## 8.2 Time for Public Questions

~~Any public question shall be dealt with at the beginning of the Agenda and limited to 30 minutes provided that the Chairman may extend the time, or proceed to the next agenda time within the shortened period if there are no questions or all permitted questions are answered.~~

## 8.3 8.2 Attendance

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

## 8.4 8.3 Order of Questions

Questions will be asked in the order they have been received.

## 8.5 Scope

~~The Chairman may, following advice from either the Chief Executive, Monitoring Officer or Member Services Manager, reject a question giving reasons for that rejection, if it:~~

- ~~(a) Is not about a matter for which the Council has a responsibility or which affects the District;~~
- ~~(b) Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable;~~
- ~~(c) Is substantially the same as a question which has been put at a meeting to which these rules apply in the past six months; or~~
- ~~(d) Requires the disclosure of confidential or exempt information.~~

## 8.6 Supplementary question

~~At the discretion of the Chairman questioners may ask one supplementary question~~

- e) Members' Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.
- f) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.
- g) The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members' political group.
- h) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be changed to reading out the minute number range and asking if there are any questions on any of those minutes.

A further **AMENDMENT** was **MOVED** by Cllr Mrs M Squires, seconded by Cllr C Slade that:

For the written amendment to be put back to the Standards Committee after the election, to be discussed in full.

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

A **MOTION** was **MOVED** by Councillor G Barnell, seconded by Councillor J Downes that:

The Standards Report and the written amendment be referred to the next Standards Committee.

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

181 **Annual Reports of Audit Committee, Scrutiny Committee and the Policy Development Groups (00:55:57)**

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.

182 **Appointment of Returning Officer and Electoral Registration Officer (00:56:36)**

It was **MOVED** by the Chairman that:

That the Council appoints Stephen Walford as the Returning Officer and Electoral Registration Officer, as of the 1<sup>st</sup> of June 2023.

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

183 **Questions in accordance with Procedure Rule 13 (00:59:22)**

There were no questions submitted under Procedure Rule 13.

184 **Special Urgency Decisions (00:59:29)**

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.

185 **Questions to Cabinet Members (00:59:33)**

There were none.

186 **Members Business (00:59:42)**

An event was due to take place on 6 May 2023 for the King's Coronation in the Tiverton Town Centre.

Thoughts were given to Hon. Alderman Paul Williams who sadly passed away.



**187 Invitation for Retiring Members to address the Council (1:02:23)**

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

Councillors G Barnell, D Coren, R Dolley, D J Knowles, Mrs E Lloyd, Miss J Norton, D Pugsley, A White and A Wilce addressed the Council.

(The meeting ended at 7.45 pm)

**CHAIRMAN**

This page is intentionally left blank