

## **Changes to the Section 1 The Powers of the Council: (Pg 53)**

### **(Monitoring Officer under delegated powers to make the below changes)**

#### Changes

1. 3b) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.
  
- 3c) To remove Director of Business Improvement and Operations post and replace with Director of Place and Economy.
  
- 3d) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).
  
- 3f) To remove Director of Business Improvement and Operations post and replace with Director of Legal, HR & Governance (Monitoring Officer).

## **Changes to Section 5 Scheme of Delegation to Officers Only: (pg 63)**

### **(Monitoring Officer under delegated powers to make the below changes)**

#### Changes

1. Under 2a) Leadership Team :  
To remove the Director of Business Improvement and Operations and District Solicitor job titles and replace with Director of Place and Economy and Director of Legal, HR & Governance (Monitoring Officer).
  
2. On page 64 – to change the Director of Business Improvement and Operations to Director of Legal, HR & Governance (Monitoring Officer) and the following (e), (k- o) and (w-y) be removed and placed under the Deputy Chief Executive (S151); and (h), (q-v) be removed and placed under the Director of Place and Economy
  
3. On page 65 to remove the titles Director of Business Improvement and Operations and replace with Director of Legal, HR & Governance (Monitoring Officer)
  
4. On page 67 to add in under the exceptions 8) With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination – this was a resolution from Planning Committee made on the 21 March 2018.
  
5. On page 68 to remove the titles Head of Planning Economy and Regeneration or the Group Manager for Development, and replace this with the Director of Place and Economy and/or Development Management Manager.

6. All references within the Constitution which state Director of Place are amended to Director of Place and Economy.
7. All references within the Constitution which state District Solicitor (Monitoring Officer) are amended to Director of Legal, HR & Governance (Monitoring Officer).
8. All references to Gypsy within the Constitution are changed to Gypsy and Traveller.
9. To remove a duplication section on page 69 - Director of Place as showed in track changes.
10. On page 70 under Building Control – the addition of:
  - The first sentence ‘under the Building Act 1984 or regulations *and any subsequent legislation*’
    - To determine and issue all Decisions and Notices arising under the Building Act 1984 and any building regulations.
    - To relax or dispense with Building Regulations and to sign and issue such decisions.
    - To refer to the Magistrates’ Court, Notices under Section 77 of the Building Act 1984 requiring dangerous buildings to be made safe, and to take, or instruct emergency action under the provisions of Section 78 of the Building Act 1984.
    - To carry out, or instruct contractors to carry out, works in default of a Court Order obtained pursuant to Section 77 of the Building Act 1984.
    - To institute proceedings for infringement of the Building Regulations.
    - To serve Notice requiring removal or alteration of work not conforming to the Building Regulations (Section 36 of the Building Act 1984). To sign and issue Demolition Notices in respect of works falling within Section 80 of the Building Act 1984.
    - To issue Notices under Sections 24, 71 and 72 of the Building Act 1984, requiring adequate entrances, exits and means of escape in case of fire in appropriate buildings.
    - To serve Notices under Section 79 of the Building Act 1984 relating to ruinous and dilapidated buildings.
    - To enter sites and premises to carry out and enforce the Statutory Powers and Duties, such visits to be properly recorded.
    - To carry out tests on sewers, drains and land and where necessary to take samples and conduct tests on other building materials.
    - To take emergency action under the provisions of Section 78 of the Building Act 1984 in respect of dangerous structures.
    - To take action to enforce Building Regulations, including the issue of written Notices.

- Under Other Provisions where CS and C of DA is replaced with the full words of Caravan Sites and Control of Development Act 1960.

11. On page 71 – remove the duplicated words ‘Monitoring Officer.

12. Page 78 - In Appendix 3 - To change the officers job title from Director of Business Improvement and Operations under:  
 Elections – to Chief Executive  
 Operations – to Director of Place and Economy apart from - To remove and dispose of abandoned vehicles – to Deputy Chief Executive (S151)  
 Housing – to Director of Place and Economy

13. In appendix 4 – page 83 under 2. to remove Director of Business Improvement and Operations and :

- replace the Data Protection Act delegations to the Deputy Chief Executive (S151) list
- replace the Representation of the People Act delegations under the Chief Executive list on pages 81/82
- S234 (1) and (2) delegations to the Director of Place and Economy

**Changes to Part 4 The Council Procedures. (For Full Council to consider)**

Existing:

**9. Questions and Statements by the Public**

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

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

- Where a question does not relate to an agenda item, the question must be submitted to the Democratic 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 30 minutes (extendable at the Chairman’s discretion) will be available at the beginning of meetings for such questions and statements.

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

c) NB Planning Committee has its own arrangements for public questions.

Changes to:

## 9. Questions by the Public

### 9.1

- Residents, electors or business rate payers of the District shall be entitled to ask questions and/or make a statement.
- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response is received at the meeting to the written question.
- Questions and/or statements must be relevant to an item on the Agenda for that meeting (excluding the Minutes unless challenging the accuracy of the minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- The Chairman, following advice from either the Chief Executive, Monitoring Officer or Democratic Services Manager, shall have the discretion to reject a question and/or statement, giving reasons if it:
  1. Is not about a matter for which the Council has a responsibility or which affects the District
  2. Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable
  3. Is substantially the same as a question and/or statement which has been put at a meeting of the Council in the past six months;
  4. requires the disclosure of confidential or exempt information.
- At the discretion of the Chairman of that meeting, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question and/or statement.
- Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and /or statements.
- The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- NB Planning Committee has its own arrangements for public questions.
-

- ~~NB Planning Committee does not have public questions.~~

Existing:

## **9.2 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.

Changes to:

## **9.2 Attendance**

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

Persons attending the meeting in person are required to sign in at reception on arrival.

Existing:

## **9.5 Recording of Questions and Statements by the Public**

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

Changes to:

## **9.5 Recording of Questions and Statements by the Public**

The minutes shall contain a condensed written record of questions and/or statements made by the public which accurately conveys the context. The minutes are not verbatim.

Existing:

## **20. Disturbance by the Public**

### **20.1 Removal of member of the public**

- (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
- (b) If they continue to interrupt, the Chairman will order their removal from the meeting room.

Changes to:

## **20. Disturbance by the Public**

### **20.1~~20.1~~ Removal of member of the public**

(a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.

(b) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.

## **Access to Information Procedure Rules (Pg 109)**

Existing:

### **4.0 Notices of meeting**

**4.1** The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk)

Changes to:

### **4.0 Notices of meeting**

**4.1** The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk)

Existing

### **13.3 Publication of the Notice of Key Decision (Pg 113)**

The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk).

Changes to:

### **13.3 Publication of the Notice of Key Decision**

The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at [www.middevon.gov.uk](http://www.middevon.gov.uk).

## **Appendix J – Protocol of Good Practice for Councillors Dealing in Planning Matters** **(Page 250)**

Existing:

- 9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications
- 9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.
- 9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

Changes to:

~~9.1 — There is no Public Question Time for a Planning Committee.~~

~~9.2 is renumbered as 9.1~~

~~9.3 is renumbered as 9.2 and where referenced to 9.2 this is amended to 9.1.~~

2.3 of the report:

With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination. (Monitoring Officer under delegated powers to make the below changes)

This to be added as number 8 in the Constitution at page 67 under Delegation specific to the Planning Function:

Delegation specific to the Planning Function

To exercise all the powers of the Council as Local Planning Authority (including the conduct of appeals and enquiries) under the Planning Acts, (unless expressly delegated to another officer) except where:-In the case of all Applications:

1. In the opinion of the Development Management Manager or the Area Planning Officer, the application is of a significant controversial or sensitive nature;

2. The application has been submitted by or on behalf of the Council;

3. The application is from an Elected Member or Officer
4. The application is accompanied by an Environment Impact Assessment (EIA);
5. The application is a significant or major departure and is recommended for approval;
6. The Ward Member; Chairman or Vice-Chairman of Planning Committee requires that the Committee consider an application having given clear planning reasons;
7. Applications will be delegated to the Development Management Manager to refuse if Section 106 Agreements are not signed and completed within 8 or 13 week time-scale.
8. With the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.