

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **COUNCIL** held on 6 January 2016 at 6.00 pm

### **Present**

#### **Councillors**

Mrs E M Andrews, Mrs H Bainbridge,  
K Busch, R J Chesterton, Mrs C Collis,  
Mrs F J Colthorpe, D R Coren, N V Davey,  
W J Daw, Mrs C P Daw, R M Deed,  
Mrs G Doe, J M Downes, C J Eginton,  
R Evans, S G Flaws, Mrs S Griggs,  
P H D Hare-Scott, P J Heal, T G Hughes,  
Mrs B M Hull, D J Knowles, F W Letch,  
R F Radford, Mrs J Roach, F J Rosamond,  
Mrs E J Slade, Miss C E L Slade,  
C R Slade, T W Snow, J D Squire,  
Mrs M E Squires, R L Stanley, L D Taylor,  
N A Way, Mrs N Woollatt and R Wright

### **Apologies**

#### **Councillors**

Mrs A R Berry, Mrs J B Binks, R J Dolley,  
B A Moore and J L Smith

#### **91 Apologies**

Apologies were received from Councillors Mrs R Berry, Mrs J B Binks, R J Dolley, B A Moore and J L Smith.

#### **92 Minutes**

The minutes of the meeting held on 4 November 2015 were agreed as a correct record and signed by the Chairman.

#### **93 Chairman's Announcements**

The Chairman had the following announcements to make:

- i. He reminded Members that an extraordinary meeting of the Council would take place at 6.00pm on Wednesday 27 January 2016 to discuss the devolution issue.
- ii. This would be the last time the current Chief Executive, Mr Kevin Finan, would attend a full Council meeting given that he would be formally retiring on Friday 8 January 2016. A presentation had been held prior to the meeting and there would be an opportunity for Members to speak regarding Mr Finan's long service at the end of the meeting.

#### **94 Public Question Time**

There were no members of the public present.

95 **Petitions**

There were no petitions from members of the public.

96 **Notices of Motions**

There were no Motions to Council.

97 **Cabinet - Report of the meeting - 19 November 2015**

The Leader presented the report of the meeting of the Cabinet held on 19 November 2015.

98 **Cabinet - Report of the meeting - 17 December 2015 (00:03:00)**

The Leader presented the report of the meeting of the Cabinet held on 17 December 2015.

**Arising thereon:-**

(1) **Supply and Demand Policy** (Min 107)

The Leader **MOVED**, seconded by Councillor R L Stanley:

**“THAT** the recommendation of the Cabinet as set out in Minute 107 be **ADOPTED”**.

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

(2) **Void Policy** (Min 108)

The Leader **MOVED**, seconded by Councillor R L Stanley:

**“THAT** the recommendation of the Cabinet as set out in Minute 108 be **ADOPTED”**.

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

(3) **Severe Weather Emergency Protocol and Extended Winter Provision Protocol** (Min 112)

The Leader **MOVED**, seconded by Councillor R L Stanley:

**“THAT** the recommendation of the Cabinet as set out in Minute 112 be **ADOPTED”**.

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

(4) **Council Tax Reduction Scheme** (Min 113)

The Leader **MOVED**, seconded by Councillor Miss C E L Slade:

**“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**.

(5) **Tax Base Calculation** (Min 114)

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

**“THAT** the recommendation of the Cabinet as set out in Minute 114 be **ADOPTED”**.

Following discussion and upon a vote being taken, 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) together with a response from the Cabinet Member for the Environment.

Councillor Mrs Roach sought clarification as to whether the figures used to show the multi storey car park income were for a complete year. It was confirmed by the Head of Finance that all income figures presented both to the Policy Development Group and the Cabinet had been for a full year. She asked a supplementary question stating that the District Auditor had recommended that discounted car parking permits should be advertised within the car parking order, she asked whether this had happened? It was confirmed that a new car parking order was needed and as soon as it had been agreed it would advertised.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

99 **Scrutiny Committee - Report - Meeting held on 30 November 2015 (00:11:00)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 30 November 2015.

100 **Scrutiny Committee - Report - Meeting held on 4 January 2016 (00:12:00)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 4 January 2016.

101 **Audit Committee - Report - Meeting - held on 17 November 2015 (00:13:00)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 17 November 2015.

102 **Managing the Environment Policy Development Group - Report - Meeting held on 24 November 2015 (00:13:32)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 24 November 2015.

103 **Decent and Affordable Homes Policy Development Group - Meeting - held on 1 December 2015 (00:14:35)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 1 December 2015.

104 **Community Well-Being Policy Development Group - Report - Meeting held on 3 November 2015 (00:15:27)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 3 November 2015.

105 **Community Well-Being Policy Development Group - Report - Meeting held on 8 December 2015 (00:16:00)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 8 December 2015.

106 **Planning Committee - Report - Meeting held on 2 December 2015 (00:16:35)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 2 December 2015

107 **Planning Committee - Report - Meeting held on 16 December 2015 (00:17:00)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 16 December 2015.

108 **Standards Committee - Report - Meeting 15 December 2015 (00:18:00)**

**(1) Constitution**

The Chairman of the Standards Committee **MOVED**, seconded by the Chairman:

**“THAT** the recommendation of the Standards Committee as set out in Minute 5 be **ADOPTED”**.

Councillor Mrs J Roach **MOVED** an **AMENDMENT** seconded by Councillor Mrs N Woollatt that page 36, section 6.7c on the draft Constitution be referred back to the Standards Committee.

A list of fifteen amendments had been circulated prior to the meeting and it was her wish that each amendment be discussed and voted upon individually. In response to her first amendment the Head of Communities and Governance & Monitoring Officer stated that this section of the Constitution had been discussed at the Standards Committee on 16 December 2015 and it had been the Committee’s wish that section 6.7c which stated that ‘The Leader may delegate executive functions to an individual Cabinet Member’ remain within the Constitution. It had been an error that the draft version before the Council had this section struck through.

Councillor Mrs Roach stated that the majority of her proposed amendments had been

discussed by the Standards Committee but that she had been unable to find an audit trail clearly showing the changes. It was confirmed that changes had been made to the Constitution following the Standards Committee on 15 December 2015 but that these had not been reflected within the version before Members for this meeting. Discussion followed with regard to the need for Members to have a version before them which contained all the agreed and tracked changes so that they knew what they were required to approve.

Councillor R J Chesterton, in accordance with Procedure Rule 15.5a(i) **MOVED** a **FURTHER AMENDMENT** seconded by Cllr F J Rosamond that an updated draft Constitution showing all the tracked changes be brought before Council at the Extraordinary Council meeting on 27 January 2016.

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

The Chairman wished to express Council's thanks to all those involved in reviewing the Constitution whether they were Members of the Standards Committee or the Constitution Working Group, particularly Councillor Mrs F J Colthorpe.

The Council had before it a question\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Head of Human Resources and Development.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

#### 109 **Questions (00:35:50)**

The Council had before it a question\* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 12.2(1) together with a response from the Head of Communities and Governance & Monitoring Officer. This question had been in relation to the Regulation of Investigatory Powers Act.

Note: \* Questions and responses circulated at the meeting, copy attached to the minutes.

#### 110 **Recommendation from the Appointments Panel - Interim Appointment of Head of Paid Service (00:36:00)**

The Leader informed the meeting that the Appointments Panel had met on Wednesday 9 December to consider the requirement to make an interim appointment between the departure of Kevin Finan and the starting date of Stephen Walford:

The Chairman **MOVED** that the recommendation of the Appointments Panel be approved and that the Head of Human Resources and Development be appointed Interim Head of Paid Service and Chief Executive for the period 9<sup>th</sup> January to 14<sup>th</sup> February 2016.

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

#### 111 **Ungrouped Vacancy - Scrutiny Committee (00:37:00)**

Following the resignation of Councillor Mrs N Woollatt from the Scrutiny Committee, it was necessary to fill the vacancy with a Member of the Ungrouped.

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor Mrs J Roach **THAT**:

Councillor R M Deed fill the vacancy on the Scrutiny Committee

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

#### 112 **Questions to Cabinet Members (0037:26)**

Councillor Mrs J Roach, addressing the Cabinet Member for the Environment, stated that many residents had asked for lids to be provided with their recycling boxes. The recent gales and volume of Christmas rubbish had proven a need for something to avoid rubbish being blown up and down the streets. She referred to District Council's in Wales who provide residents with nets to cover their boxes thereby retaining the contents when placed outside in bad weather. She asked the Cabinet Member whether there was any possibility of this happening here?

The Cabinet Member for the Environment replied by stating that he noted the suggestion from Councillor Roach and he would talk to the Waste Manager about the possibility. However, due to changes with the Waste and Recycling Scheme residents were recycling more, crews had been very busy and nets may not be waterproof.

Councillor T W Snow, addressing the Cabinet Member for Finance, voiced his concern regarding a local resident trying to obtain figures from the Housing Benefits team. The resident had been told that the team only took calls from 8.00am until 1.30pm each day. The Head of Finance confirmed that that was correct however, if Councillor Snow provided him with the details he would follow up the resident's issue.

Councillor N A Way, addressing the Leader, stated that with regard to the proposed closure of the Crediton office local Members were not being kept informed regarding developments. Councillor F W Letch, speaking as Mayor of Crediton, informed Council that the Town Clerk, himself and another Town Councillor had been meeting with the Head of Customer Services about how the various functions could be provided under new arrangements. The Chief Executive further confirmed that he would ask the Head of Customer Services to meet with all local Members and keep them updated on a regular basis.

Councillor D J Knowles, addressing the Cabinet Member for the Working Environment and Support Services, stated that there had been a problem with people ringing the out of hours standby service over the Christmas period. As a result the Town Council Secretary had been inundated with calls. He requested that this be looked at before next Christmas.

Councillor Mrs J Roach, addressing the Cabinet Member for the Environment, stated that with regard to amenity car parks, Silverton Parish Council had been asked by Mid Devon District Council to make a contribution towards maintenance or the

District Council would consider charging them. It had been her understanding that the Parish Council had wanted more information about what was a 'reasonable' contribution. The Parish Council would be setting their budget in the following week and they had wanted further information in advance of this. The Head of Finance responded by stating that Parish Councils had been informed what the costs were in relation to the upkeep of amenity car parks. He further stated that Silverton Parish Council had already informed him that they were not prepared to make a contribution towards the costs. The Chairman suggested that perhaps 'something had been lost in translation' and that perhaps communication regarding this matter could have been improved.

### 113 **Members Business (00:53:20)**

Councillor Mrs C Collis voiced her concerns with regard to polystyrene. She stated that there were carcinogenic properties associated with polystyrene and these were very harmful to health. Polystyrene took hundreds of years to breakdown, was extremely lightweight and got blown about when outside. Over the past few years she had been involved with a beach cleaning group and knew first hand how much was washed up upon the beach. She hoped that Mid Devon District Council would lead by example and stop the use of polystyrene in all of its properties.

The Leader thanked the Chief Executive for all the years of hard work he had dedicated to the Council. The past few years had been particularly notable, they had been less problematic than in the past and there was now greater harmony. On behalf of the Council he wished him a long and happy retirement.

### **Amendments and Written Questions**

(The meeting ended at 7.00 pm)

**CHAIRMAN**