

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **MID DEVON DISTRICT COUNCIL** held on Wednesday 29 October 2014 at 6.00pm

### **Present**

**Councillors:** E J Berry (Chairman)  
Mrs H Bainbridge, M D Binks, Mrs D L Brandon R J Chesterton, Mrs F J Colthorpe, N V Davey, R M Deed, J M Downes, C J Eginton, R Evans, A V G Griffiths, Mrs S Griggs, P H D Hare-Scott, P J Heal, Mrs L J Holloway, T G Hughes, Mrs B M Hull, D J Knowles, M R Lee, M A Lucas, D F Pugsley, R F Radford, Mrs J R Rendle, Mrs J Roach, F J Rosamond, C R Slade, J D Squire, Mrs M E Squires, R L Stanley, Mrs M E Turner, N A Way, K D Wilson, Mrs N Woollatt and R Wright.

### **Apologies**

**Councillors:** Mrs E M Andrews, D R Coren, W J Daw, Mrs C Heal, E G Luxton, T W Snow and P F Williams.

#### 61 **MINUTES (00-01-24)**

The Minutes of the Meeting of the Council held on 3 September 2014 were approved as a correct record of the previous meeting and signed by the Chairman.

#### 62 **CHAIRMAN'S ANNOUNCEMENTS (00-02-10)**

The Chairman stated that he intended to take Item 10 (Leader of the Council) on the agenda after item 5.

#### 63 **PUBLIC QUESTION TIME (00-02- 10)**

Honorary Alderman Mrs Meads asked whether it was the intention of the District Council to hold the State of the District Debate in this municipal year, if the answer was yes, when if not why?

The Leader stated that there was an intention to hold a debate on the merits of the Committee structure, no date had been arranged.

#### 64 **PETITIONS**

There were no petitions from members of the public.

#### 65 **LEADER OF THE COUNCIL (00-05-34)**

Following the resignation of the Leader, Councillor N V Davey nominated Councillor C J Eginton for election as Leader of the Council for the remainder of the Municipal year. This nomination was seconded by Councillor P H D Hare-Scott

**RESOLVED** that Councillor C J Eginton be elected Leader of the Council for the remainder of the Municipal Year.

Councillor Eginton then made a declaration of Acceptance of Office and addressed the Council.

He informed the Council of the makeup of the Cabinet:

- Deputy Leader and Cabinet Member for the Environment – Councillor N V Davey
- Cabinet Member for Finance – Councillor P H D Hare-Scott
- Cabinet Member for Housing – Councillor R L Stanley
- Cabinet Member for Planning and Economic Regeneration – Councillor R J Chesterton
- Cabinet Member for Community Well-Being – Councillor C R Slade
- Cabinet Member for the Working Environment and Support Services – Councillor Mrs B M Hull

Note: Councillor R M Deed requested that his abstention from voting be recorded.

## 66 NOTICES OF MOTION (00-21-20)

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

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

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."

The **MOTION** was **MOVED** by Councillor D F Pugsley and seconded by Councillor Mrs N Woollatt. In accordance with Procedure Rule 13.4 the Chairman of the Council had ruled that the **MOTION** should stand referred to the Standards Committee.

### (2) Motion 497 (Councillors Mrs J Roach – 6 October 2014)

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

This Council resolves to write to our two local MP's and the Chancellor of the Exchequer to express concern that aggressive tax avoidance and tax evasion represents a threat to the public finance. The Council calls upon the government to actively curtail the opportunities for tax abuse nationally and to play its full part in any international initiatives to reduce tax abuse.

The Council requires that those who represent this Council when making decisions regarding investments that fund the pensions payable to past and present employees of this authority take tax abuse into consideration when assessing the suitability of those companies in the shares of which such funds might be invested.

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 of the Council had ruled that the **MOTION** should be debated at this meeting.

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

Note: Councillors R F Radford and Mrs M E Squires declared personal interests as they both sat on Devon County Council's Pensions and Investment Committee

### **3) Motion 498 (Councillor Mrs N Woollatt – 15 October 2014) (00-34-41)**

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

That this Council:

1. notes that, during the recent public consultation on the Cullompton North West Urban Extension Masterplan, it did not directly advise all residents in the immediate vicinity of the development area of the consultation.
2. recognises that there is a public expectation from residents that they should be informed directly about consultations relating to major development and master planning exercises in their immediate vicinity.
3. resolves to amend the adopted Statement of Community Involvement to ensure that in future communications advising of consultation exercises are targeted at all residents in the immediate vicinity who are likely to be affected when the council consults on major developments and master planning exercises.

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 the **MOTION** should stand referred to the Cabinet.

### **67 CABINET – REPORT – MEETING HELD ON 4 SEPTEMBER 2014 (00-35-24)**

The Leader presented the report of the meeting of the Cabinet held on 4 September 2014.

### **68 CABINET – REPORT – MEETING HELD ON 2 OCTOBER 2014 (00-36-02)**

The Leader presented the report of the meeting of the Cabinet held on 2 October 2014.

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 Leader.

Councillor Mrs Roach asked a supplementary question in accordance with Procedure Rule 12.2(6): given a 5% tolerance figure was the Head of Finance happy that the figures were correct. The Head of Finance confirmed that given that level of tolerance, the figures were correct.

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

### **69 SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 15 SEPTEMBER 2014 (00-37-30)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 15 September 2014.

### **70 SCRUTINY COMMITTEE – REPORT – MEETING HELD ON 20 OCTOBER 2014 (00-39-30)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 20 October 2014.

Arising thereon:

### **(1) Questions from Councillor D F Pugsley (Min 88)**

The Chairman of the Scrutiny **MOVED**, seconded by Councillor Mrs N Woollatt

**“THAT** the recommendation of the Scrutiny Committee as set out in Minute 88 be **ADOPTED**”.

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

The Council had before it questions\* submitted by Councillor D F Pugsley in accordance with Procedure Rule 12.2(1), the Chairman of the Scrutiny Committee stated that she would ensure that Councillor Pugsley would get an answer to his question regarding holding decision makers to public account.

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

**71 AUDIT COMMITTEE – REPORT – MEETING HELD ON 23 SEPTEMBER 2014 (00-44-00)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 23 September 2014.

**72 MANAGING THE ENVIRONMENT POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 2 SEPTEMBER 2014 (00-47-03)**

The Chairman of the Managing the Environment Policy Development Group presented the report of the meeting of the Group held on 2 September 2014.

**73 DECENT AND AFFORDABLE HOMES POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 9 SEPTEMBER 2014 (00-48-49)**

The Chairman of the Decent and Affordable Homes Policy Development Group presented the report of the meeting of the Group held on 9 September 2014.

**74 COMMUNITY WELL BEING POLICY DEVELOPMENT GROUP – REPORT – MEETING HELD ON 16 SEPTEMBER 2014 (00-50-01)**

The Chairman of the Community Well Being Policy Development Group presented the report of the meeting of the Group held on 16 September 2014.

**75 PLANNING COMMITTEE – REPORT – MEETING HELD ON 10 SEPTEMBER 2014 (00-50-31)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 10 September 2014.

**76 PLANNING COMMITTEE – REPORT – MEETING HELD ON 8 OCTOBER 2014 (00-51-10)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 8 October 2014.

**77 PLANNING COMMITTEE – REPORT – MEETING HELD ON 22 OCTOBER 2014 (00-51-58)**

The Chairman of the Planning Committee presented the report of the special meeting of the Committee held on 22 October 2014.

78 **QUESTIONS**

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

79 **APPOINTMENT OF COMMITTEES, POLICY DEVELOPMENT GROUPS AND OTHER INTERNAL BODIES (00-53-04)**

Following Councillor J D Squire’s return to the Conservative Party, the Council reviewed the allocation of seats on Committee’s, Policy Development Groups and other internal bodies.

The Councillor P H D Hare-Scott **MOVED**, seconded by Councillor R J Chesterton:

“**THAT** the tables be approved with regard to allocation of seats on Committees, Policy Development Groups and other internal bodies”.

Upon a vote being taken the **MOTION** was declared to have been **CARRIED** and the following tables **APPROVED** including the following appointments: Councillor R Wright to the Audit Committee and the Decent and Affordable Homes Policy Development Group, Councillor Mrs N Woollatt to the Managing the Environment Policy Development Group and the Standards Committee, Councillor D J Knowles to the Decent and Affordable Homes Policy Development Group, the Planning Committee, Planning Working Group, the Planning Policy Advisory Group and the Licensing and Regulatory Committees, Councillor D F Pugsley to the Licensing and Regulatory Committees and Councillor K D Wilson to the Planning Committee.

	<b>Totals</b>	<b>Independent Non-Aligned Group (ING)</b> 6	<b>Conservatives (Con)</b> 25	<b>Liberal Democrats (LD)</b> 3	<b>Westexe Independent Group</b> 2	<b>Ungrouped</b> 6
% Based on current membership of 42	100	14.29	59.52	7.14	4.76	14.29
Committee Seats	90	13	54	6	4	13
Other Bodies	22	3	13	2	1	3

<b>COMMITTEE</b>	<b>No on Committee</b>	<b>ING 13</b>	<b>Con 54</b>	<b>LD 6</b>	<b>WIG 4</b>	<b>Ungrouped 13</b>
Scrutiny	10	1.43 1	5.95 6	0.71 1	0.48 1	1.43 1
Audit	5	0.71 1	2.98 3	0.36 0	0.24 0	0.71 1
Managing the Environ PDG	7	1.00 1	4.17 4	0.50 1	0.33 0	1.00 1
Dec/Aff Homes PDG	7	1.00 1	4.17 4	0.50 0	0.33 0	1.00 2
Comm Well Being PDG	7	1.00 2	4.17 4	0.50 0	0.33 0	1.00 1
Planning	15	2.14 2	8.93 9	1.07 1	0.71 1	2.14 2
Licensing	15	2.14 2	8.93 9	1.07 1	0.71 1	2.14 2

Regulatory	15	2.14 2	8.93 9	1.07 1	0.71 1	2.14 2
Standards Committee	9	1.29 1	5.36 6	0.64 1	0.43 0	1.29 1
<b>TOTAL</b>	<b>90</b>	<b>13</b>	<b>54</b>	<b>6</b>	<b>4</b>	<b>13</b>
<b>Other Bodies</b>	<b>No on Group</b>	<b>ING</b> <b>3</b>	<b>Con</b> <b>13</b>	<b>LD</b> <b>2</b>	<b>WIG</b> <b>1</b>	<b>Ungrouped</b> <b>3</b>
Planning Policy Advisory Group	9	1.29 1	5.36 5	0.64 1	0.43 1	1.29 1
PWG	8	1.14 1	4.76 5	0.57 1	0.38 0	1.14 1
Appointments Panel	5	0.71 1	2.98 3	0.36 0	0.24 0	0.71 1
<b>TOTAL</b>	<b>22</b>	<b>3</b>	<b>13</b>	<b>2</b>	<b>1</b>	<b>3</b>

## 80 QUESTIONS TO CABINET MEMBERS (1-01-09)

Councillor Mrs Roach asked the Cabinet Member for the Working Environment and Support Services whether the FOI requests were available on the website, if you were to go to the "They Work For You" website, you can access requests, it was strange that you could access requests on that site but not on the Council's website. How long was it going to be before the requests were available?

The Cabinet Members stated that it was on the to-do list, officers were busy with the new website, FOI requests would be available in time.

Councillor Mrs Woollatt asked the Cabinet Member for the Working Environment and Support Services a series of questions and the Cabinet Member responded:

- Do you find it acceptable that this council has not upheld its statutory obligations in relation to publication of the verification number?

Councillor Woollatt's question relates to the publication of the details relating to the number of electors registered on 15<sup>th</sup> February each year. The Electoral Registration Officer has, on 15<sup>th</sup> February each year published the figures which are required and they have been available at the reception of Phoenix House. This information is also sent to Devon County Council, however the 5% electorate figure was not updated on the council website, this was an oversight. The matter did not come to light until Cllr Woollatt made the enquiry, but it was subsequently updated on the website. There had not been any previous comments or enquiries prior to this.

- What were the reasons for non-publication of the verification number?

I have answered this in my previous comment.

- What action is being taken to ensure the council abides by its statutory obligations in relation to this in future?

The statutory obligations have always been met. However, our website is currently being updated and Mrs Woollatt's comments will be borne in mind when designing the new Electoral Services webpages. The notice has been backdated to 12<sup>th</sup> February 2014. The figure is supposed to reflect the number of 5% electors on the register as at 15<sup>th</sup> February.

- Does the figure which has recently been published represent the number of 5% of electors on the register as at 12<sup>th</sup> February, 15<sup>th</sup> February or a date in September?

The figure reflects the 15th February register, as published (the register was ready for publication on 12th February).

- Why has the new verification number been published in the same incorrect (and therefore difficult to find) place?

The website is currently under construction and re-design. The pages with the most hits and about which the council receives the most enquires are given priority. As we have received no comments, questions or complaints about this particular page, it has not been given priority in the past. However, the Electoral Registration Officer will consider giving either more information or links to further information on this subject.

- Given that I have pointed out that it is missing, why is the information on how to request a referendum still not published on the link that purports to supply that information (or anywhere else that I can find on the website for that matter)?

As stated above, the website is currently under construction.

Councillor Mrs L J Holloway asked the Cabinet Member for the Working Environment and Support Services that at the last Council meeting, I had asked about the Communication Working Group recommendation that officers should be encouraged to reply to emails or communications within a 5 day period, had the Cabinet Member encouraged this and what was the progress?

The Cabinet Member stated that she had spoken to the Chief Executive regarding this matter as she would like email to be responded to as promptly as possible. The Chief Executive verified that the discussion had taken place, he could not however undertake to answer every email within 5 days but would do what he could. If Members had a specific issue they should either contact himself or Member Services who would help with any problem.

Councillor M A Lucas referring the issue of Leisure Services to the Cabinet Member for Community Well-being stated that as a Council we should show our gratitude to the work of the Leisure Services staff that had brought the Centres up to standard. He referred to a decision of the Council a few years ago not to put the Leisure Centres out to contract and since then membership had increased, as had income and attendance had also increased; would the Cabinet Member thank the staff on the Council's behalf ?

The Cabinet Member concurred with the statement and stated that he would of course pass the comments on to the Head of Service.

Councillor Mrs N Woollatt questioned the Leader with regard to a letter from the DCLG regarding the non-compliance of the publicity code, had a response been made and had any further correspondence been received, also had legal advice been sought and had Members been informed?

The Chief Executive stated that a letter had been received by himself and the Leader. He had responded explaining the use of the Mid Devon talk publication, written confirmation had been received accepting the Council's position which stated that the DCLG were happy with the current arrangement.

Councillor Mrs Woollatt asked the Chief Executive why Members had not been informed that he had been called to give evidence at the Select Committee for persistently breaking the law, did that cause him concern and is it not embarrassing that Members had to find out in the press.

The Chief Executive stated that Members should not believe everything they read in the press. This had been a voluntary exercise by himself and the Chief Executive of East Devon District Council to explain how we had achieved a high percentage of electoral registration canvas returns without going door to door seeking returns, we had a 97% return in 2013. However the law had changed and we now have to go knocking on doors at an expense to the Council. He stated that the role of the Returning Officer was not reported to Committee and that it had been a voluntary exercise to attend the Select Committee.

Councillor K D Wilson asked the Leader if he was aware that Council vehicles were delivering the Mid Devon Star?

The Chief Executive stated that there had been concerns that the planning applications notices published in the newspaper were not being seen in all areas of Mid Devon.

Discussion followed with regard to the areas of distribution of the Mid Devon Star, with the Leader stating that if Members knew of any parishes not in receipt of the paper, then they should pass this information on.

Councillor R Evans referring to the publicity regarding a referendum for a change in Governance arrangements asked the Leader why nobody had given any costs; if we were forced to have a referendum what would be the cost be to the people of Mid Devon.

The Chief Executive stated that it would depend on timing, it could cost between £70k - £125k.

Councillor K D Wilson asked the Leader if he was concerned about a possible referendum?

The Leader stated that the general public should be aware of the full facts, at the moment it was a one sided argument, if there was a referendum, he was sure that the public would be made aware of both sides of the argument.

81 **MEMBERS' BUSINESS (1-38-11)**

Councillor Mrs J R Rendle stated that a meeting had been held the previous evening with the NHS CCG; she had all the information if Members were interested.

Councillor Mrs J Roach offered her thanks to the Committee Clerk; she had valued her integrity and professionalism over the past few months.

(The meeting ended at 7.45pm)

**CHAIRMAN**