

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **COUNCIL** held on 26 October 2016 at 6.00 pm

### **Present**

#### **Councillors**

W J Daw (Chairman)  
Mrs E M Andrews, Mrs H Bainbridge,  
Mrs A R Berry, Mrs J B Binks, K Busch,  
Mrs C Collis, Mrs F J Colthorpe, D R Coren,  
N V Davey, Mrs C P Daw, R M Deed,  
Mrs G Doe, R J Dolley, 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,  
B A Moore, R F Radford, Mrs J Roach,  
F J Rosamond, Miss C E L Slade,  
C R Slade, T W Snow, J D Squire,  
Mrs M E Squires, R L Stanley, N A Way,  
Mrs N Woollatt and R Wright

### **Apologies**

#### **Councillors**

R J Chesterton, F W Letch, Mrs E J Slade,  
J L Smith and L D Taylor

### 66 **Apologies**

Apologies were received from Councillors: R J Chesterton, F W Letch, Mrs E J Slade, J L Smith and L Taylor.

### 67 **Minutes (00-04-44)**

The minutes of the meeting held on 31 August 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the extraordinary meeting held on 22 September 2016 were agreed as a correct record and signed by the Chairman.

### 68 **Chairman's Announcements (00-05-00)**

The Chairman had the following announcements to make:

- a) Prior to the meeting he had made presentations to Mrs Karen Sparkes and Mr Richard Burt who had both completed 25 years service with the District Council.
- b) Members were reminded that the fire evacuation procedure was being amended which would operate a clearance of the building and not a checking out process, therefore from 1 November Members would no longer be required to sign in when entering the building.

- c) He was delighted to see Councillor D J Knowles at the meeting following his recent illness. Councillor Knowles thanked those present for all their good wishes.

**69 Public Question Time (00-06-40)**

There were no questions from members of the public present.

**70 Petitions (00-06-44)**

There were no petitions from members of the public.

**71 Notices of Motions (00-06-51)**

**(1) Motion 527 (Councillors Mrs J B Binks, Mrs J Roach, Mrs N Woollatt and R Wright – 21 July 2016)**

The following motion had been referred to the Homes Policy Development Group for consideration and report:

“That this Council supports the Syrian Vulnerable Persons Scheme as detailed below and commits to working with the private sector to achieve placements.”

The Scheme has been developed since September 2015 having evolved from a number of earlier Gateway Scheme. The United Nations High Commissioner for Refugees (UNHCR) will refer people to the scheme, based on a criteria set by the UK. This currently prioritises those who cannot be supported effectively in their region of origin: women, children and young people at risk, people in severe need of medical care and survivors of torture and violence, refugees with legal and/or physical protection needs; refugees with medical needs or disabilities; persons at risk due to their sexual orientation or gender identity; and refugees with family links in resettlement countries. Most beneficiaries of the scheme will currently be living in Turkey, Jordan and Syria, though not all in designated refugee camps.

The UNHCR conducts a series of checks including a robust identification process prior to referring a refugee to the UK Scheme. Referrals are then further screened and considered by the Home Office for suitability for entry to the UK. The Home Office checks that they meet eligibility criteria and carries out medical and security checks.

By the time a UNHCR referred refugee arrives in the UK they have been through a thorough two stage vetting process to ensure government knows who is entering the country. This includes the taking of biometrics, documentary evidence and interviews.

**What this means in practice** – Local authorities can choose whether to participate in the scheme. Participating Local Authorities pass offers of suitable accommodation to the Home Office who then match available accommodation to a refugee family. Case information is exchanged including details of family make up, age and specific needs. The Local Authority is asked to confirm whether it can accommodate and support those specific cases, having consulted key local agencies.

On accepting to arrange resettlement, local authorities then need to co-ordinate activity to ensure that provision and support needed under the terms of the scheme is available and ready to access. Refugees will be granted a five year humanitarian

protection visa. Refugees will have a National Insurance number, access to UK benefits and the right to work. Housing benefit will fund accommodation costs initially. We would expect that in the vast majority of cases refugees will want to stay in the area of the UK in which they have been resettled. However refugees are free to move elsewhere in the UK if they choose. If a refugee and their family wish to move to another part of the UK after their initial arrival, under the terms of the scheme, they will no longer be entitled to accommodation that had been allocated and they will no longer have resettlement support in the authority in which they were first placed. The scheme will continue to run alongside other resettlement schemes and other asylum procedures.

The scheme depends on finding suitable accommodation that is aligned to the current requirements of local housing authorities and that can be paid for initially through existing housing benefit allocation. The scheme sets out to resettle refugees not simply to shelter them. Accommodation must be suitable for families to live safe, independent and productive lives, just as local authorities would aim to provide for any homeless family.

Clearly housing costs and availability varies considerably across the County and whilst there is capacity in most parts of the County to support resettlement, this has to be aligned to affordable and available accommodation. Whilst some very rural parts of Devon may provide suitable accommodation opportunities, this needs to be balanced with meeting the anticipated wider needs of resettled refugees, i.e. access to schools, healthcare, cultural, religious and support networks as required alongside opportunities for employment.

The County Council recognises that expertise of supporting refugees (alongside those seeking asylum and dealing with wider migration issues) largely sits in other organisations, largely within the voluntary and community sector. It is therefore the intention to support a number of voluntary and community sector organisations to deliver much of the Syrian Scheme on behalf of the wider partnership. Refugee Support Devon will be playing a leading and significant part in this, but it is anticipated that other groups may also be able to take a role at a community level as resettlement develops across the County.

Until families have begun to be safely and successfully resettled, we do not intend to make public announcements with regards to the arrival date or destination of refugee families.

Accommodation continues to be difficult to source locally and there are concerns that commitments from local Housing Authorities (currently to resettle up to 70 families over the course of the scheme) will not be met as a result. We will soon commission a short film and publicity aimed at local current and potential landlords to highlight the Scheme and its opportunities for them and the wider community.

The Policy Development Group at its meeting on 13 September had considered the proposal and recommended that this Council supports the Syrian Vulnerable Persons Scheme and commits to working with the private sector to achieve placements. Following Council approval, the details regarding the practicalities involved be brought back to the Homes Policy Development Group for further detailed consideration.

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

## **2) Motion 530 (Councillor R L Stanley and R J Chesterton- 19 September 2016)**

The Council had before it a **MOTION** submitted in accordance with Procedure Rule 14.1:

In order to allow a new, productive future for certain agricultural buildings, permitted development rights have been extended allowing for their use to change without planning permission in certain instances. Procedures allow for local consultation but do not currently recognise a need to consult with Parish Councils. Local communities as represented through Parish Councils, are well placed to identify the likely impacts of proposals and could be identified as a required consultee. Impacts may be cumulative where there is a concentration of proposals within a small area and it is considered that the permitted development right could be worded to recognise cumulative effects. It is requested that Council write to the Minister to bring these issues to his attention and request that he amend the General Permitted Development Order accordingly.

The **MOTION** was **MOVED** by Councillor R L Stanley and seconded by Councillor C R Slade.

In accordance with Procedure Rule 14.4, the Chairman of the Council had ruled that this **MOTION STAND REFERRED** to the Cabinet for consideration.

## 72 **Cabinet Report - Meeting held on 29 September 2016 (00-08-33)**

The Leader presented the report of the meeting of the Cabinet held on 29 September 2016.

Arising thereon:

### **(1) Statement of Community Involvement (Min 74)**

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

**“THAT** the recommendation of the Cabinet set out in Minute 74 be **ADOPTED”**

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

### **(2) Schedule of Meetings 2017/18 (Min 78)**

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

**“THAT** the recommendation of the Cabinet set out in Minute 78 be **ADOPTED”**

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

## 73 **Scrutiny Committee - Report Meeting held on 12 September 2016 (00-10-16)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 12 September 2016.

## 74 **Scrutiny Committee - Report Meeting held on 10 October 2016 (00-11-01)**

The Chairman of the Scrutiny Committee presented the report of the meeting of the Committee held on 10 October 2016.

Arising thereon:

**(1) Decisions of the Cabinet (Min 62)**

The Chairman of the Scrutiny Committee **MOVED**, seconded by Councillor Mrs J Roach

**THAT** the recommendation of the Scrutiny Committee as set out in Minute 62 be **ADOPTED**.

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

Notes:

- (i) Councillor Mrs E M Andrews declared a personal interest as a council tenant;
- (ii) Councillors Mrs J Roach and N A Way requested that their votes for approval be recorded;
- (iii) Councillors Mrs E M Andrews and Mrs C P Daw requested that their abstention from voting be recorded.

**75 Audit Committee - Report - 20 September 2016 (00-29-23)**

The Chairman of the Audit Committee presented the report of the meeting of the Committee held on 20 September 2016.

**(1) Revisions to the Financial and Contract Procedure Rules**

The Chairman of the Audit Committee **MOVED**, seconded by Councillor C J Eginton

**THAT** the recommendation of the Audit Committee as set out in Minute 154 be **ADOPTED**.

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

Note: Councillors Mrs J Roach and Mrs N Woollatt requested that their vote against the decision be recorded.

**76 Environment Policy Development Group - Report - 6 September 2016 (00-31-48)**

The Chairman of the Environment Policy Development Group presented the report of the meeting of the Group held on 6 September 2016.

The Council had before it a question \* submitted by Councillor Mrs N Woollatt in accordance with Procedure Rule 13.2 with regard to Minute 32, together with a response from the Cabinet Member for the Environment.

**77 Homes Policy Development Group - Report 13 September 2016 (00-32-59)**

The Chairman of Homes Policy Development Group presented the report of the meeting of the Group held on 13 September 2016.

**78 Economy Policy Development Group - Report - 15 September 2016 (00-34-10)**

The Chairman of the Economy Policy Development Group presented the report of the meeting of the Group held on 15 September 2016.

**79 Community Policy Development Group - Report 27 September 2016 (00-35-34)**

The Chairman of the Community Policy Development Group presented the report of the meeting of the Group held on 27 September 2016.

**80 Planning Committee - Report - 7 September 2016 (00-36-20)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 7 September 2016.

**81 Planning Committee - Report - 5 October 2016 (00-37-22)**

The Chairman of the Planning Committee presented the report of the meeting of the Committee held on 5 October 2016.

**82 Standards Committee - Report - 6 October 2016 (00-38-03)**

The Chairman of the Standards Committee presented the report of the meeting of the Committee held on 6 October 2016.

The Council had before it questions \* submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2 with regard to Minute 23, together with responses from the Chief Executive.

The Council had before it questions \* submitted by Councillors R J Dolley and J L Smith in accordance with Procedure Rule 13.2 with regard to Minute 23, together with responses from the Chief Executive.

Councillor Mrs J Roach asked a series of supplementary questions in accordance with Procedure Rule 13.10

Q1 - The answer should be no as the Subject Members were not given a pack

Q2 - She had an email which stated that it was suggested that they should not attend.

Q4 – I have evidence that the subject members should have seen additional information – an email from the Monitoring officer referring to a DCLG document, at what point was this given to the Standards Committee.

Q5 – If the DCLG document contained information regarding funding issues, if it was that document, then the document clearly showed that the accounting body was at fault.

Q6 – there should have been an Independent Person and the Subject Members should have had access to that Independent Person.

Q7 – She stated that the Subject Members did not receive a copy of the procedures.

The Chief Executive in reply stated that in response to:

Questions 1 and 2, in the absence of the Monitoring Officer, he was unable to comment

Question 3 – Councillor Davey had clarified and that both perspectives were true.

Question 4 - the District Council was the accountable body as this was a means for central Government to passport funding locally via the local authority grant mechanism. However whilst the Council did hold the finances with a system of releasing the funds, this did not absolve any third party from their responsibility.

Question 6 – with regard to the Independent Person, he was only reflecting on what he had been told since it was suggested this related to a discussion in 2014. However he felt that it would be better to resolve the issue forthwith, either by sharing or otherwise. It was clear that Members were keen to have the procedure refreshed and revised; a revised procedure would be brought forward by officers to address Members' concerns.

Councillor Mrs J Roach **MOVED** that Procedure Rule 16.4 (length of speeches) be lifted, seconded by Councillor Mrs J B Binks, this was **APPROVED**.

Councillor Mrs J Roach **MOVED**, seconded by Councillor R M Deed that under Procedure Rule 15.1 (e) the issue be referred back to the Standards Committee.

Following debate, Councillor N A Way **MOVED** in accordance with Procedure Rule 19.4:

**“THAT** the vote in respect of this **MOTION** shall be by Roll Call”

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors Mrs E M Andrews, Mrs C P Daw, R M Deed, Mrs G Doe, J M Downes, S G Flaws, Mrs S Griggs, D J Knowles, Mrs J Roach, F J Rosamond, T W Snow, J D Squire, N A Way and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors Mrs H Bainbridge, Mrs J B Binks, Mrs C A Collis, Mrs F J Colthorpe, D R Coren, W J Daw, C J Eginton, R Evans, P H



D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, B A Moore, R F Radford, C R Slade, Mrs M E Squires, R L Stanley.

Those **ABSTAINING** from voting: Councillors Mrs A R Berry, N V Davey, Miss C E L Slade and Mrs N Woollatt.

The **MOTION** was declared to have **FAILED**.

Notes: Councillors N V Davey and Mrs S Griggs declared personal interests as they were involved in the discussion that had taken place.

83 **Questions (1-45-54)**

There were no questions submitted under Procedure Rule 13.2.

84 **Appointment of a new Monitoring Officer (1-46-11)**

The Council had before it a recommendation regarding the appointment of an interim Monitoring Officer.

The Chairman **MOVED:**

That, the Director of Corporate Affairs and Business Transformation be appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.

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

85 **Appointment of Electoral Registration Officer and Returning Officer (1-46-44)**

The Council had before it a recommendation regarding the appointment of a new Electoral Registration Officer and Returning Officer.

The Chairman **MOVED,**

That the Director of Corporate Affairs and Business Transformation be appointed as Electoral Registration Officer (from 1 December 2016) and Returning officer (from 2 December 2016 in accordance with Sections 8 and 35 of the Representation of the People Act 1983.

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

86 **Six Monthly Briefing from the Leader (1-47-19)**

The Leader addressed the Council, he stated that those of you who read the Councillor magazine would have noted that it was entitled "Doing the right thing", a large part of the article referred to the devolution bid. An Elected Mayor would rule from the border with Wilshire to the border with Cornwall, he could not say that the mayor would have the support of the Council and that this had now been the accepted decision of the devolution partnership. The information sheet available at the Myth Busting Session attended by Members in early October did not believe that an Elected Mayor was necessary.



A week was a long time in politics, both the Chief Executive and himself had attended the South West Growth Summit held at Exeter University last Friday where the key note speaker was the Secretary of State for Communities and Local Government. There was the inevitable question and many would have seen the response in the Western Morning News, "if you want a devolution deal then you have got to have an Elected Mayor". The next devolution meeting was in December which he would await with some interest.

## 87 Questions to Cabinet Members (1-49-00)

1. Councillor R M Deed referred to a total waste of Council funds in that in one of his villages, one of the roads has been identified for double yellow lines, he had not been informed and nor had the Parish Council. Part of the road was owned by Mid Devon District Council but had not been adopted. He stated that you can paint as many double yellow lines as you like, but they would not be enforced, who authorised this?

The Cabinet Member for Housing stated that he was unaware of the issue but that if the details could be passed to him he would look into it.

2. Councillor R M Deed addressing the Leader quoted from the Tiverton Gazette about a meeting that the Leader had had with the MP for Central Devon, referring to the extension of the Dartmoor railway between Exeter and Okehampton. At a recent meeting of the Okehampton Rail Group, members had voiced concern regarding the article in that no mention had been made of the hard work of the Group and the general public, just the work of the politicians and that the work of the ordinary people should have been recognised, he asked that the Leader check the facts before taking the credit.

The Leader responded stating that he agreed with the hard work of the group and the general public that had taken place but that he hadn't written the article, but had met with the MP who had taken an interest in the line. He would not like anyone to think that he wrote the article and delivered it to the press.

3. Councillor Mrs J Roach addressing the Leader stated that the Leader had referred to Facebook posts during the discussion on the Standards Minutes, was he aware of overt and covert postings and that someone could be following her on Facebook.

The Leader stated that the post had been published on the Tiverton Gazette and the Express and Echo website and that Councillor Roach's comments had been published there.

4. Councillor Roach addressing the Leader in the absence of the Cabinet Member for Planning and Economic Regeneration stated that she was disgruntled of having to wait for information regarding the AONB.

The Leader stated that he would follow this up and provide a written response.

5. Councillor Mrs N Woollatt addressing the Cabinet Member for the Environment stated that discussions had taken place at Cullompton Town Council with regard to the size of the font on the recycling collection calendar and that there were also concerns regarding the colour coding, which could prove difficult for people who were colour blind, could this be considered in the future?

The Cabinet Member stated that he had seen the leaflets and would look into the matter and provide a written response.

6. Councillor N A Way addressing the Leader stated that he had seen the comments in the Western Morning News regarding devolution; his party were sceptical with regard to devolution particularly the Elected Mayor. If a new tier was to be created, why were they not getting rid of another tier and what was the feeling about this, was it just more jobs for the boys?

The Leader responded stating that there had been no discussions within the Heart of the South West Group with regard to Local Government reorganisation. In terms of jobs for the boys, in a combined authority an officer role would be taken from an existing authority. There would be no financial payment for a Member sitting on a combined authority other than the normal travel expenses. However an Elected Mayor would cost, and a Mayor's office would have to be precepted for. There was no real appetite to have an Elected Mayor.

Discussion followed regarding how the Minister could impose an Elected Mayor and that it would be for the Local Authorities, the CCG, National Parks and the LEP to decide if they wished to proceed.

The Chief Executive stated that the Secretary of State would have to put forward legislation to create a new entity, if there was no support, clearly central Government would not progress new legislation that would not be supported locally.

## **88 Members Business (2-08-00)**

1. Councillor R M Deed stated that a public consultation would take place on Saturday 12 November in the Charter Hall, Okehampton with regard to the intention to have a 7 day a week rail service between Exeter and Okehampton. This model could possibly be used for any model for the Cullompton Area.
2. Councillor Mrs J Roach paid tribute to Mr Colin Greensmith, a previous Chief Executive who had recently passed away, he had been a very astute man, who had given very fair and exceptional advice; she stated that he had been a good and fair man.

(The meeting ended at 8.12 pm)

**CHAIRMAN**