

AMENDMENTS AND WRITTEN QUESTIONS – FULL COUNCIL – 22 FEBRUARY 2017

AMENDMENTS

1. Agenda Item 9

Heading: COMMITTEE REPORTS (STANDARDS COMMITTEE - MINUTE 29 – PAGE 337 – 5 – APPEALS AGAINST DECISION)

Amendment submitted by Councillor: Mrs J Roach

Delete all and replace with 'That consideration is given to this Council having an appeals process'.

WORDING IF AMENDMENT APPROVED:

That consideration is given to this Council having an appeals process.

2. Agenda Item 9

Heading: COMMITTEE REPORTS (STANDARDS COMMITTEE - MINUTE 29– PAGE 339 – 10– BIAS AND PREDETERMINATION)

Amendment submitted by Councillor: Mrs J Roach

To amend (a) in the recommendation to read 'guidance and training for Members be reviewed to consider including the following topics, bias, predetermination and conformity.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

(a) Guidance and training for Members be reviewed to consider including the following topics, bias, predetermination and conformity.

3. Agenda Item 7

Heading: COMMITTEE REPORTS (CABINET 5 - JANUARY 2017– MINUTE 119 - PROPOSED GREATER EXETER STRATEGIC PLAN)

Amendment submitted by Councillor: Mrs J Roach

Add (12)

That prior to any formal agreement to cede any powers held by MDDC that a consultation exercise will be held in order to ascertain the views of the residents of MDDC. This to include a state of the district debate.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

1. The subject matter of the Greater Exeter Strategic Plan is agreed, subject to review as the plan is prepared.

2. The timetable for the Greater Exeter Strategic Plan is agreed.
3. The Local Development Scheme attached as Appendix 1 is to have effect from 22nd February 2017.
4. The Greater Exeter Strategic Plan is prepared under Section 28 of the Planning and Compulsory Purchase Act 2004, without the need for a statutory joint planning committee (thereby retaining sign off of key plan stages by individual councils).
5. A Member Steering Group is set up with a representative from each of the five councils, to which the Cabinet Member for Planning and Regeneration is appointed, with the Leader as his deputy.
6. A joint informal advisory reference forum is set up consisting of 5 councillors each from Mid Devon, Devon, East Devon, Exeter and Teignbridge to consider and make comments on draft plan proposals before they are formally considered by each council.
7. The "Issues" document attached as Appendix 2 to this report is agreed for consultation.
8. The draft Greater Exeter Statement of Community Involvement attached as Appendix 3 is agreed for consultation.
9. Resolving any minor inconsistencies arising from the decisions of individual councils is delegated to the relevant Chief Executive in consultation with their Cabinet Member for Planning and Economic Regeneration.
10. Delegated authority to agree minor modifications (which do not go to the heart of the documents' meanings) is granted to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration.
11. The staffing proposal is approved with additional funding of £30,000 in order to ensure Mid Devon is represented.
12. That prior to any formal agreement to cede any powers held by MDDC that a consultation exercise will be held in order to ascertain the views of the residents of MDDC. This to include a state of the district debate.

4. Agenda Item 7

Heading: COMMITTEE REPORTS - (CABINET 2 FEBRUARY 2017– MINUTE 138 - PROPOSED HEART OF THE SOUTH WEST PARTNERSHIP GOVERNANCE REPORT)

Amendment submitted by Councillor: Mrs J Roach

Add to (b) : that a state of the district debate be held to enable the people of MDDC to have a say in the future governance of the district.

WORDING IF AMENDMENT APPROVED:

RECOMMENDED to Council that:

- a) The update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, would have responsibility for developing future

'deal' and combined authority proposals for recommendation to the constituent authorities) be **NOTED**;

b) The proposals for the HotSW Productivity Plan preparation and consultation proposals be approved (including noting that a Joint Committee, if established, would have responsibility for approving and overseeing the implementation of the Productivity Plan); and that a state of the district debate be held to enable the people of MDDC to have a say in the future governance of the district.

5. Agenda Item 11

Heading : INDEPENDENT REMUNERATION PANEL REPORT – FEBRUARY 2017

Amendment submitted by Councillor: J L Smith

Amend - Recommendation b)

Replace with

That Special Responsibility Allowance be reduced by 10% and paid to the following members at the levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	2.7	£13,135
Deputy Leader	1.35	£6,568
Cabinet Member	1.12	£5,472
Scrutiny Committee Chair	1.12	£5,472
PDG Chair	.675	£3,284
Audit Committee Chair	.675	£3,284
Planning Committee Chair	1.12	£5,472
Licensing/Regulatory Chair	.22	£1,094
Standards Chair	.22	£1,094
Chairman of the Council	.45	£2,189

WORDING IF AMENDMENT APPROVED:

b) That Special Responsibility Allowances be paid to the following Members at the unchanged levels indicated below:

Position	Weighting x basic	SRA
Leader of the Council	2.7	£13,135
Deputy Leader	1.35	£6,568
Cabinet Member	1.12	£5,472
Scrutiny Committee Chair	1.12	£5,472
PDG Chair	.675	£3,284
Audit Committee Chair	.675	£3,284
Planning Committee Chair	1.12	£5,472
Licensing/Regulatory Chair	.22	£1,094
Standards Chair	.22	£1,094
Chairman of the Council	.45	£2,189

6. Agenda Item 11

Heading : INDEPENDENT REMUNERATION PANEL REPORT – FEBRUARY 2017

Amendment submitted by Councillor: J L Smith

Amend - Recommendation h)

That an annual digital allowance of £150 paid to Members using digital devices only be abolished.

WORDING IF AMENDMENT APPROVED:

h) That an annual digital allowance of £150 paid to Members using digital devices only be abolished.

WRITTEN QUESTIONS

1. STANDARDS COMMITTEE - 25 JANUARY

MIN NO 29

Questions submitted by Councillor Mrs J Roach and the responses of the Monitoring Officer.

- a) Page 337/4 Why is it proposed to remove (b) from the constitution?

(for clarification this is "That the Sanction referred to in Article 10 of the Constitution (10.4 (10) be removed").

RESPONSE:

The report from D Nolan discussed Sanctions in detail – the Act does not give the Council or its Standards Committee any powers to impose sanctions or impose requirements for training on errant Councillors. So, where a failure to comply with the Code of Conduct is found, the range of actions which the Council can take in respect of the Councillor is limited.

- b) Why is the Council appointing an independent person?

RESPONSE:

The arrangements adopted by the Council must include a provision for the appointment by the Council of at least one independent person.

- c) Why is it necessary to amend the constitution to include a 'legal jurisdiction test'?

RESPONSE:

D Nolan in her report again recommended that Council introduce the legal jurisdiction test as a preliminary test to the procedure for determining complaints. Therefore this would be part of the 'Complaints procedure' and the first test the Monitoring Officer would apply.

- d) Two complaints were made against councillors in the past year. Would those complaints have been taken if the Council had the correct procedures in place?

RESPONSE:

No, action would not have been taken

- e) Does the Council comprehend the damage done to the reputation of those two Councillors because the Standards Committee did not comply with the law?

RESPONSE:

Yes, the Council is aware of the situation. However the Standards Committee acted in accordance with the agreed policy and procedure adopted by full Council.

2. CABINET - 2 FEBRUARY 2017**MIN NO 140****Question submitted by Councillor Mrs J Roach and the response of the Director of Finance, Assets and Resources**

Does (d) require a transfer (present tense) of £89k from the new homes bonus in order to balance the budget?

RESPONSE:

The minute should state that the 2017/18 requires a one off transfer of £89k from the New Homes Bonus, this was a typographical error.