

NORTH DEVON COUNCIL

Minutes of the Annual meeting of NORTH DEVON COUNCIL held at Brynsworthy Environment Centre, Barnstaple on Wednesday 4th April 2018 at 7.45 p.m.

PRESENT: Members:

Councillor Croft (Chair) (minute 1 only)
Councillor Moore (Chair) (minutes 2 to 8)

Councillors Barker, Biederman, Bonds, Bradford, Brailey, Campbell, J Cann, R Cann, Chesters, Chugg, Crabb, Davis, Edgell, Edmunds, Flynn, Fowler, Greenslade, Gubb, Haywood, Hunt (present for minutes 1 to 3), Jones, Lane, Ley, Lovering, Leaver, Luggar, Manuel, Mathews, Meadlarkin, Moores, Patrinos (present for minutes 1 to 6), Prowse, Roome, Spear, Tucker, Webber, White, Wilkinson, Wood, Worden and Yabsley.

Officers:

Chief Executive (MM), Head of Corporate and Community Services (KM), Accountancy Services Manager (TR) and Corporate and Community Services Officer (KJ).

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman addressed Council and summarised her role as Chairman and her work undertaken during the year; including her project "Brainchild" to teach young children about dementia. She thanked her peers for their help and cooperation throughout the year with specific mention to the Vice Chairman and his wife for their support. She also thanked the Corporate and Community Services Team for their support in her role as Chairman.

The Chairman advised that she would not be standing for re-election for the coming year; a decision which had been considered based on her current ill-health.

Councillors Brailey, Edmunds and Greenslade expressed their thanks to the Chairman for her work for the Council in her role as Chairman over the past year. They praised her role as an exceptional ambassador for the Council and for her project.

2 ELECTION OF CHAIRMAN OF COUNCIL FOR 2018/19

The Chairman called for nominations.

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Moore be appointed Chairman of Council for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Hunt be appointed Chairman of Council for the 2018/19 municipal year.

It was moved by Councillor Mathews and seconded by Councillor Lovering that the decision be made by secret ballot and on a show of hands it was declared carried.

Following the secret ballot Councillor Moore was duly elected Chairman of Council for 2018/19 municipal year.

Councillor Moore took the Declaration of Acceptance of Office and gave a speech of thanks for being elected.

3 ELECTION OF VICE-CHAIRMAN OF COUNCIL FOR 2018/19

The Chairman called for nominations.

It was moved by Councillor Edmunds and seconded by Councillor Prowse that Councillor Biederman be appointed Vice-Chairman of Council for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Hunt be appointed Vice-Chairman of Council for the 2018/19 municipal year.

It was moved by Councillor Davis and seconded by Councillor Barker that Councillor Gubb be appointed Vice-Chairman of Council for the 2018/19 municipal year. Councillor Gubb confirmed that she did not wish to take on the position and withdrew herself from the nominations.

It was moved by Councillor R Cann and seconded by Councillor Chugg that the decision be made by secret ballot and on a show of hands it was declared carried.

Following the secret ballot Councillor Biederman was duly elected Vice-Chairman of Council for 2018/19 municipal year.

Councillor Biederman took the Declaration of Acceptance of Office and gave a speech of thanks for being elected.

4 APOLOGIES FOR ABSENCE

No apologies for absence were received.

5 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

6 APPOINTMENT OF NON-EXECUTIVE COMMITTEES

A copy of the Group Nominations to Non-Executive Committees (table 3) was tabled along with the Appointments of Chair and Vice-Chair to Non-Executive Committees (table 4) and Appointees to the Local Government Association (table 5).

The group leaders submitted further amendments to the appointments to the Nominations to Non-Executive Committees as detailed below:

Table 3	Conservative	Liberal Democrat	Independents	South Molton Independent
Group Nominations to Committees:				
Audit	<ul style="list-style-type: none"> ○ Cllr Croft ○ Cllr Flynn ○ Cllr Lovering 	<ul style="list-style-type: none"> ○ Cllr Haywood ○ Cllr Roome 	<ul style="list-style-type: none"> ○ Cllr Patrinos 	<ul style="list-style-type: none"> ○ Cllr Moore
Ethics	<ul style="list-style-type: none"> ○ Cllr Croft ○ Cllr Davis ○ Cllr Meadlarkin 	<ul style="list-style-type: none"> ○ Cllr Manuel ○ Cllr Wilkinson 	<ul style="list-style-type: none"> ○ Cllr White 	<ul style="list-style-type: none"> ○ Cllr Moore
Ifracombe Harbour Board	<ul style="list-style-type: none"> ○ Cllr Crabb ○ Cllr Meadlarkin 	<ul style="list-style-type: none"> ○ Cllr Fowler 	<ul style="list-style-type: none"> ○ Cllr Campbell 	

Table 3 Group Nominations to Committees:	Conservative	Liberal Democrat	Independents	South Molton Independent
Licensing	<ul style="list-style-type: none"> ○ Cllr Barker ○ Cllr Chesters ○ Cllr Jones ○ Cllr Mathews ○ Cllr Meadlarkin ○ Cllr Yabsley 	<ul style="list-style-type: none"> ○ Cllr J Cann ○ Cllr Haywood ○ Cllr Leaver ○ Cllr Tucker ○ Cllr Wilkinson 	<ul style="list-style-type: none"> ○ Cllr Biederman ○ Cllr Campbell ○ Cllr Gubb 	<ul style="list-style-type: none"> ○ Cllr Moore
Overview & Scrutiny	<ul style="list-style-type: none"> ○ Cllr Bonds ○ Cllr Chesters ○ Cllr Crabb ○ Cllr Mathews ○ Cllr Meadlarkin 	<ul style="list-style-type: none"> ○ Cllr Roome ○ Cllr Greenslade ○ Cllr Spear ○ Cllr Webber ○ Cllr Worden 	<ul style="list-style-type: none"> ○ Cllr Patrinos ○ Cllr White 	<ul style="list-style-type: none"> ○ Cllr Ley
Personnel	<ul style="list-style-type: none"> ○ Cllr Barker ○ Cllr Croft ○ Cllr Mathews ○ Cllr Campbell 	<ul style="list-style-type: none"> ○ Cllr Haywood ○ Cllr Hunt ○ Cllr Wilkinson 	<ul style="list-style-type: none"> ○ Cllr Woods ○ Cllr Gubb 	

Table 3				
Group Nominations to Committees:	Conservative	Liberal Democrat	Independents	South Molton Independent
Planning	<ul style="list-style-type: none"> ○ Cllr Bonds ○ Cllr Chesters ○ Cllr Crabb ○ Cllr Croft ○ Cllr Flynn ○ Cllr Lane ○ Cllr Ley 	<ul style="list-style-type: none"> ○ Cllr Fowler ○ Cllr Leaver ○ Cllr Spear ○ Cllr Tucker ○ Cllr Wilkinson 	<ul style="list-style-type: none"> ○ Cllr Edmunds ○ Cllr Prowse ○ Cllr Wood 	<ul style="list-style-type: none"> ○ Cllr Yabsley
Planning Committee Reserve List for substitutions	<ul style="list-style-type: none"> ○ Cllr Barker ○ Cllr Edgell ○ Cllr Luggar ○ Cllr Moores 	<ul style="list-style-type: none"> ○ Cllr Hunt ○ Cllr Webber ○ Cllr Wilkinson 	<ul style="list-style-type: none"> ○ Cllr Gubb 	<ul style="list-style-type: none"> ○ Cllr Moore

The Head of Corporate and Community Services addressed Council and advised that prior to any decisions being made in relation to the appointments to committees he, as the Council's Monitoring Officer, had a duty to advise of his concerns over the nominations for appointment to the Planning Committee.

He advised that two of the Councillors nominated for appointment to the Planning Committee, Councillors Chesters and Prowse, had been found to have committed breaches of planning control. The abilities of those Councillors were not doubted. He confirmed that neither had committed an illegal act, nor contravened the Councillor's Code of Conduct, however, the matters needed to be considered as he felt that appointing Councillors who had been in breach of planning control to the Planning Committee could compromise, or undermine, public confidence in the Council's planning system. He advised that a second opinion had been sought from the Independent Person whose opinion matched that of the Head of Corporate and Community Services.

Council discussed the issues in relation to the nominees and the Councillors in question addressed Council in turn and gave the details of the circumstances behind their cases. Council discussed the issues and expressed their support for the two Councillors and praised their knowledge of the planning system and their value to the Planning Committee. The Group Leaders confirmed that they wished the two Councillors to be considered as nominees for the Planning Committee.

In response to a question from Council, the Head of Corporate and Community Services explained that the issue arose following a complaint to the Council in relation to the way that a particular planning application had been handled by the Council. He had dealt with the complaint and it had been deemed that the complaint was unfounded. It had been during this investigation that the issue had arisen.

It was moved by Councillor Brailey and seconded by Councillor Barker that:

- (a) "That the Council appoints Committees and Joint Committees each with the total number of voting Members for the 2018/19 municipal year with the terms of reference set out in the Council's constitution".
- (b) "That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (a) above, as set out for the time being in Table 3 circulated at the meeting as amended and set out above".
- (c) "That the Council appoints Members to the Local Government Association and South West Regional Chamber for the period 2018/19 as set out in Table 5 circulated at the meeting and that these appointments be approved duties".
- (d) That alternative arrangements be made for the appointment of Members to the Appointments Committee in accordance with the powers set out in Section 17 of the Local Government and Housing Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990.
- (e) "That the alternative arrangements provide that the membership of the Appointments Committee be not politically balanced".

RESOLVED:

- (a) "That the Council appoints Committees and Joint Committees each with the total number of voting Members for the 2018/19

municipal year with the terms of reference set out in the Council's constitution".

- (b) "That, as required by section 16(1) of the Local Government and Housing Act 1989, Members be appointed to Committees and Joint Committees in accordance with the names notified to the Chief Executive by each of the Political Groups represented on the Council, to give effect to the approved allocation of seats as determined at (a) above, as set out for the time being in Table 3 circulated at the meeting amended and set out above".
- (c) "That the Council appoints Members to the Local Government Association and South West Regional Chamber for the period 2018/19 as set out in Table 5 circulated at the meeting and that these appointments be approved duties".
- (d) That alternative arrangements be made for the appointment of Members to the Appointments Committee in accordance with the powers set out in Section 17 of the Local Government and Housing Act 1989 and the provisions of the Local Government (Committees and Political Groups) Regulations 1990.
- (e) "That the alternative arrangements provide that the membership of the Appointments Committee be not politically balanced".

The Chairman called for nominations for the appointments of Chairman and Vice-Chairman of the following Committees in turn.

Appointments Committee

It was moved by Councillor Brailey and seconded by Councillor Greenslade that the group leaders remain appointed to the Appointments Committee and that Councillor Brailey be appointed as Chairman and Councillor Greenslade be appointed as Vice-Chairman for the 2018/19 municipal year.

RESOLVED that the Group Leaders of political groups of the Council be appointed to the Appointments Committee and that Councillor Brailey be appointed as Chairman and Councillor Greenslade be appointed as Vice-Chairman for the 2018/19 municipal year.

Audit Committee

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Flynn be appointed Chairman of the Audit Committee for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Haywood be appointed Chairman of the Audit Committee for the 2018/19 municipal year.

RESOLVED that Councillor Flynn be appointed as Chairman of the Audit Committee for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Croft be appointed Vice-Chairman of the Audit Committee for the 2018/19 municipal year.

It was moved by Councillor Edmunds and seconded by Councillor Prowse that Councillor Patrinos be appointed Vice-Chairman of the Audit Committee for the 2018/19 municipal year.

RESOLVED that Councillor Croft be appointed as Vice-Chairman of the Audit Committee for the 2018/19 municipal year.

Ethics Committee

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor White be appointed Chairman of the Ethics Committee for the 2018/19 municipal year.

RESOLVED that Councillor White be appointed as Chairman of the Ethics Committee for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Meadlarkin be appointed Vice-Chairman of the Ethics Committee for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Manuel be appointed Vice-Chairman of the Ethics Committee for the 2018/19 municipal year.

RESOLVED that Councillor Meadlarkin be appointed as Vice-Chairman of the Ethics Committee for the 2018/19 municipal year.

Ilfracombe Harbour Board

It was moved by Councillor Brailey and seconded by Councillor Greenslade that Councillor Fowler be appointed Chairman of the Ilfracombe Harbour Board for the 2018/19 municipal year.

RESOLVED that Councillor Fowler be appointed as Chairman of the Ilfracombe Harbour Board for the 2018/19 municipal year.

It was moved by Councillor Edmunds and seconded by Councillor Prowse that Councillor Campbell be appointed Vice-Chairman of the Ilfracombe Harbour Board for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Fowler that Councillor Meadlarkin be appointed Vice-Chairman of the Ilfracombe Harbour Board for the 2018/19 municipal year.

RESOLVED that Councillor Meadlarkin be appointed as Vice-Chairman of the Ilfracombe Harbour Board for the 2018/19 municipal year.

Licensing Committee

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Chesters be appointed Chairman of the Licensing Committee for the 2018/19 municipal year.

RESOLVED that Councillor Chesters be appointed as Chairman of the Licensing Committee for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Tucker be appointed Vice-Chairman of the Licensing Committee for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Jones that Councillor Barker be appointed Vice-Chairman of the Licensing Committee for the 2018/19 municipal year.

RESOLVED that Councillor Barker be appointed as Vice-Chairman of the Licensing Committee for the 2018/19 municipal year.

Overview and Scrutiny Committee

It was moved by Councillor Worden and seconded by Councillor Roome that Councillor Greenslade be appointed Chairman of the Overview and Scrutiny Committee for the 2018/19 municipal year.

RESOLVED that Councillor Greenslade be appointed as Chairman of the Overview and Scrutiny Committee for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Bonds that Councillor Mathews be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2018/19 municipal year.

It was moved by Councillor Edmunds and seconded by Councillor Prowse that Councillor Patrinos be appointed Vice-Chairman of the Overview and Scrutiny Committee for the 2018/19 municipal year.

RESOLVED that Councillor Mathews be appointed as Vice-Chairman of the Overview and Scrutiny Committee for the 2018/19 municipal year.

Personnel Committee

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Campbell be appointed Chairman of the Personnel Committee for the 2018/19 municipal year.

RESOLVED that Councillor Campbell be appointed as Chairman of the Personnel Committee for the 2018/19 municipal year.

It was moved by Councillor Brailey and seconded by Councillor Barker that Councillor Mathews be appointed Vice-Chairman of the Personnel Committee for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Worden that Councillor Wilkinson be appointed Vice-Chairman of the Personnel Committee for the 2018/19 municipal year.

RESOLVED that Councillor Mathews be appointed as Vice-Chairman of the Personnel Committee for the 2018/19 municipal year.

Planning Committee

It was moved by Councillor Lane and seconded by Councillor Barker that Councillor Ley be appointed Chairman of the Planning Committee for the 2018/19 municipal year.

It was moved by Councillor Prowse and seconded by Councillor Patrinos that Councillor Edmunds be appointed Chairman of the Planning Committee for the 2018/19 municipal year.

RESOLVED that Councillor Ley be appointed as Chairman of the Planning Committee for the 2018/19 municipal year.

It was moved by Councillor Barker and seconded by Councillor Lane that Councillor Chesters be appointed Vice-Chairman of the Planning Committee for the 2018/19 municipal year.

It was moved by Councillor Greenslade and seconded by Councillor Leaver that Councillor Spear be appointed Vice-Chairman of the Planning Committee for the 2018/19 municipal year.

RESOLVED that Councillor Chesters be appointed as Vice-Chairman of the Planning Committee for the 2018/19 municipal year.

7 SCHEME OF MEMBERS ALLOWANCES

Council considered a report by the Head of Corporate and Community Services (circulated previously) regarding the Scheme of Members Allowances for 2018/19.

The Head of Corporate and Community advised that the scheme was reviewed every four years. He advised that the report from the Independent Remuneration panel (appendix A) recommended that the allowance for the Shadow Leader should be paid only if the Shadow Leader was also a member of the Executive and that the allowances be increased by 2%.

It was moved by Councillor Barker and seconded by Councillor Jones that the Scheme of Members Allowances for 2018/19 be adopted as shown in appendices B and D.

Councillor Greenslade requested clarification of the wording of “Shadow Leader (who is part of the Executive)” on appendix B.

The Head of Corporate and Community Services advised that the Independent Remuneration Panel had recommended that the payment be made to the Shadow Leader only if they were also a member of the Executive and took the view that if the Shadow Leader was not a member of the Executive, then their status was the same as any Group Leader.

Council noted that no increases of the allowances had been made within the past ten years.

Councillor Manuel asked the Head of Corporate and Community Services if the allowances for subsistence were the same as those received by Council employees. The Head of Corporate and Community Services did not have that information available at the meeting but confirmed that no changes from the previous scheme in this regard were recommended.

The Chief Executive suggested that the Scheme of Members Allowances for 2018/19 could be accepted on the provision that the subsistence allowances were equal to those of the Council staff.

It was moved by Councillor Greenslade and seconded by Councillor Brailey that the Scheme of Members Allowances for 2018/19 be adopted as detailed in Appendices B and D subject to the removal of the wording “who is part of the Executive” from the text next to the Shadow Leader allowance, and that the subsistence allowances were equal to that of the Council employees.

RESOLVED that the Scheme of Members Allowances for 2018/19 be adopted as detailed in Appendices B and D subject to the removal of the wording “who is part of the Executive” from the text next to the Shadow Leader allowance, and that the subsistence allowances were equal to that of the Council employees

8 REVIEW OF SCHEME OF DELEGATED POWERS

Council considered a report by the Head of Corporate and Community Services (circulated previously) regarding a review of the Scheme of Delegated Powers.

The Head of Corporate and Community Services addressed Council and advised that the changes to the scheme had occurred mainly due to legislative changes and changes to job titles which were the result of staffing restructures.

Councillor Greenslade addressed Council and drew its attention to the amendments listed as numbers 11.17 to 11.22 (page 63 of the agenda) which he believed to be new additions to the Constitution.

The Head of Corporate and Community Services confirmed the following:

- 11.17 to 11.19 were incorporated into the Constitution in July 2016 and were not new.
- 11.20 was added following a recommendation from the Executive.

Councillor Greenslade expressed his concern over what could be constituted as a minor amendment (on 11.21) and whether all leaders should be involved rather than just the Leader of the Council. He expressed similar concern in relation to 11.22 and the ‘power to make any changes to the Policy on the use of covert surveillance...’

It was moved by Councillor Brailey and seconded by Councillor Barker “that the Scheme of Delegations for non Executive functions as contained within Part 3 of the Constitution and as shown on the appendix attached to the report be adopted subject to consultation with the Group Leaders and the Head of Corporate and Community Services in relation to points 11.21 and 11.22”.

RESOLVED that the Scheme of Delegations for non Executive functions as contained within Part 3 of the Constitution and as shown on the appendix attached to the report be adopted subject to consultation with the Group Leaders and the Head of Corporate and Community Services in relation to points 11.21 and 11.22.

Chairman

The meeting ended at 9.16 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of Council.