

MENDIP DISTRICT COUNCIL

Minutes of the meeting of Full Council held on Monday, 11 July 2016 in the Council Chamber, Council Offices, Shepton Mallet commencing at 6.30pm.

COUNCILLORS

PRESENT: Joanna Beale, Bryan Beha, Eve Berry, Peter Bradshaw, Adam Boyden, John Brunson, John Coles, Shane Collins, Nick Cottle, Simon Davies, Edward Drewe, Stina Falle, John Greenhalgh, Philip Ham, Des Harris, Bente Height, Steve Henderson, Damon Hooton, Alvin Horsfall, Claire Hudson, Lloyd Hughes, Tom Killen, Roy Mackenzie, Jeannette Marsh, Clive Mockford, Terry Napper, Graham Noel, John North, Linda Oliver, John Osman, John Parham, Mike Pullin, Harvey Siggs, Dick Skidmore, Helen Sprawson-White, Nigel Taylor, Alan Townsend, Danny Unwin, David van Dyk, Nigel Woolcombe-Adams and Ros Wyke

OFFICERS

PRESENT: Stuart Brown Chief Executive
 Paul Deal S151 Officer
 Caroline McCafferty Committee Officer
 Donna Nolan Deputy Chief Executive and Monitoring Officer

| Agenda Item Number | Subject | Actioned by |
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| 1 and 2 | <p>Evacuation Procedures, Induction Loop and Turning Off Mobile Phones</p> <p>The Chair explained the evacuation procedures and informed everyone on the use of the induction loop and requested that mobile phones be switched to silent.</p> <p>Councillor Coles was invited to offer an opening prayer. People wishing to leave the meeting during the prayer were given the opportunity to do so.</p> | |
| 3 | <p>Apologies for Absence</p> <p>Apologies for absence had been received from Councillors John Carter, Rachel Carter, Tim Rice, Mike Rideout and Nigel Hewitt-Cooper, Claire Hudson and Nigel Taylor.</p> | |
| 4 | <p>Declarations of Interest</p> <p>There were no declarations of interest.</p> | |
| 5 | <p>Chairman’s Engagements , Communications and Announcements</p> <p>The Chairman made the following statement.</p> <p>“I would like to make this statement as Chairman of this authority on</p> | |

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| | <p>behalf of Mendip District Council:</p> <p>This Council deplotes and condemns hate incidents and hate crimes. Such acts are totally unacceptable and undermine tolerance and diversity. I am proud of this authority's record of treating individuals as unique and valuing their differences. I am proud that we treat people with respect. I am proud that we have a culture of acceptance and inclusion.</p> <p>There will be no debate, only this statement. I hope the Council will wish to support this statement.”</p> <p>RESOLVED</p> <p>Full Council supported the statement.</p> <p>The Chairman had attended the following engagements since the last meeting of full Council:</p> <p>11 June – Wells, Dancing on the Green. 12 June – Shepton Mallet Parish Church, Service to celebrate the Queen's 90th Birthday. 13 June – Strode College, Street, Art Awards Presentation. 19 June – Wellington, Mayor of Taunton Deane Civic Event.</p> <p>The Chairman reminded full Council about the Mendip Civic Event on Saturday 23 July 2016 at Shepton Mallet Prison.</p> <p>The Chairman changed the order of the agenda. Item 10 was to follow item 7 due to several members of the public wishing to speak.</p> | |
| 6 | <p>Public Participation</p> <p>Malcolm Higgins wished to speak regarding Item 9, Changes to the Constitution. He asked if Councillors understood the Constitution and that one condition of District Councils was to publish a Constitution. He stated that it was a rule book which was to be obeyed. He informed Members that on 29 April 2016 he had sent an email to the Deputy Leader of the Council, Councillor Tom Killen detailing multiple occasions where the Council had failed to follow the law, and that he had not received a reply. He asked what Councillor Killen intended to do about this matter and asked could residents stop paying Council Tax if the District Council did not follow law.</p> | |
| 7 | <p>Previous Minutes of the Council</p> <p>The minutes of the meeting held on 9 May 2016 were agreed subject to changes on page 8 – the addition of Councillor Adam Boyden as a Liberal Democrat substitute on the Planning Board and Page 9 – Audit Committee, Liberal Democrat Members should read (2).</p> | <p>Caroline McCafferty</p> |
| 10 | <p>Petition Relating to a Mural at 9 Northload Street, Glastonbury</p> | <p>Donna Nolan</p> |

The order of the agenda was changed to take into account a number of public speakers.

The Deputy Chief Executive and Monitoring Officer presented a report which explained that the Council had received a petition regarding an unauthorised mural on the gable end of 9 Northload Street, Glastonbury. A 'retrospective' listed building consent application had been refused and a subsequent appeal to the Planning Inspectorate dismissed. The petition related to the Council's Planning and Enforcement Policies as it sought the retention of the mural.

As the petition had in excess of 1500 signatures, Full Council was required to debate the petition for a maximum of 15 minutes in accordance with the Council's Petition Scheme.

The report stated that the Petition Scheme suggested a range of conclusions full Council may reach, including:

- To take the action the petition requested;
- Not to take the action requested for reasons put forward in the debate;
- To commission further investigation or research into the matter, for example by a relevant Committee, Portfolio Holder or an Officer.
- Hold a public meeting
- Hold a public consultation exercise
- Hold a meeting with petitioners
- Refer the petition for consideration by the Council's Scrutiny Board
- Write to the petition organiser setting out the Council's views about the request in the petition

Following Full Council, the petition organiser would be notified in writing of the decision of the Full Council.

The report said it was important to be clear that as this matter related to a statutory planning issue which was governed by legislation, it was not open to Council to re-consider the listed building consent application or subsequent planning appeal afresh in response to this petition.

Eve Bryczkowski, a resident of Glastonbury informed Members that she was speaking as a local tax payer and not part of the petition. She stated that though she appreciated the difficult decisions made by Councillors, she queried whether Members were aware that the public may view Council as faceless bureaucrats, who took decisions which affected people's lives. She informed Members that some people had said that they would not vote for the re-election of Councillors who wished for the mural to be removed, as they felt that their interests were not being represented.

Yvette Jones, a new resident of Glastonbury, explained that when she moved to Glastonbury, she acquired a mural on the side of her property. A large number of people had stopped to photograph the mural and asked about other murals in Glastonbury, which led to them seeing more of the town. She felt that the existing murals were another phase of Glastonbury's history and should remain, but that advice should be put forward to prevent further murals being painted without permission. She concluded by stating that Glastonbury residents would prefer that resources were channelled into tackling the problem of drinking in the town rather than removing the mural.

Kath Gray then spoke as the Petitioner. She explained that the petition had been originally set up by Cassandra Hobday who instigated the petition, as she and her children would pass the mural daily on the way to school and discuss the mural and the town. She stated that the bright colours could improve mental health by lifting the mood, and that its design was in keeping with Glastonbury's spiritual, mythological and eco culture. She added that the petition was still active and had received 3800 signatures and that there were many pages of comments. She concluded by stating that a Glastonbury town councillor had wished for the mural to remain and that the wishes of the people should be taken into consideration. Members were also informed of the largest Street Art Festival in Europe, Upfest, and how tourism had been boosted.

Paul Niewski, a Stone and Plaster Conservation Specialist and resident of Glastonbury, informed Members that the historical building was not altered in any way by the paint, which was eco friendly, and that the lettering used in the mural was not of a graffiti style. Photographs were circulated which showed the mural and other Glastonbury murals, contrasted with photographs of graffiti.

The Chairman thanked all speakers for their passionate speeches.

The Deputy Leader of the Council explained that a retrospective planning application for the mural had been refused and that the decision had been subsequently upheld at appeal. It was confirmed however, that no formal decision about enforcement had been taken. No Members had been involved in the process which had been carried out by Officers on a delegated basis, and the application had not been considered by the Planning Board.

Though it was not prudent for Members to go against a planning decision, a pragmatic approach was necessary, and the Deputy Leader proposed that a meeting with the Petitioner and the property owner was convened as soon as possible, with the Deputy Leader, the Ward Member and two members of Glastonbury Town Council, with appropriate Officer support from the Council. The purpose of the meeting would be to explore the issues and options. He suggested that Members of the Planning Board should not form part of this group due to their position. This proposal was seconded by Councillor Steve Henderson.

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| | <p>In the discussion which followed, Members agreed that although carrying out works on a listed building was a criminal offence, enforcement was not mandatory if not in the public interest.</p> <p>It was felt that the mural did promote tourism and that its removal would encourage a return of the previous obscene graffiti. It was noted that two murals created in a prominent site above the river in Exeter some years ago, still generated interest, comment and enjoyment.</p> <p>In response to questions, it was clarified that the Ward Member had received the referral after the decision had been taken, and was therefore unable to take the matter to the Planning Board, as emails to the Ward Member had been disrupted due to problems with IT Communications at Mendip District Council.</p> <p>Councillors Nick Cottle and Damon Hooton expressed their desire to be part of the group for discussion.</p> <p>The Chairman thanked everyone for their contribution and the Chief Executive reiterated the proposed resolution that a meeting with the Petitioner and the property owner was convened as soon as possible, with the Deputy Leader, the Ward Member and two members of Glastonbury Town Council, with appropriate Officer support from the Council. The purpose of the meeting would to explore the issues and options. .</p> <p>The resolution was carried unanimously.</p> <p>RESOLVED</p> <p>That a meeting with the Petitioner and the property owner is convened as soon as possible, with the Deputy Leader, the Ward Member and two members of Glastonbury Town Council, with appropriate Officer support from this Council. The purpose of the meeting to be to explore the issues and options.</p> | |
| 8 | <p>Heart of the South West Formal Devolution Bid Update</p> <p>The Leader of the Council explained that Devolution for the Heart of the South West (HotSW) was being led by the Leaders of Somerset and Devon County Councils, all Somerset and Devon Districts, Torbay Council, Plymouth City Council, Dartmoor and Exmoor National Parks, the Local Enterprise Partnership and the three Clinical Commissioning Groups. The group had become an informal partnership working towards a Devolution Deal with Government to secure greater powers and control, and to have a stronger voice with Government.</p> <p>Our shared Devolution Statement of Intent had been submitted to Government on 4 September 2015, in response to announcements in the July Budget and the deadline set by the Chancellor of the Exchequer.</p> | Stuart Brown |

Since September 2015, the partnership had strengthened and evolved, and jointly developed the HotSW Prospectus for Productivity. The Prospectus built on the three basic ambitions: - to raise productivity levels; improve health, care and wellbeing; and improve connectivity and resilience.

Options Considered

1. **To decline the Secretary of State's offer and to continue at our own pace.** However, as far as we were aware we may be the first two tier area to be given the opportunity to enter into negotiation with Government for a Devolution Deal without committing to a directly elected Mayor. This was a prime opportunity to test Government and push as far as we could for powers to be devolved to the HotSW. The offer was likely to be time-limited due to Government schedules and announcements.

2. **To make separate approaches to Government, rather than as a Heart of the South West partnership.** However, since the submission of the Statement of Intent in September 2015, the 17 local authorities, 2 National Parks, the HotSW Local Enterprise Partnership and the 3 Clinical Commissioning Groups have worked very effectively together to create a strong and credible Prospectus that had been acknowledged by the Secretary of State. We should remain united moving forward into negotiations to have a stronger voice, and secure a better deal.

This report sought approval to sign up 'in principle' to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal. An 'in principle' agreement from all of the local authorities, partners and MPs involved in the Heart of the South West devolution process would open up negotiations with HM Treasury to work towards a deal.

Members expressed concerns that the discussions were County focussed and queried the benefits for Mendip District Council.

Concerns were also raised by some Members that Devon had larger cities and a larger population and would therefore receive more funding, though other Members felt that partnering with a larger area would be an advantage.

Members questioned whether there was a requirement for a further tier of local government and if further funding would be available if a Mayor was accepted.

In response to questions, it was clarified that the Heart of the South West LEP had been most successful in obtaining funding from Central Government and had performed well

Other Members felt that devolution was a major opportunity for business and improvement, and that further pursuit of an 'in principle'

devolution deal did not commit the Council to anything more than further debate.

One Member proposed that a cross party working group be established to progress the emerging devolution deal and consider public consultation.

The Leader of the Council and Councillor John Osman explained that Devolution was a huge opportunity for Mendip and Somerset and would bring millions of pounds of new funding into the County, and that part of this would be for rural revitalisation. In response to earlier questions, it was clarified that though the population of Devon was larger, Somerset would receive 40% of the funding and that each Council would receive one vote on a Combined Authority.

It was further clarified that the focus would be on the strengths of the area including businesses such as the thriving Aerospace sector, housing, training young people and health. It would bring further opportunities to grow and bring control locally rather than at Central Government.

Members were informed that information sessions were to be held which would be tailored to specific areas. It was suggested that while a working group would be useful to look at benefits and feed in ideas, it may be prudent to wait until the information briefing sessions had been held.

Members were assured that the need for a Mayor had been removed and that it was not desired to have four tiers of local government.

Councillor Adam Boyden proposed that a further resolution be added that Council establish, at the appropriate time, a cross party working group to progress and review the emerging Devolution Deal and consider any public consultation undertaken. This was seconded by the Leader of the Opposition.

The resolutions were carried with 2 refusals and 3 abstentions.

RESOLVED

That Council:

1. Endorse the Leader of the Council's current approach to devolution, and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area;
2. Note that giving this endorsement did not commit the Council to entering into a Devolution Deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future

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| | <p>debate and agreement by the Council and subject to negotiations with Government.</p> <p>3. Establish, at the appropriate time, a cross party working group to progress and review the emerging Devolution Deal and consider any public consultation undertaken.</p> <p>REASONS FOR THE RESOLUTION</p> <p>The Council had an opportunity to benefit from devolution across a wide range of topics and services, having clear links to the Council's Priorities of both increasing economic growth and increasing housing availability within the district.</p> <p>This resolution sought to gain authority to pursue solutions that would help the Council maximise the opportunities of devolution. It did not commit the Council to a formal Devolution Deal, only to the principle of a Combined Authority to open up negotiations with Government.</p> <p>At this stage of the process the Council was not required to take decisions on the detail of future service provision but rather to be actively aware and involved in discussions.</p> | |
| <p>9</p> | <p>Changes to the Constitution</p> <p>The Deputy Chief Executive and Monitoring Officer presented a report which described amendments of specific elements of the Council's Constitution. These amendments followed the meeting of Full Council and Cabinet in May 2016, when a new management structure was approved.</p> <p>The following sections and Appendices had been amended:</p> <ul style="list-style-type: none"> • Section 01 - Introduction and Summary • Section 02 - Members of the Public and the Council • Section 03 - Members of the Council • Section 04 - Full Council • Section 05 - The Cabinet • Section 07 - Scrutiny Board • Section 08 - Planning Board • Section 09 - Licensing Board • Section 10 - Community Partnerships • Section 13 - Audit Committee • Section 15 - Rules for Conducting Meetings • Section 16 - Access to Information • Section 18 - Responsibility for Functions July 2016 • Section 19 - Officers • Section 21 - Financial Regulations • Section 22 - Contracts Procedure Rules | <p>Donna Nolan</p> |

- Appendix A1 - Local Code of Corporate Governance
- Appendix B - Officers' Code of Conduct 2016
- Appendix C - Code of Good Practice for Planning
- Appendix Di - Statement of Licensing Policy 2016-2021
- Appendix Diii - Gambling Act 2005 Statement of Principles Mendip 2016-2019
- Appendix E - Protocol for member officer relations
- Appendix G - Members' Allowance Scheme 2016-17
- Appendix I 1 - Procedures for Licensing Hearings
- Appendix I 2 - Procedures for Licensing Hearings
- Appendix L - Members' Media Relations Protocol
- Appendix M - Officers' Media Relations Protocol
- Appendix Oii - Member Development Strategy agreed 12.05.14
- Appendix P - Petition Scheme
- Appendix Q - Whistleblowing Policy 2016-2018
- Appendix R - Anti-Fraud and Corruption Policy and Strategy 2016-2018
- Appendix S - Procurement and Commissioning Strategy 2013-2016
- Appendix T - Procurement Code of Practice
- Appendix U - Somerset Building Control Partnership - Constitution for Joint Committee

Given the extent of the changes, further minor amendments to the Constitution may be required. In the interests of efficiency, delegation to the Deputy Chief Executive and Monitoring Officer, in consultation with the Standards Committee, was sought to enable such changes to be made so ensuring the Constitution was robust. Any such changes to be reported for information to the next meeting of Council.

The Deputy Leader of the Council, Councillor Tom Killen addressed the issues raised by Mr Higgins earlier. He clarified that the response had been emailed to Mr Higgins on two occasions which should close the issue.

RESOLVED

That Council:

- (a) Approve the proposed amendments to the Constitution to give effect to the new management and portfolio structure.
- (b) Delegate authority to the Deputy Chief Executive and Monitoring Officer, in consultation with the Standards Committee, to make such other amendments to the Constitution as necessary to give effect to the new management and portfolio structure.
- (c) Delegated authority to the Deputy Chief Executive and Monitoring Officer, in consultation with the Chief Executive and Leader to make such variations to existing delegations granted by

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| | Cabinet, Scrutiny and any other decision making body of this Council to ensure that they reflect the management restructure. | |
| 11 | Motions to Councils There were no motions to consider. | |
| 12 | Questions from the Public No questions had been submitted from the public | |
| 13 | Questions from Members No questions had been submitted by Members | |
| 14 | Urgent Business The Leader of the Council informed Members that Councillor Mike Rideout was battling a serious illness and asked that Council give Mike 6 months leave with no contact to allow him to recover. Councillor Joanna Beale would act as substitute for Councillor Rideout on the Planning Board until further notice.. | |
| 15 | Attendance of Meetings – Authority to Exempt (Councillor Mike Rideout) Council were asked to approve the exemption of Councillor Mike Rideout from Council meetings until early 2017 due to serious illness. RESOLVED Council authorised the non-attendance of Councillor Mike Rideout at any meetings of the Council and its Committees, Sub-Committees and Outside Bodies until early 2017 | |

The meeting closed at approximately 8.30 pm.