

EAST DEVON DISTRICT COUNCIL

Minutes of the Annual Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 20 May 2009

Present:

Councillors:

Vivienne Ash
David Atkins
Ray Bloxham
Roger Boote
Peter Bowden
Graham Brown
Derek Button
Bob Buxton
Geoff Chamberlain
David Chapman
Iain Chubb
Trevor Cope
David Cox
Paul Diviani
Christine Drew
Vivien Duval Steer
Jill Elson
Malcolm Florey
Ray Franklin
Ken George
Chris Gibbings
Roger Giles
Graham Godbeer
Pat Graham
Mike Green
Steve Hall
Peter Halse
May Hardy

Stuart Hughes
Douglas Hull
John Humphreys
Ben Ingham
John Jeffery
Stephanie Jones
David Key
Jim Knight
Ann Liverton
Graham Liverton
Stuart Luxton
Andrew Moulding
Darryl Nicholas
Barry Nicholson
Marion Olive
Helen Parr
Bob Peachey
Ken Potter
Sara Randall Johnson
Tony Reed
Margaret Rogers
Philip Skinner
Pauline Stott
Brenda Taylor
Graham Troman
Mark Williamson
Tim Wood
Eileen Wragg

Honorary Aldermen:

Ron Mudge
David Scott
Jennifer Sharratt
Dr Bill Waterworth
Tony Wilkinson
Barry Willoughby

Officers:

Mark Williams, Chief Executive
Denise Lyon, Deputy Chief Executive
Peter Jeffs, Corporate Director
Diccon Pearse, Corporate Director
Rachel Pocock, Head of Legal, Licensing and Democratic Services
Christopher Holland, Democratic Services Officer

Apologies

Councillors:

Andrew Dinnis
Steve Wragg
Frances Newth

Karime Hassan, Corporate
Director

The meeting started at 6.30 pm and finished at 7.45 pm.

*1

Election of Chairman

Councillor Paul Diviani (Chairman) invited nominations for the office of Chairman of the Council for the ensuing year.

Councillor Stuart Hughes proposed and Councillor Jill Elson seconded Councillor Graham Liverton being elected Chairman of the Council for the ensuing year.

The proposer stated that Councillor Liverton was a born and bred Sidmouthian who had taken on a wide variety of roles already at East Devon District Council, including Portfolio Holder and now had all the experience necessary to take on the role of Chairman of the Council. Councillor Hughes said that Councillor Liverton had demonstrated his effective chairmanship skills as he was the first Sidmouth Town Council Chairman to have managed to break down barriers between young and old. He believed that Councillor Liverton would chair the Council fairly and impartially.

In seconding, Jill Elson said that she had known and worked with Councillor Liverton for many years. She referred to his love of Sidmouth and the theatre.

There were no other nominations.

RESOLVED that Councillor Graham Liverton be elected Chairman of the Council for the ensuing year.

Following the election Councillor Liverton read and signed the Declaration of Acceptance of Office.

The Chairman then spoke in response to his election. He thanked his proposer and seconder and said that he was humbled, honoured and privileged to be elected Chairman. He referred to past Chairmen and particularly his wife, Ann Liverton, and the late Frank Lock who had been his mentor and had helped and guided him in the ways of the Council, its traditions and values.

During his Chairmanship, Councillor Liverton confirmed that he would serve the district as a whole and support the Council in its fight to save local democracy. He also wanted to emphasise and celebrate the role of young people in East Devon. He spoke of the natural beauty of the area and the need for this to be protected for the benefit of local people and visitors but that this was a living landscape that would change and develop.

He referred to the importance of good communications, the Council's role as enabler, his intention to represent all Members regardless of politics and to up-hold the traditions of the Council. He was deeply honoured to be an ambassador of East Devon.

Councillor Douglas Hull congratulated the new Chairman of the Council and said that he was pleased to see Councillor Liverton taking his place as Chairman.

On behalf of the Council, the newly elected Chairman thanked the retiring Chairman for his services. The Chairman referred to Council Paul Diviani's wit, practical intelligence, charm and his championing of the Blackdown Hills. He said that he had been an excellent and dedicated Chairman.

In response, the past Chairman thanked the Chief Executive, his Vice Chairman for her support, the two Jills (Jill Humphreys and Jill Sentance), and the Leader. He said that he had enjoyed the role of Chairman enormously.

*2 **Appointment of Vice Chairman**

Councillor Graham Brown proposed and Councillor David Cox seconded Councillor Tony Reed being appointed Vice-Chairman of the Council for the ensuing year. The proposer said that Councillor Reed would be a solid and dependable Vice-Chairman who had already served the Council in a number of roles including Chairman of the Development Control Committee.

In seconding, Councillor Cox said that Councillor Reed had served Sidmouth Town Council and East Devon District Council extremely well over the years. He believed that the experience gained would assist him in his new role as Vice-Chairman of the Council.

Councillor Margaret Rogers congratulated the Vice Chairman on his appointment and said that, in addition to his other attributes, Councillor Reed was very kind hearted.

There were no other nominations.

RESOLVED that Councillor Tony Reed be appointed Vice-Chairman of the Council for the ensuing year.

Following the election, Councillor Reed read and signed the Declaration of Acceptance of Office.

The Vice-Chairman then spoke in response to his appointment. He thanked his proposer and seconder for their kind words and said that he had accepted the position of Vice-Chairman with humility and hoped that he would 'measure up' to the good and great that had served before him.

The Vice-Chairman, on behalf of the Council, thanked the retiring Vice-Chairman for her services to East Devon District Council. He referred particularly to her meeting with the Housing Minister on behalf of the housing tenants in the district. The Chairman presented Councillor Pauline Stott with the past Vice-Chairman badge.

In response, the retiring Vice-Chairman thanked Members for the privilege of serving East Devon and highlighted notable events that she had attended during the year including the Royal Garden Party, the visit to Exeter Street Partnership and meeting the Land Army 'Girls'. She also thanked the two Jills for their support.

*3 **Minutes**

The minutes of the meeting of the Council held on 15 April 2009 were confirmed and signed as a true record.

*4 **Notices**

The Chairman invited his guests, Honorary Aldermen and partners, Members and immediate family to a buffet in the Members' Area at the conclusion of the meeting.

*5 **Election of Leader of the Council**

Councillor Graham Godbeer proposed and Councillor Graham Troman seconded Councillor Sara Randall Johnson being elected Leader of the Council for the ensuing year.

The proposer said that the Leader had served the Council well over the years. He said that the Council needed a Leader with virtue and integrity who had the strength to take decisions even in the face of opposition.

The seconder said that the Council was facing a difficult time and that it needed to be led by someone with strength and experience.

*5 **Election of Leader of the Council (cont)..**

There were no other nominations.

RESOLVED that Councillor Sara Randall Johnson be elected Leader of the Council for the ensuing year.

The Leader then spoke in response to her election. She congratulated the Chairman and Vice-Chairman and thanked her proposer and seconder. She thanked the retiring Chairman, Vice Chairman, Portfolio Holders and Champions who she said had done a fantastic job. She emphasised the need to continue to strengthen local democracy in East Devon. She said that the Council needed to champion independent local democracy at the same time as achieving cuts in the cost of service delivery.

*6 **Election of Deputy Leader**

Councillor Philip Skinner proposed and Councillor Tim Wood seconded Councillor Graham Brown being elected Deputy Leader of the Council for the ensuing year. The proposer said that Councillor Brown was a kind and gentle man, a colourful character who would be able to fight for what was right for East Devon.

In seconding, Councillor Tim Wood said that Councillor Sara Randall Johnson as Leader and Councillor Brown as Vice-Chairman would provide a good balance. He said that Councillor Brown genuinely cared for East Devon and that he would make sure that the Council met its objectives for the benefit of the public.

There were no other nominations.

RESOLVED that Councillor Graham Brown be elected Deputy Leader of the Council for the ensuing year.

Councillor Brown spoke on his election, thanking his proposer and his seconder. He said that he looked forward to working with the Leader and that he would be supportive and loyal. He said that the Members must fight to retain East Devon District Council at the same time as progressing the agenda of change and challenge.

The Chairman acknowledged the contribution made by the past Deputy Leader and referred to his unstinting work on behalf of the Council.

*7 **Executive Board Members and Portfolio Holders**

The Leader thanked the Portfolio Holders for the work that they had carried out over the last Council year. She made no changes to the number and remit of the Portfolio Holders in the ensuing year and proposed that the membership of the Executive Board continue to include the Leaders of the Liberal Democrats and Independent Groups.

RESOLVED (1) that the following Members (additional to the Leader and Deputy Leader) be appointed to the Executive Board (**Appendix A**) namely:

Geoff Chamberlain (Leader of the Liberal Democrat Group),
David Cox (Portfolio Holder Streetscene),
Jill Elson (Portfolio Holder Communities),
Ray Franklin (Portfolio Holder Strategic Planning and Regeneration)
Mike Green (Leader of the Independents Group),
Peter Halse (Portfolio Holder Economy),
Stuart Hughes (Portfolio Holder Communications)
Andrew Moulding (Portfolio Holder Resources)

with the Deputy Leader being appointed Environment Portfolio Holder.

*8 **Committees**

RESOLVED

- (1) that Committees be established for the municipal year as set out in Articles 7, 8 and 9 of the Constitution (pages 29-35),
- (2) that the size and terms of reference for those Committees be as set out on pages 29-34 (Articles 7, 8 and 9), 48-55 and 56-73 of the Constitution.

- (3) that the membership of the Standards Committee be confirmed, namely:

Council representatives: Chairman of the Council, Councillors Peter Bowden, Geoff Chamberlain and Ann Liverton.

Independent representatives: Mr E Butt, Mr R Davidson and Ms A Willan.

and Parish/Town Council representatives: Councillors S Pollentine, C Richards and Mrs K Tomkins.

- (4) that the non-Councillor membership of the Housing Review Board be confirmed for a further term, namely,

Tenant and/or Leaseholder representatives: Mrs A Bickham, Mr T Brown, Mr V Kemp, Mrs C Morrison and Mrs S Saunders

and **Independent Community representative:** Mr R Finch

(Mrs H Williamson has tendered her resignation from the Board. A vacancy for a second Independent Community representative now exists. The appointment, when made, will be reported to a future meeting of the Council.

Councillor Ann Liverton formally thanked Mrs Williamson on behalf of the Council for her valued contribution to the work of the Housing Review Board. A letter would be sent to Mrs Williamson from the Council.)

*9

Report of the Chief Executive in respect of:

- **Allocation of seats to different political groups on Committees, Sub Committees, Advisory Panels/Forum**
- **Proposed amendments to the Constitution**
- **Annual report of the Corporate Overview and Scrutiny Committees, and the Housing Review Board**
- **Feedback from Member Champions on key areas of work and future plans**
- **Report on the role and remit of Councillors on Outside Bodies**

RESOLVED

- (1) (a) that the allocation to different political groups of seats to be filled by the Council, in accordance with political balance rules, be determined as follows in respect of Overview, Scrutiny, Regulatory and other Committees:

Conservative Group	(40 Members)	67.80%	80
Liberal Democrats Group	(11 Members)	18.64%	21
Independents	(8 Members)	13.56%	16

Total **(59 Members)** **117**

(The political balance rules do not apply to the Executive Board or the Standards Committee).

- (b) that the allocation of seats on individual overview, scrutiny, regulatory and other committees be as set out on Page 13 of the agenda,
- (2) that the political balance for Advisory Panels/Forum/Steering Boards and Joint Bodies set out at Page 14 of the agenda, be agreed,
- (3) that the proposed amendments to the Constitution be approved with the Chief Executive being given delegated authority to make consequential drafting amendments to the Constitution in line with the report and keep it up-dated to reflect minor/consequential amendments required by legislative change,
- (a) The new Overview and Scrutiny Committees to be:
- Overview and Scrutiny Co-ordinating Committee
 - Economy Overview and Scrutiny Committee
 - Communities Overview and Scrutiny Committee
 - Service Delivery and Performance Overview and Scrutiny Committee

Plus existing arrangements for Housing Review Board.

The Constitution to be up-dated to this effect to include the new terms of reference and consequential arrangements.

***9 Report of the Chief Executive (cont)..**

- (b) The new Overview and Scrutiny Co-ordinating Committee to become the Council's statutory Crime and Disorder Committee for the purpose of Section 19 of the Police and Justice Act 2006 (which came into force on 30 April 2009), with the Committee having the right to co-opt additional members permanently and/or for the particular issues (with voting rights on crime and disorder matters if the Committee so wishes),
- (c) Consequential changes be made to the terms of reference of the Overview and Scrutiny Co-ordinating Committee, the Executive Board and Development Control Committee as a result of changes in the Local Authorities (functions and Responsibilities) (England) Regulations,
- (d) Changes be made to Overview and Scrutiny to reflect implications of Section 21A (1)(c) of the Local Government Act 2000 (inserted by Section 119 of the Local Government and Public Involvement in Health Act 2007) which requires the executive arrangements of a local authority in England to include provision enabling those of its members who are not members of the authority's Overview and Scrutiny Committee to refer to that Committee any 'local government matter' relevant to the Committee',
- (e) Changes be made to delegations to Officers in respect of housing powers and duties as set out in the report,
- (f) The Development Control Committee be renamed Development Management Committee and related Officer posts be similarly renamed,
- (g) Changes be made to delegations to the Chief Executive as Head of Paid Service in consultation with the Leader of the Council and the Portfolio Holder for Resources, for authority to agree individual staff redundancies in accordance with the Council's adopted policy and procedure. (A quarterly summary report will be made for the information of the Executive Board, Overview and Scrutiny Co-ordinating Committee and Audit and Governance Committee of any such redundancies that have been made).

***9 Report of the Chief Executive (cont)..**

- (h) Section 6 of the Code of Conduct for Employees to be replaced with:
- 'As an employee you should be clear about your contractual obligations and you should not take any outside employment which conflicts with the Council's interests. You are advised to discuss the matter with your Manager if you have any doubts at all,
 - It is also a requirement that employees graded above SCP 30 must speak to their Head of Service if they wish to engage in any other business or take up any other additional appointment. Heads of Service have the right to consent to, or refuse, any such request.'
- (4) that the annual reports of the Corporate Overview and Scrutiny Committees, the Housing Review Board be received and noted,
- (5) that the feedback from individual Member Champions on key areas of work that they had been involved with during the year and their future plans be noted,
- (6) that the report on the role and remit of Members appointed to Outside Bodies be noted.

***10 Chairmen and Vice Chairmen of Committees**

The Leader proposed Chairmen and Vice Chairmen of the Committees as set out on Page 59 of the agenda.

RESOLVED that the following be appointed as the Chairmen and Vice-Chairmen of the Committees indicated below for the ensuing year:-

Committees	Chairman	Vice-Chairman
Overview and Scrutiny Co-ordinating Committee	Ray Bloxham	Bob Peachey
Overview/Scrutiny – Communities Committee	Helen Parr	Graham Troman
Overview/Scrutiny – Economy Committee	Iain Chubb	Trevor Cope
Overview/Scrutiny – Service Delivery/Performance Committee	Steve Hall	Frances Newth
Development Control and Planning Inspections	Paul Diviani	Andrew Dinnis
Audit and Governance	Ken Potter	Tim Wood
Interviewing (Chief Officers)	Leader	Deputy Leader
Employment Appeals	Andrew Moulding	Peter Halse
Licensing and Enforcement	Graham Godbeer	Chris Gibbings

NOTE:

- Under the Constitution, there are specified arrangements for chairing the Standards Committee.
- The Housing Review Board will nominate its own Chairman and Vice Chairman

***11 Appointment of Member Champions**

Following a recommendation from the Member Development Working Party, the Leader added Member Development Champion to the list of Champions. In response to a suggestion at the meeting for the appointment of a Member Champion for Tourism, the Leader stated that the area had a viable and thriving tourist industry and that tourism was currently well served within the remit of the Economy Portfolio Holder and of the Business Champion.

RESOLVED	that the following Councillors be appointed as Member Champions to assist the Portfolio Holders in driving service improvements in key areas:
	Business Malcolm Florey
	Community Safety Chris Gibbings
	Culture Vivienne Ash
	Customer Services Steve Hall
	Data Quality Graham Troman
	Design Andrew Dinnis
	Equalities Vivien Duval Steer
	Exmouth Town Darryl Nicholas
	Member Development Ann Liverton
	Post Offices Ken Potter
	Procurement Mark Williamson
	Risk Management Peter Bowden
	Rural Philip Skinner
	Seaton Town Stephanie Jones
	Sustainability (Eco Issues) Frances Newth
	Young People Iain Chubb

***12 Appointment of Members to Committees**

Members of the Council considered the nominations, put forward by the political groups, for membership of various committees.

RESOLVED that the membership of Committees for 2009/10 be as set out on **Appendix A** to these minutes.

***13 Appointment of Members to Leader's/Portfolio Holders 'think tanks'**

RESOLVED that the membership of the Leader's/Portfolio Holders 'think tanks' for 2009/10 be as set out on **Appendix B** to these minutes.

***14 Council and Committee Meetings 2008/09**

RESOLVED that the programme of ordinary meetings of the Council, Executive Board and Committee meetings for 2009/10 be approved as set out on **Appendix C** to these minutes.

***15 Appointment of Steering Boards, Forum, Panels, and Joint Bodies**

RESOLVED that appointments be made to Steering Boards, Forum, Panels, Joint Bodies for 2009/10 as set out on **Appendix D** to these minutes.

*16 **Outside Bodies**

RESOLVED

that appointments and nominations to various bodies be made for 2009/10 as set out in **Appendix E** to these minutes.

Chairman Date