

EAST DEVON DISTRICT COUNCIL

Minutes of the Annual Meeting of the Council held at Knowle, Sidmouth, on Wednesday, 14 May 2008

Present:

Councillors:

Vivienne Ash	Douglas Hull
David Atkins	John Humphreys
Roger Boote	John Jeffery
Bob Buxton	Steph Jones
Geoff Chamberlain	David Key
David Chapman	Ann Liverton
Iain Chubb	Graham Liverton
Trevor Cope	Stuart Luxton
David Cox	Andrew Moulding
Andrew Dinnis	Frances Newth
Paul Diviani	Darryl Nicholas
Christine Drew	Barry Nicholson
Vivien Duval Steer	Helen Parr
Jill Elson	Bob Peachey
Malcolm Florey	Sara Randall Johnson
Ray Franklin	Tony Reed
Ken George	Margaret Rogers
Roger Giles	Pauline Stott
Graham Godbeer	Chris Tratt
Pat Graham	Graham Troman
Mike Green	Mark Williamson
Steve Hall	Tim Wood
May Hardy	Steve Wragg
Stuart Hughes	

Honorary Alderman David Scott

Ray Davison – Independent Representative on the Standards Committee

Officers:

Denise Lyon, Deputy Chief Executive

Diccon Pearse, Corporate Director

Rachel Pocock, Head of Legal, Licensing and Democratic Services

Diana Vernon, Democratic Services Manager

Mark Williams, Chief Executive

Apologies

Councillors:

Ray Bloxham	Ken Potter
Peter Bowden	Philip Skinner
Graham Brown	Brenda Taylor
Derek Button	Eileen Wragg
Christopher Gibbings	Honorary Aldermen
Peter Halse	Bernard Hughes
Ben Ingham	Ron Mudge
Jim Knight	Dr Bill Waterworth

Councillor Courtney Richards, Parish Representative on Standards Committee

Ted Butt, Independent Representative on Standards Committee

Peter Jeffs, Corporate Director

Karime Hassan, Corporate Director

The meeting started at 6.30 pm and finished at 7.15 pm.

1 **Election of Chairman**

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

Councillor Graham Liverton proposed and Councillor Iain Chubb seconded Councillor Diviani being elected Chairman of the Council for the ensuing year. The proposer stated that Councillor Diviani had brought a wealth of knowledge and experience to the role and represented the Council with distinction and enthusiasm.

There were no other nominations.

RESOLVED that Councillor Paul Diviani be elected Chairman of the Council for the ensuing year.

Following the election Councillor Diviani 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 would do his utmost to continue to carry out the duties of Chairman with dignity on behalf of the Council.

2 **Appointment of Vice Chairman**

Councillor Jill Elson proposed and Councillor Darryl Nicholas seconded Councillor Pauline Stott being appointed Vice-Chairman of the Council for the ensuing year. The proposer said that Councillor Stott had done an excellent job as Vice-Chairman throughout the preceding year.

There were no other nominations.

RESOLVED that Councillor Pauline Stott be appointed Vice-Chairman of the Council for the ensuing year.

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

The Vice-Chairman then spoke in response to her appointment. She thanked her proposer and seconder for their kind words and the Leader and Councillors for giving her the opportunity to serve the Council as Vice-Chairman for a second year.

3 **Minutes**

The minutes of the meeting of the Council held on 16 April 2008 were confirmed and signed as a true record subject to the inclusion of Councillor Bob Buxton in the list of those present.

4 **Notices**

The Chairman reminded Councillors to collect their post from the pigeon holes.

The Chairman reminded Councillors that an information drop-in day was being held in the Council Chamber on Monday, 19 May for all Councillors and Members of Staff to see how the new recycling and waste service was going to be rolled out. The service was to be introduced in the Axminster, Beer and Seaton area on 4 August. Members were invited to 'drop-in' to the information session between 11.00 am and 3.00 pm. A more in-depth presentation to Ward Members and a representative from each parish council in the first phase of the roll out would be held on 27 May.

4 **Notices (cont)..**

Copies of the Council's replies to the Boundary Committee had been tabled for Members' information together with a copy of a plan submitted by Exeter City Council showing their preferred new boundary.

5 **Election of Leader of the Council**

Councillor Malcolm Florey proposed and Councillor Vivien Duval-Steer 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. She had a clear focus, clarity of purpose and strategic vision. The Council was currently going through a period of change which relied on the Leader's understanding, knowledge and positive attitude to take the Council forward with confidence.

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 referred to the significant changes to the organisation and recognised the strength of purpose of Councillors in striving to achieve the best for the people of East Devon. She spoke of the Council's submission in April to the Boundary Committee, the partnership working following the grounding of MSC Napoli, (including actions taken and lessons learnt), the roll out of the recycling initiative, (initially in the east of the district and the need to take steps to reduce the waste being sent to land fill sites) and the delivery of a community parking enforcement service (with the aim of achieving the free flow of traffic, pedestrian safety and maximising the use of the Council's car parks).

Expanding on the Council's submission to the Boundary Committee, the Leader advised that the new Cornwall unitary authority was recommending 130 councillors with a ratio of one councillor representing 3700 electorate. If this same ratio was applied to a unitary Devon, the authority would need 201 Councillors which would be unrealistic.

The Leader thanked Councillors and staff for their support and said that she would work hard for the Council and the district throughout the coming year.

6 **Election of Deputy Leader**

Councillor John Jeffery proposed and Councillor Helen Parr seconded Councillor Ray Franklin being elected Deputy Leader of the Council for the ensuing year. The proposer said that Councillor Franklin was a straightforward, helpful Councillor and good Ward Member. He said that he was an excellent Deputy Leader and recognised the importance of the support given by his wife.

There were no other nominations.

RESOLVED that Councillor Ray Franklin be elected Deputy Leader of the Council for the ensuing year.

Councillor Franklin spoke briefly on his re-election, thanking his proposer, for his words and wit, and his seconder. He said it was a pleasure to serve as Deputy Leader and referred to Sara Randall Johnson as an inspirational leader who was respected within East Devon and Devon as a whole.

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 and made no changes to the number and remit of the Portfolio Holders in the ensuing year. She proposed that the membership of the Executive Board remain the same and continue to include the Group Leaders of Liberal Democrats and Independents.

Although the arrangements had not changed, the Leader announced that there had been a change of Leadership in the Liberal Democrats Group. Councillor Trevor Cope was standing down as Leader. Councillor Randall Johnson thanked Councillor Cope for his work over the years and welcomed Councillor Geoff Chamberlain into the role.

- RESOLVED** (1) that the following Members (additional to the Leader and Deputy Leader) be appointed to the Executive Board as set out on Appendix A to these minutes, namely:

Geoff Chamberlain (Leader of the Liberal Democrat Group),
David Cox (Portfolio Holder Streetscene),
Jill Elson (Portfolio Holder Communities),
Mike Green (Leader of the Independents Group),
Peter Halse (Portfolio Holder Economy),
Stuart Hughes (Portfolio Holder Communications)
Graham Liverton (Portfolio Holder Environment)
Andrew Moulding (Portfolio Holder Resources)

with the Deputy Leader continuing to be Strategic Planning and Regeneration 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 29-34),
- (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 non-Councillor membership of the Standards Committee be confirmed, namely,

Independent representatives: Mr E Butt and Mr R Davidson with one vacancy to fill

and Parish/Town Council representatives: Councillors S Pollentine, C Richards and 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 M Bickham, Mr T Brown, Mr V Kemp, Mrs C Morrison and Mrs S Saunders.

and Independent Community representatives: Mr R Finch and Mrs H Williamson.

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****Report on the role and remit of Councillors on Outside Bodies and reporting links****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	(43 Members)	72.9%	69
Liberal Democrats Group	(10 Members)	16.9%	17
Independents	(6 Members)	10.2%	10

Total (59 Members) **96**

(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) **Consequential changes following changes in directors' job titles and areas of responsibility**
- references to functional areas for directors be retained in the Constitution for the purpose of identifying the relevant officer exercising the delegation (Article 11.01 and Section 3) and the Constitution be updated to reflect already approved changes in officer delegations, and,
 - Members note that functions and areas of responsibility may be changed from time to time.

Report of the Chief Executive in respect of - amendments to the Constitution (cont)..

(b) **Expansion of description of councillors' roles**

the Chief Executive clarifies the councillor role descriptions in Article 2 of the constitution to better reflect councillors' current key roles and functions.

(c) **New Areas of Statutory responsibility already approved/delegated by Council over the last year**

to include, for example: Civil Parking Enforcement under the Traffic Management Act 2004 and Gambling Act 2005

(d) **Housing Review Board – new arrangements**

the Constitution be amended to enable non-councillor board members to serve up to six years.

(e) **Changes to the Local Authorities (Functions and Responsibilities) (England) Regulations**

- the non-Executive Functions referred to in the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2008 be discharged as set out in the report and the Constitution be amended accordingly,
- the functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act relating to Local Area Agreements be delegated to the Executive Board, having considered the views of the relevant Overview and Scrutiny Committee(s).

(f) **Councillor Code of Conduct enforcement machinery**

the changes in the role of the Standards Committee and the additional committee and officer workload that will result be noted.

(g) **Public involvement and speaking at committee meetings**

- that Standing Orders be amended so as to allow the following:
 - a) 15 minute period of public question time at the commencement of all Council and Committee meetings with the exception of the Licensing Committee and the Planning Inspection Committee. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of 3 minutes,

9 **Report of the Chief Executive in respect of - amendments to the Constitution (cont)..**

Public involvement and speaking at committee meetings (cont)..

- b) the opportunity for Councillors at each Council meeting to ask verbal questions of the Leader and/or Portfolio Holders during the 15 minute period of public question time should it not otherwise be utilised by members of the public,
 - c) the rights of Councillors to submit written questions to Council in accordance with Procedure Rule No. 8.2 with this being extended to include putting questions to specific Portfolio Holders in addition to the Leader,
 - d) at all meetings of the Executive Board, the Corporate Overview Committee, the Scrutiny Committee and the Audit and Corporate Governance Committee, members of the public to have a general right to make statements and/or ask questions in respect of all agenda items that are not to be considered in Part B. The normal procedure to be that, after a report has been introduced by the relevant Portfolio Holder and/or officer, the Chairman to enquire of any member of the public whether they wish to speak in respect of the matter and/or ask questions. In each case, contributions from members of the public to be limited to a period of 3 minutes,
- that it be noted that public speaking rights already exist in respect of the Licensing & Enforcement Committee and the Planning Inspection Committee and that no changes are proposed to be made to these rights,
 - that in respect of the Council's Development Control Committee it be confirmed that it is intended to introduce public speaking at the earliest possible opportunity at the discretion of the Chief Executive in consultation with the Chairman of the Development Control Committee at such time that the Council has considered its current review of systems and procedures in respect of the determination of all planning and related applications,
 - that the right and discretion of the Chairman to control question time to avoid disruption, repetition and wasting of the meetings time be confirmed,
 - that the changes to public speaking be operative from 1 July 2008

9 **Report of the Chief Executive in respect of - amendments to the Constitution (cont)..**

(h) **Community call for action: Local authority scrutiny of crime and disorder**

that it be noted in the Constitution (page 30) that Scrutiny Committee may:

- a) make recommendations or a report to the Executive Board and/or Council in relation to local crime and disorder matters [as defined in section 19 Police and Justice Act 2006] once that section is in force
- b) consider any local crime and disorder matters [as defined in section 19 Police and Justice Act 2006] referred to it by a member of the Council once that section is in force.

(i) **Community Call for Action: reference of other matters to Overview and Scrutiny Committees**

Those executive arrangements be amended so that the functions of Overview and Scrutiny Committees are ready to reflect the following statutory changes:

- a) Including provision to enable Members to refer matters relevant to the functions of the committee to it by including items on committee agenda. (Section 19 Local Government and Public Involvement in Health Act 2007)
 - b) Including provision to enable Overview and Scrutiny Committees to question any member of the authority as regards delegated ward member functions if and when such a scheme is made. (Section 120 and 236 of the 2007 Act).
- (4) that the annual reports of the Corporate Overview and Scrutiny Committees, the Housing Review Board be received and noted,
 - (5) that the report on work already carried out by the individual Member Champions since their appointment be noted,
 - (6) that the report on the role and remit of Members appointed to Outside Bodies and the reporting links be noted.

10 **Chairmen and Vice Chairmen of Committees**

The Leader proposed Chairmen and Vice Chairmen of the Committees as set out on the amended agenda sheets circulated in advance of the meeting. In response to a question, the Leader confirmed that the Scrutiny Committee would continue to be chaired by an Independent Member, namely Councillor Giles and with the Vice Chairman being a member of the majority group, Councillor Knight. This arrangement was working well.

11 **Chairmen and Vice Chairmen of Committees (cont)..**

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
Corporate Overview	David Key	Bob Peachey
Scrutiny	Roger Giles	Jim Knight
Development Control and Planning Inspections	Tony Reed	Helen Parr
Audit and Governance	Ray Bloxham	Tim Wood
Interviewing (Chief Officers)	Leader of the Council	Deputy Leader
Employment Appeals	Andrew Moulding	Peter Halse
Licensing and Enforcement	Christine Drew	Graham Godbeer

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**

In response to a question, the Leader advised that she was not intending to add to the list of Councillor Champions at the present time.

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	Christopher Gibbings
Culture	Vivienne Ash
Customer Services	Steve Hall
Data Quality	Graham Troman
Design	Andrew Dinnis
Equalities	Vivien Duval Steer
Post Offices	Ken Potter
Procurement	Mark Williamson
Risk Management	Peter Bowden
Rural	Philip Skinner
Sustainability (Eco issues)	Frances Newth
Exmouth Town	Darryl Nicholas
Seaton Town	Steph Jones
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. An up-dated paper had been circulated in advance of the meeting.

RESOLVED that the membership of Committees for 2008/09 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 2008/09 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 2008/09 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 be as set out on **Appendix D** to these minutes.

16 **Outside Bodies**

RESOLVED that appointments and nominations to various bodies be made for 2008/09 (or beyond if applicable) as set out in **Appendix E** to these minutes.

Chairman Date