

EAST DEVON DISTRICT COUNCIL

MINUTES OF THE ANNUAL MEETING OF THE COUNCIL HELD AT KNOWLE, SIDMOUTH ON WEDNESDAY 21ST MAY 2003

PRESENT:

Councillors:

| | |
|-----------------|--------------------------|
| Miss V Ash | D R A Key |
| Mrs K J Bamsey | Mrs A E Liverton |
| Mrs M J Boote | G K Liverton |
| Mrs R E Burrow | S C Luxton |
| P W Burrows | Ms S M Merritt |
| D G Button | A T Moulding |
| G P Chamberlain | R Mudge |
| B H Clark | Mrs H E Parr |
| T A Cope | A S Pascoe |
| R H H Cross | R C Peachey |
| A E J Dinnis | Miss S M Randall Johnson |
| P A Diviani | A W J Reed |
| Mrs C E Drew | T G Reeves |
| Miss J M Elson | Mrs L A Roden |
| J E D Falby | Mrs M A Rogers |
| R G Franklin | N Rogers |
| K W George | P J Skinner |
| A R Giles | N J Spence |
| J H Glanvill | Mrs P A Stott |
| Mrs P A Graham | Mrs B O Taylor |
| M J L Green | P C Townsend |
| Mrs M L Hardy | C H Wale |
| B C J Hughes | Dr H W Waterworth |
| S Hughes | A J Wilkinson |
| D R H Hull | Mrs E E Wragg |
| B O Ingham | S C Wragg |
| H J Jeffery | |

The meeting commenced at 6.30 pm and terminated at 9.40 pm.

1 ELECTION OF CHAIRMAN

Councillor Dr H W Waterworth (retiring Chairman) was in the Chair. Councillor B H Clark proposed and Councillor P J Skinner seconded that Councillor Mrs A E Liverton be elected Chairman of the Council for the ensuing year.

Councillor Mrs M A Rogers proposed and Councillor D G Button seconded that Councillor G P Chamberlain be elected Chairman of the Council for the ensuing year.

There being no further nominations voting took place.

RESOLVED that Councillor Mrs A E Liverton be elected Chairman of the Council for the ensuing year.

1 **ELECTION OF CHAIRMAN (cont)**

Following the election Councillor Mrs Liverton was invested with the Chain and Jewel of Office. Having read and signed the Declaration of Acceptance of Office, she took the Chair which Councillor Dr Waterworth had vacated.

The Chairman then spoke in response to her election. She thanked the retiring Chairman for his services. The retiring Chairman was presented with the Past Chairman's Badge and an inscribed plaque bearing the Council's Coat of Arms showing the period of his Chairmanship. A bouquet was presented to Mrs Waterworth and Councillor Dr Waterworth spoke briefly in response.

2 **APPOINTMENT OF VICE-CHAIRMAN**

Councillor B C J Hughes proposed and Councillor Mrs P A Stott seconded that Councillor Mrs K J Bamsey be appointed Vice-Chairman of the Council for the ensuing year.

Councillor G P Chamberlain proposed and Councillor Mrs M L Hardy seconded that Councillor D R H Hull be appointed Vice-Chairman of the Council for the ensuing year.

There being no further nominations voting took place.

RESOLVED that Councillor Mrs K J Bamsey be appointed Vice-Chairman of the Council for the ensuing year.

Councillor Mrs Bamsey was invested with the Badge of Office and read and signed the Declaration of Acceptance of Office. The Vice-Chairman then spoke in response to her appointment and thanked her predecessor (Councillor P H F Burton) for the manner in which he had discharged the duties of his office. The Chairman presented the past Vice-Chairman's Badge to Mr Burton who spoke briefly in response.

3 **MINUTES**

The minutes of the meeting of the Council held on 23rd April 2003 were confirmed and signed as a true record.

(Councillor B C J Hughes declared a prejudicial interest in the Octagon Kiosk and withdrew from the meeting while a question was raised as to the accuracy of the Minutes.)

4 **APOLOGIES**

Apologies for absence were received from Councillors D J Cox, Lt Col A J M Drake, J P Halse, B Nicholson, A J Toye and B J Toye.

5 **RETURNING OFFICER'S REPORT**

The report of the Returning Officer was received as to the District Council elections held on 1st May 2003.

6 **ELECTION OF LEADER OF THE COUNCIL**

Councillor P A Diviani proposed and Councillor C H Wale seconded that Councillor Miss S M Randall Johnson be elected Leader of the Council for the ensuing year.

There were no further nominations

RESOLVED that Councillor Miss S M Randall Johnson be elected Leader of the Council for the ensuing year.

Councillor Miss Randall Johnson then spoke in response to her election.

7 **ELECTION OF DEPUTY LEADER**

Councillor R C Peachey proposed and Councillor D R A Key seconded that Councillor R G Franklin be elected Deputy Leader of the Council for the ensuing year.

There were no further nominations.

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

8 **EXECUTIVE BOARD MEMBERS AND PORTFOLIO HOLDERS**

- RESOLVED**
- (1) that members (additional to the Leader and Deputy Leader) be appointed to the Executive Board as set out on Appendix A to these minutes;
 - (2) that Portfolio Holders be appointed as set out on Appendix A to these minutes;
 - (3) that the Realigned Portfolios appended to the agenda be approved and that pages 32 and 33 of the Constitution be amended accordingly, with consequential changes to delegations to Portfolio Holders.

9 **DEVELOPMENT CONTROL COMMITTEE**

Consideration was given to a report by the Corporate Director - Environment regarding establishing a Development Control Committee to replace the Planning Review Committee and the three Area Planning Committees.

- RESOLVED**
- (1) that Area Planning Committees and the Planning Review Committee be replaced by one Development Control Committee;
 - (2) that the Development Control Committee meet on a monthly cycle;

9 **DEVELOPMENT CONTROL COMMITTEE (cont)**

- (3) that the membership of the Development Control Committee comprise 22 members (including Chairman and Vice-Chairman) such membership to be in accordance with the proportions applicable under the political balance rules (13 Conservatives, 7 Liberal Democrats and 2 Independents);
- (4) that Ward Members be entitled to speak on an item in their ward and have voting rights;
- (5) that the Planning Inspections Committee continues to operate comprising eight members (Environment Portfolio Holder, the Chairman and Vice-Chairman of the Development Control Committee and five members of the Development Control Committee with the Ward Member/s for the area in which the planning application is situated).

[The following requested that their votes be recorded in favour of an amendment (which was lost) that the recommendations contained in the Corporate Director - Environment's report be deferred for consideration by the Environment Overview Committee (with necessary amendments to the Constitution) and then by the full Council:- Councillors P W Burrows, D G Button, G P Chamberlain, T A Cope, K W George, J H Glanvill, Mrs P A Graham, Mrs M L Hardy, D R H Hull, R Mudge, T G Reeves, Mrs M A Rogers, N Rogers, Mrs B O Taylor, Mrs E E Wragg and S C Wragg.]

10 **CONSTITUTION - AMENDMENTS**

RESOLVED that the Constitution be amended as set out in pages 22-27 of the papers with the Agenda, subject to:

- (a) the addition of the following proviso to Appendix A on page 25 and to Appendix B on page 26:-

“Provided that all matters of planning policy, including the Future Local Development Framework, be the subject of recommendation to the Executive Board and from there to be the subject of recommendation to the Council for decision.”

- (b) membership of the Development Control Committee being amended to 22 Members (from 14).

11 **COMMITTEES**

RESOLVED (1) that Committees be established for the municipal year as set out in articles 7 and 8 of the Constitution (pages 34-38) subject to amendments made in Minute No. 10 above relating to the deletion of the Planning Review Committee and the Coastal, Rural and Western Area Planning Committees and the additions of a Development Control Committee and an Interviewing Committee (Chief Officers).

11 **COMMITTEES** (cont)

- (2) that the size and terms of reference for those Committees be as set out on pages 34-37 (Article 7), 63 and 74-79 of the Constitution, subject to amendments made in Minute No. 10 above.

12 **ALLOCATION OF SEATS TO POLITICAL GROUPS**

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

| | | | |
|-------------------------|---------------------|--------|-------------------|
| Conservative Group | (35 Members) | 59.32% | 68 |
| Liberal Democrats Group | (18 Members) | 30.51% | 35 |
| Independents Group | (6 Members) | 10.17% | <u>12</u> |
| Total | (59 Members) | | <u>115</u> |

- (b) that the allocation of seats on individual Overview, Regulatory and other Committees be as set out on Appendix A to the Chief Executive's report;
- (2) (a) that (in accordance with Section 17 of the Local Government and Housing Act 1989) arrangements alternative to those contained in Sections 15 and 16 of the Act (relating to the presentation of political groups on Committees etc) be approved for the appointment of a Development Control Committee of 22 Members consisting of the following:-

Environment Portfolio Holder, Chairman and 12 Conservative Group Members, 7 Liberal Democrat Members and 2 Independents Group Member of the Development Control Committee. Ward Members to be Members of the Development Control Committee for the purposes of any application within their Ward.

(Resolution (2)(a) was passed with no votes against as required by Section 17 of the 1989 Act. This was so that the rules as to political representation would not apply to the Development Control Committee thereby enabling Members to have the benefit of being able to vote on applications within their Ward).

12 **ALLOCATION OF SEATS TO POLITICAL GROUPS (cont)**

- (b) that (in accordance with Section 17 of the Local Government and Housing Act 1989) arrangements alternative to those contained in Sections 15 and 16 of the Act (relating to the representation of political groups on Committees etc) be approved for the appointment of a Planning Inspections Committee consisting of the following:-

Environment Portfolio Holder, Chairman and Vice-Chairman of the Development Control Committee, 2 other Conservative Group Members, 2 Liberal Democrat Group Members and one Independents Group Member of the Development Control Committee. Ward Members to be Members of the Inspections Committee for the purposes of any application within their Ward.

In the absence of any member, at a meeting of the Planning Inspections Committee, appropriate substitute members appointed by the Council shall be members of the Committee for that meeting.

(Resolution (2)(b) was passed with no votes against as required by Section 17 of the 1989 Act. This was so that the rules as to political representation would not apply to the Planning Inspections Committee thereby enabling Members to retain the benefit of being able to vote on applications within their Ward.)

- (3) that the allocation of the District Council's 3 seats on the East Devon Highways and Traffic Orders Committee be as follows:-

| | |
|-------------------------|----------------|
| Conservative Group | 2 seats |
| Liberal Democrats Group | <u>1 seat</u> |
| | <u>3 seats</u> |

- (4) that for Sub Committees, Advisory Panels/Forums the political balance be as set out on Appendix B to the Chief Executive's report.

13 **CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

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

13 **CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES (cont)**

| <u>Committees</u> | <u>Chairman</u> | <u>Vice-Chairman</u> |
|--|--------------------------|----------------------|
| Development Control and Planning Inspections | Lt Col A J M Drake | A W J Reed |
| Audit and Accounts | Miss S M Randall Johnson | A J Wilkinson |
| Housing Applications Appeals Review | D R A Key | B Nicholson |
| Interviewing (Chief Officers) | Miss S M Randall Johnson | A J Wilkinson |
| Licensing and Enforcement | R H H Cross | Mrs C E Drew |
| Employment Appeals | A J Wilkinson | Mrs P A Stott |

14 **APPOINTMENT OF MEMBERS TO COMMITTEES**

RESOLVED that the membership of Committees for 2003/04 be as set out on Appendix A to these minutes, authority being delegated to the Chief Executive to make appointments to give effect to political groups' wishes as to vacant seats to be allocated:

Economy Overview (2 Liberal Democrat seats)
 Licensing & Enforcement Committee (2 Liberal Democrat seats)
 Development Control Committee (5 Conservatives and 3 Liberal Democrat seats)

15 **SCHEME OF DELEGATION**

RESOLVED that the Scheme of Delegation as set out in Part 3 of the Constitution be approved, subject to amendments approved in Minute No. 10 above.

16 **COUNCIL AND COMMITTEE MEETINGS 2003/04**

RESOLVED that the programme of ordinary meetings of the Council, Executive Board and Committee meetings for 2003/04 be approved (with deletion of the proposed Licensing and Enforcement Committee meeting on 30th May 2003) as set out on Appendix B to these Minutes.

17 **APPOINTMENT OF SUB-COMMITTEES, PANELS, FORUMS AND JOINT BODIES**

RESOLVED that appointments be made to Sub-Committees, Panels, Forums and Joint Bodies as set out on Appendix C to these Minutes and authority be delegated to the Chief Executive to make appointments to give effect to the Liberal Democrats group's wishes as to the 2 vacant seats to be allocated to the Liberal Democrats group on Licensing Sub-Committees D & E.

18 **OUTSIDE BODIES**

RESOLVED that appointments and nominations to various bodies be made for 2003/04 (or beyond if applicable) as set out in Appendix D to these Minutes.

19 **PRAYER**

The Reverend Geoff Lloyd (Team Vicar in the Otter Vale Team with special responsibility for Newton Poppleford, Colaton Raleigh and Harpford) led the new Council in prayer and sought God's guidance for, and blessing on, its work.

Chairman Date