

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 24th July, 2018** at **4.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Davies
Vice Chairman Cllr Leech

Cllr Baldwin	Cllr Cheadle
Cllr Cloke	Cllr Edmonds
Cllr Evans	Cllr Hockridge
Cllr Jory	Cllr Kimber
Cllr McInnes	Cllr Mott
Cllr Moyse	Cllr Musgrave
Cllr Oxborough	Cllr Parker
Cllr Ridgers	Cllr Sampson
Cllr Samuel	Cllr Sanders
Cllr Sellis	Cllr Sheldon
Cllr Stephens	Cllr Yelland

In attendance:

Councillors:

Officers:
Head of Paid Service
Group manager Commercial Services
Acting Lead Specialist Legal
Section 151 Officer
Lead Specialist – Waste Strategy

19. **Apologies for Absence**

CM 19

Apologies for absence were received from Cllrs Ball, Cann OBE, Lamb, Moody, Pearce, Roberts and Watts.

20. **Confirmation of Minutes**
CM 20
It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council agree the Minutes of the Annual Meeting held on 22 May 2018 as a true record."
21. **Declarations of Interest**
CM 21
The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllr N Jory declared a Disclosable Pecuniary Interest in Item 9(iii): 'Minutes of Committees: Hub Committee – 17 July 2018' (Minute CM 24 cii below refers) by virtue of his employment links to Business Information Point and remained in the meeting and abstained from the vote on this unstarred minute.
22. **To receive communications from the Mayor or person presiding**
CM 22
The Mayor confirmed that he had no formal announcements to make to this meeting.
23. **Business brought forward by or with the consent of the Mayor**
CM 23
The Mayor informed that he no items of urgent business for consideration at this meeting.
24. **To receive the Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those Unstarred Minutes which require approval**
CM 24
- a. **Overview and Scrutiny Committee – 8 May 2018 and 26 June 2018**
It was moved by Cllr J Yelland, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 8 May 2018 and 26 June 2018 meetings be received and noted, with the exception of Unstarred Minute O&S 10".
- In respect of the Unstarred Minute:
- i. **O&S 10 – Overview and Scrutiny – Draft Annual Report**
It was moved by Cllr J Yelland, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Overview and Scrutiny Draft Annual Report for 2017/18 be approved, subject to delegated authority being given to the Senior Specialist – Democratic Services, in consultation with the Committee Chairman, to make the necessary amendments that had been referred to during the Committee meeting."

b. Development Management and Licensing Committee – 15 May 2018 and 19 June 2018

It was moved by Cllr P R Sanders, seconded by Cllr G Parker and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 15 May 2018 and 19 June 2018 meetings be received and noted".

c. Hub Committee – 5 June 2018 and 17 July 2018

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 5 June 2018 and 17 July 2018 meetings be received and noted, with the exception of Unstarred Minutes HC 4, HC 12 and HC 17".

In respect of the Unstarred Minutes:

i. HC 4 Council Owned Asset Investment and Development

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. approval be given to the expenditure of up to £90,000 in order to prepare a detailed business case for each of the proposed Council owned asset investment and development opportunities detailed in section 3 and Appendix 1 of the presented agenda report to the Hub Committee; and
2. it be agreed that officers conclude an appropriate procurement process to commission the work required to produce individual business cases for the identified Asset Investment and Development opportunities.

ii. HC 12 Items Requiring Urgent Attention – Partnership Funding

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel, and upon being submitted to the Meeting, it was then declared to be **CARRIED** and **"RESOLVED** that future partnership funding be set for 2019/20 only in line with the proposals outlined in the table at paragraph 3.1 of the agenda report presented to the Hub Committee, with the exception of the four key partnerships being removed from the table as they should be considered separately to establish terms of reference, benefits arising and whether their funding should be allocated to a different funding stream (NB. these four partnerships being: Heart of the South West Local Enterprise Partnership, Tamar Valley Area of Outstanding Natural Beauty, Tamar Estuaries Consultative Forum and World Heritage Site).

iii HC 17 Business Rates – Locally Administered Business Rate Relief Policy

In presenting this unstarred minute, the Leader paid tribute to those officers and Members who had been involved in the Year 1 Policy. In so doing, the Leader wished for it to be noted that, as

a consequence of this Policy, the Council had been one of only a handful of local authorities nationally that had been able to distribute all of the funds that it had been allocated during the year.

It was then moved by Cllr P R Sanders, seconded by Cllr L Samuel, and upon being submitted to the Meeting, it was then declared to be **CARRIED** and "**RESOLVED** that the Year 2 Locally Administered Business Rate Relief Policy be adopted."

25. **Waste Review**

CM 25

The Council considered a report that outlined the 'Detailed Solutions' Stage of the Frontline Services (Waste and Cleansing) Procurement process. The report highlighted that, if the Council approved the recommendation of the Project Board, then the procurement process would continue to the 'Final Solutions' Stage, with a further report being brought to the Council meeting to be held on 4 December 2018.

Following his introduction, the lead Hub Committee Member invited questions and it became apparent that some Members wished to raise issues relating to the exempt appendix 1.

It was therefore declared **CARRIED** and "**RESOLVED** that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Paragraph 3 of Schedule 12(A) to the Act."

Once all Members were satisfied that they had no further questions or issues to raise on the exempt Appendix, it was then declared **CARRIED** and "**RESOLVED** that the press and public be re-admitted to the meeting."

In the ensuing debate, the following points were raised:-

- (a) When questioned, officers confirmed that, in the last financial year, between 5 and 10 local authorities across the country had decided to provide a three weekly residual waste collection;
- (b) In urging support of the recommendation, Members wished to record their gratitude for the amount of work that has been undertaken by lead officers, the Procurement Board and the Waste Working Group to reach this project milestone.

It was then moved by Cllr R F D Sampson and seconded by Cllr L Samuel and declared **CARRIED** and "**RESOLVED** that the progress of the project be noted and the recommendation of the Frontline Services (Waste Procurement) Project Board to continue to the next stage of the competitive dialogue process for waste collection, recycling and cleansing services."

26. **Formation of Members' Planning Code of Practice Working Group**

CM 26

A report was considered that sought to formally establish the Members' Planning Code of Practice Working Group.

During the debate, the following revisions (illustrated in italics) were suggested to the draft terms of reference:-

1. Purpose:

'To review the draft Members Code of Planning Practice before presenting, in the first instance to the Audit Committee meeting on 9 October 2018 and the next Council meeting thereafter, a final draft version for approval.'

2. The Operation of the Group

- *'The Group will comprise of 5 Members, a Chairman will be elected at the first meeting.'*

It was subsequently moved by Cllr P R Sanders and seconded by Cllr R E Baldwin and declared **CARRIED** and **"RESOLVED** that, with immediate effect and for the remainder of the 2018/19 Municipal Year, that:

1. a Members' Planning Code of Practice Working Group be formally established;
2. Cllrs Cheadle, Mott, Parker, Pearce and Roberts be appointed to serve on this Working Group; and
3. the amended draft Terms of Reference (as set out at Appendix A of the presented agenda report and in the comments outlined above) be approved."

The Meeting concluded at 4.45 pm

Signed by:

Chairman
