

# WEST DEVON COUNCIL



West Devon  
Borough  
Council

## **Minutes** of a meeting of the **West Devon Council** held on **Tuesday, 25th September, 2018** at **4.00 pm** at the **Chamber** **- Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Davies  
**Vice Chairman** Cllr Leech

Cllr Baldwin	Cllr Ball
Cllr Cann OBE	Cllr Cheadle
Cllr Cloke	Cllr Edmonds
Cllr Evans	Cllr Hockridge
Cllr Jory	Cllr Kimber
Cllr Lamb	Cllr McInnes
Cllr Moody	Cllr Mott
Cllr Moyse	Cllr Oxborough
Cllr Parker	Cllr Pearce
Cllr Ridgers	Cllr Roberts
Cllr Sampson	Cllr Samuel
Cllr Sanders	Cllr Sellis
Cllr Sheldon	Cllr Watts
Cllr Yelland	

### **In attendance:**

Councillors:

Officers:

Head of Paid Service  
Acting Lead Specialist – Legal  
Group Manager – Commercial Services  
Section 151 Officer

### 27. **Kate Cassar**

CM 27

Since this was the first Council meeting since Kate Cassar (the Council's former Head of Property Services) had sadly passed away, the Council proceeded to observe a moment's reflection in her memory.

28. **Apologies for Absence**  
CM 28  
Apologies for absence were received from Cllrs Musgrave and Stephens.
29. **Confirmation of Minutes**  
CM 29  
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 Meeting held on 24 July 2018 as a true record."
30. **Declarations of Interest**  
CM 30  
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 L Samuel declared a personal interest in Unstarred Minute HC 30 'Civil Penalties for Breaches of Housing Standards Enforcement Notices' (Minute CM 34 d ii below refers) by virtue of being a landlord and she abstained from the vote on this recommendation.
31. **To receive communications from the Mayor or person presiding**  
CM 31  
The Mayor confirmed that he had no formal announcements to make to this meeting.
32. **Business brought forward by or with the consent of the Mayor**  
CM 32  
The Mayor informed that he agreed for four items of urgent business to be raised for consideration at this meeting.
- 1. To receive the minutes of the Development Management and Licensing Committee meeting held on 18 September 2018.**  
  
The Mayor advised that it was his intention for these minutes to be dealt with during consideration of agenda item 10(iii) below (Minute CM 34 c below refers).
  - 2. Public Toilet Pay on Entry Contract Award**  
  
The Council considered a report that sought to approve a recommendation to award the contract for the provision and installation of Public Toilet Pay on Entry equipment.  
  
The lead Hub Committee Member for Commercial Services introduced the report and stressed that the process of consulting with those affected local town and parish councils was still to be

completed. It was noted that the Business Plan for this initiative would not be finalised until this exercise had been completed.

In the ensuing debate, reference was made to:-

- a) the importance of the contents of the Business Plan;
- b) the process. Officers assured the Council that, in the event of the Council approving the recommendation, this would not commit the Council to anything beyond the award and all options would be left open pending the outcome of the dialogue with the local town and parish councils;
- c) an amendment was **PROPOSED** and **SECONDED** as follows:

'That the Council approves, *in principle*, the recommendation to award the contract for the provision and installation of Public Toilet Pay on Entry Equipment to the highest scoring bidder ('Bidder B').'

In response to some Members expressing their confusion over the agenda report and the number of unknown elements contained within it, an amendment to include the words '*in principle*' was felt to be appropriate by the proposer and seconder.

In opposition to the amendment, other Members felt that the amendment did not add anything to the recommendation. In addition, the point was made that the details of the final Business Case would still be required to be presented back to Members.

When put to the vote, the amendment was declared **LOST**.

Having been moved by Cllr R F D Sampson, seconded by Cllr T G Pearce and, upon being submitted to the Meeting, it was declared to be **CARRIED** and "**RESOLVED** that:

1. the Council approves the recommendation to award the contract for the provision and installation of Public Toilet Pay on Entry equipment to the highest scoring bidder ('Bidder B'); and
2. any changes considered necessary to the terms, or type of equipment used at each facility, be delegated to the Environment Services Community Of Practice Lead, in consultation with the lead Hub Committee Member for Commercial Services."

### **3. Tavistock BID Outside Body**

The Mayor advised that the Council had received a formal request to nominate a representative to serve on the Tavistock BID Outside Body. As a result, both Group Leaders had been invited to make

their nominations to serve on this Body and Cllr Oxborough had subsequently been nominated.

It was then 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 Cllr R J Oxborough be nominated to serve on the Tavistock BID Outside Body for the remainder of the 2018/19 Municipal Year."

#### **4. Question from Cllr R F D Sampson to Cllr P R Sanders**

Finally, the Mayor informed that, whilst it had been received after the eight clear days deadline, he had exercised his discretion to permit the following question to be raised at this meeting:-

*'In the light of the discussion of the Planning Advisory Service's (PAS) Review of West Devon Borough Council Development Management and Licensing (DM&L) Committee and draft Action Plan at the Informal Council Meeting on 3 September 2018, the Leader is asked, by immediate verbal reply, to:-*

- 1. Explain why an appointment to the Chairmanship of the DM&L Committee is not an Agenda Item today; and*
- 2. Advise the Council of the implications for the Council in the light of the comments in the PAS Review?'*

Prior to responding to the question, Cllr Sanders expressed his frustration and disappointment at the means by which this matter had been raised. Nonetheless, in addressing the question, Cllr Sanders made reference to:-

- the role of Chairman on the Development Management and Licensing Committee not being vacant at this present time; and
- there being no implications (to his knowledge) to the Council in light of the comments in the Review. The risk to the Council of being 'Designated' was felt to remain at exactly the same level irrespective of the comments that were contained within the Review report.

### **33. Medium Term Financial Strategy 2019/20 to 2023/24**

CM 33

The Council considered a report that sought to approve its Medium Term Financial Strategy from 2019/20 to 2023/24.

In discussion, the following points were raised:-

- (a) The importance of as many Members as practically possible attending the informal Budget Workshop on 8 October 2018 was stressed. It was noted that the overriding aim of the Workshop was to provide officers with a clear steer over options to close the 2019/20 Budget gap;

- (b) An additional recommendation was **PROPOSED** and **SECONDED** as follows:

*'That new measures to balance the 2019/20 Budget be brought forward in time for the Council Budget meeting in February 2019.'*

- (c) With regard to the recommendation to review the Council's pension position, Members requested that the message be relayed to staff that this proposal did not impact upon them and was only related to the Council's employer pension deficit contributions;
- (d) Some Members expressed their belief that the proposal to set an Upper Limit on External Borrowing at £50 million was overly restrictive and could potentially be a barrier to one method of the Council closing its Budget gap. As a result, an amendment was **PROPOSED** and **SECONDED** as follows:

*'That the Council sets an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £50 million (as outlined at exempt Appendix G of the presented agenda report). However, this Upper Limit can be reviewed at any time';*

Whilst there was some support expressed for this amendment, other Members felt that the Council should not overlook the external treasury management advice and considered the establishment of a cap to be good practice. In addition, these Members quoted the following two provisions in the Council Constitution and felt that the amendment was therefore unnecessary:

- 1. Any motion can be revisited after six months of the decision being taken; and*
- 2. Within the preceding six months, a motion to rescind a decision can be moved if it is recommended to Council by a Committee or notice of such a motion has been given by a quorum of Members of the Council.*

When put to the vote, the amendment was declared **LOST**.

It was then 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. the forecast budget gap for 2019/20 of £0.45 million and the position for future years be noted;
2. the current options identified and timescales for closing the Budget gap in 2019/20 and future years (to achieve long term financial sustainability) be noted;
3. the strategic intention be set to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to endeavour to continue to deliver services.

(NB. the actual Council Tax for any given year will be decided by the Council in the preceding February);

4. an application be submitted for Business Rate Pilot status for 2019/20, with agreement being made to a 40% District / 34% Devon County Council / 1% Fire split for the 75% scheme. In the event of the Pilot bid not being successful, then the Council will remain part of the Devon Business Rates Pool;
5. Central Government and Devon MPs be actively lobbied to support a 2019/20 Devon Pilot bid;
6. Central Government, Devon MPs and other sector bodies (such as the District Councils Network and the Rural Services Network) be actively lobbied and engaged with for a realistic Business Rates baseline to be set for the Council for 2020 onwards;
7. the Council responds to the technical consultation in support of the Government eliminating Negative Revenue Support Grant. Furthermore, the Council continue to lobby for Rural Services Delivery Grant allocations that adequately reflect the cost of rural services provision;
8. for modelling purposes, £375,000 of New Homes Bonus funding for 2019/20 be used to fund the revenue base budget, with this reducing to £100,000 by 2020/21 and £50,000 by 2021/22;
9. the annual level of contribution to Earmarked Reserves (£50,000) and the adequacy of the existing level of Unearmarked Reserves (£1.2 million) and Earmarked Reserves (£4 million) be delegated to the Cross Party Member Working Group (the 'Financial Stability Review Group') to review and make recommendations by the end of October 2018. (NB. this will assess the adequacy of Reserves levels in light of future plans and pressures;
10. the Council takes specialist pension advice on the options for the Council's Pension position (informing the actuarial valuation) with the aim of reducing the current deficit contributions, increasing affordability, whilst best managing the pension deficit. Also, the Council recognises the need to have early dialogue with Devon County Council and the actuaries with regard to the Council having an input into the actuarial assumptions used for the 2019 Actuarial Valuation. (NB. options will be presented to the Audit Committee meeting on 22 January 2019 to consider);
11. the Council sets an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £50 million (as outlined at exempt Appendix G of the presented agenda report);
12. the Council continues with the Local Government terms and conditions of employment Green Book for at least 2019/20. That all options be reviewed for reducing staff costs by varying terms from the Green Book from 2020/21, with an initial report being presented back by the end of 2018/19; and
13. new measures to balance the 2019/20 Budget be brought forward in time for the Council Budget meeting in February 2019."

34.

**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 34

**a. Audit Committee – 24 July 2018**

It was moved by Cllr M Davies, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 24 July 2018 meeting be received and noted".

**b. Overview and Scrutiny Committee – 31 July 2018 and 4 September 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 31 July 2018 and 4 September 2018 meetings be received and noted".

**c. Development Management and Licensing Committee – 14 August 2018 and 18 September 2018**

It was moved by Cllr P R Sanders, seconded by Cllr A Roberts and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 14 August 2018 and 18 September 2018 meetings be received and noted, with the exception of Unstarred Minutes DM&L 11 and DM&L 16".

In response to a Member expressing his concerns over some of the findings expressed in the Planning Advisory Service's Review report, assurances were given that Committee Members and Substitutes would be given the opportunity to fully consider this report at a future meeting.

In respect of the Unstarred Minutes:

**i. DM&L 11 Public Participation Scheme**

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

1. proposed amendments to the Development Management Public Participation Scheme (as set out in Appendix 1 of the agenda report presented to the Committee) be approved, subject to inclusion of an additional sentence that ensures that speakers are aware that the meeting may be recorded; and
2. Public Participation Scheme be further amended so that local Ward Members are limited to speaking for a maximum of five minutes."

**ii. DM&L 16 Adoption of Procedures and Fees in Relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**

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

1. the Discretionary Powers contained within the Animal Welfare Act 2006 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be adopted;
2. decisions in relation to the determination of licences and enforcement action be delegated to the Community Of Practice Lead for Environmental Health and Licensing by 1 October 2018;
3. the Council Constitution be amended to reflect a new Sub-Committee structure to consider objections to conditions on an Animal Licence; and
4. the fees and charges in relation to animal licensing (as outlined in the agenda report presented to the Committee) be adopted to come into effect from 1 October 2018."

**d. Hub Committee – 11 September 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 11 September 2018 be received and noted, with the exception of Unstarred Minutes HC 26, HC 30 and HC 32".

In respect of the Unstarred Minutes:

**i. HC 26 Commercial Property Strategy Amendment**

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. the Commercial Property Strategy (as detailed in Appendix A of the presented agenda report to the Hub Committee) be approved and implemented; and
2. the currently adopted Commercial Property Acquisition Strategy (as detailed in Appendix E of the presented agenda report to the Hub Committee) be rescinded."

**ii. HC 30 Civil Penalties for Breaches of Housing Standards Enforcement Notices**

It was moved by Cllr P R Sanders, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the existing Enforcement Policy be updated with the Civil Penalty Policy."

**iii. HC 32 IT Systems Procurement**

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 the ICT Systems Procurement be endorsed and the recommendations that were

outlined in the exempt reports that were presented to the Overview and Scrutiny and Hub Committees be approved.”

The Meeting concluded at 5.50 pm

**Signed by:**

**Chairman**

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