

# West Devon Council



West Devon  
Borough  
Council

<b>Title:</b>	<b>Summons</b>																														
<b>Date:</b>	<b>Tuesday, 22nd September, 2020</b>																														
<b>Time:</b>	<b>12.00 Noon and 2.00 pm</b>																														
<b>Venue:</b>	<b>Via Skype</b>																														
<b>Full Members:</b>	<p style="text-align: center;"><b>Mayor</b> Cllr Leech <b>Deputy Mayor</b> Cllr Mott</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Ball</td> <td style="width: 33%;">Cllr Moody</td> </tr> <tr> <td>Cllr Bolton</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Bridgewater</td> <td>Cllr Musgrave</td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Coulson</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Crozier</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Davies</td> <td>Cllr Ridgers</td> </tr> <tr> <td>Cllr Daniel</td> <td>Cllr Samuel</td> </tr> <tr> <td>Cllr Edmonds</td> <td>Cllr Sellis</td> </tr> <tr> <td>Cllr Ewings</td> <td>Cllr Southcott</td> </tr> <tr> <td>Cllr Heyworth</td> <td>Cllr Spettigue</td> </tr> <tr> <td>Cllr Hipsey</td> <td>Cllr Vachon</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Wood</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Yelland</td> </tr> <tr> <td>Cllr Kimber</td> <td></td> </tr> </table>	Cllr Ball	Cllr Moody	Cllr Bolton	Cllr Moyse	Cllr Bridgewater	Cllr Musgrave	Cllr Cheadle	Cllr Pearce	Cllr Coulson	Cllr Ratcliffe	Cllr Crozier	Cllr Renders	Cllr Davies	Cllr Ridgers	Cllr Daniel	Cllr Samuel	Cllr Edmonds	Cllr Sellis	Cllr Ewings	Cllr Southcott	Cllr Heyworth	Cllr Spettigue	Cllr Hipsey	Cllr Vachon	Cllr Jory	Cllr Wood	Cllr Kemp	Cllr Yelland	Cllr Kimber	
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<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
<b>Committee administrator:</b>	Democratic.Services@swdevon.gov.uk																														

**1. Apologies for Absence**

**2. Confirmation of Minutes**

**1 - 8**

To approve and adopt as a correct record the Minutes of the Meetings of the Council held on 9 June 2020 and 29 July 2020;

**3. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Summons, then please contact the Monitoring Officer in advance of the meeting;

**4. Business brought forward by or with the consent of the Mayor**

**5. To receive the Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those Recommendations which require approval:**

**(a) HUB COMMITTEE**

**9 - 16**

- Meeting held on 30 June 2020
- Meeting held on 28 July 2020

**Recommendation to agree:**

**HC 07 Changes to Pest Control Services**

That the Council:

1. Approve the removal of free pest control (rats and mice treatments) service for residents and replace it with a free service for benefit recipients only; and
2. Accept and approve the tender from Terminix to deliver the service in West Devon Borough Council areas.

*(NB. recommendation HC 09: 'Urgent Business – Fusion Update' was previously considered by the Council at its meeting held on 29 July 2020).*

• Meeting held on 15 September 2020	to follow	
<b>(b) DEVELOPMENT MANAGEMENT &amp; LICENSING COMMITTEE</b>		<b>17 - 24</b>
• Meeting held on 30 June 2020		
• Meeting held on 28 July 2020		
<b>(c) OVERVIEW AND SCRUTINY COMMITTEE</b>		<b>25 - 42</b>
• Meeting held on 23 June 2020		
• Meeting held on 4 August 2020		
<b>Recommendation to agree:</b>		
<b>O&amp;S 9 Overview and Scrutiny Annual Report 2019/20</b>		
That the Committee <b>RECOMMEND</b> to Council that its Annual Report for 2019/20 (as outlined at Appendix A of the presented agenda report) be approved.		
• Meeting held on 1 September 2020		
<b>(d) AUDIT COMMITTEE</b>		<b>43 - 46</b>
• Meeting held on 23 June 2020		
<b>6. Amended Budget 2020/21</b>		
To follow		
<b>7. Corporate Debt Recovery Policy Update</b>		
To follow		
<b><i>(Upon the conclusion of this agenda item, the meeting will be adjourned and will re-convene at 2.00pm)</i></b>		
<b>8. Fusion Update</b>		
To follow		
<b>9. Climate Change Strategy and Action Plan</b>		
To follow		
<b>10. Designation of Monitoring Officer</b>		<b>47 - 52</b>
<b>11. Appointment of Electoral Registration Officer and Returning Officer</b>		<b>53 - 56</b>



# Agenda Item 2

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held **REMOTELY** on **TUESDAY** the **9<sup>th</sup>** day of **JUNE 2020** at **11.40am** pursuant to Notice given and Summons duly served.

## **Present**

Cllr A F Leech – The Mayor (In the Chair)

Cllr K Ball	Cllr T Bolton
Cllr A Bridgewater	Cllr R Cheadle
Cllr A Coulson	Cllr P Crozier
Cllr L Daniel	Cllr M Davies
Cllr C Edmonds	Cllr M Ewings
Cllr N Heyworth	Cllr S Hipsey
Cllr N Jory	Cllr C Kemp
Cllr P Kimber	Cllr J B Moody
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr T G Pearce
Cllr B Ratcliffe	Cllr M Renders
Cllr L Samuel	Cllr D K A Sellis
Cllr T Southcott	Cllr J Spettigue
Cllr P Vachon	Cllr L Wood
Cllr J Yelland	

Chief Executive  
Deputy Monitoring Officer  
Strategic Planning Manager (Joint Local Plan)  
Senior Specialist – Democratic Services

## **CM 89**

### **WELCOME**

The Mayor opened the meeting and, on behalf of all Members, welcomed the Chief Executive to his first formal meeting since joining the employ of the Council.

## **CM 90**

### **APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr P Ridgers.

## **CM 91**

### **DECLARATION OF INTEREST**

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

## CM 92 MINUTES OF COMMITTEES

### a. Standards Committee – 10 March 2020

It was moved by Cllr A F Leech, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 10 March 2020 meeting be received and noted”.

## CM 93 ADOPTION OF THE PLYMOUTH AND SOUTH WEST DEVON SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Council considered a report that sought to adopt the Plymouth and South West Devon Supplementary Planning Document (SPD).

In her introduction, the lead Hub Committee Member wished to record her thanks to the lead officers for the exceptional amount of work that had been undertaken to compile the SPD.

During the ensuing debate, reference was made to the relationship between the SPD and the production of Neighbourhood Plans. By way of caution, a Member felt that, to ensure conformity with the SPD, all Neighbourhood Plans that were currently being developed would now require a comprehensive review.

It was then moved by Cllr C Mott, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that, subject to South Hams District Council and Plymouth City Council agreeing likewise, the Council adopt:

1. the Plymouth and South West Devon Supplementary Planning Document (as attached at Appendix A of the presented agenda report); and
2. its two companion documents: ‘The Developer Contributions Evidence Base’ and ‘The Traditional Farm Buildings: Their Adaptation and Re-Use (Barn Guide)’ (included within Appendix A of the presented agenda report), in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).”

## CM 94 STATEMENT OF COMMUNITY INVOLVEMENT

Members were presented with a report that sought adoption of a new Statement of Community Involvement (SCI) for West Devon Borough Council, South Hams District Council and Plymouth City Council. In particular, the report advised that the SCI set out the minimum requirements for consultations and involvement that must be followed by each Council when preparing their planning documents or consulting on planning applications.

Whilst the report highlighted that the Council had a statutory duty to review its adopted SCI at least once every five years, officers confirmed that, in reality, it was reviewed far more frequently than the minimum requirement.

It was then moved by Cllr C Mott, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, subject to South Hams District Council and Plymouth City Council agreeing likewise, the Statement of Community Involvement (SCI) (as attached at Appendix A of the presented agenda report) be formally adopted in accordance with section 23 of the Planning and Compulsory Purchase Act 2004."

## **CM 95**

### **POLITICAL COMPOSITION OF THE COUNCIL**

Members were presented with a report that sought Council approval to amend the membership of some of its formal Bodies to reflect a revised political balance.

The Leader of the Alliance Group confirmed his support for the proposals but was also of the view that the current disparity in senior Member roles between the two (now equal) political groups on the Council would require addressing at the next Annual Council meeting.

It was then moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, with immediate effect:

1. the revised political composition of the Council be noted as follows:
  - Conservative Group: 15 Members;
  - West Devon Alliance Group: 15 Members; and
  - Non-aligned Independent: 1 Member;
2. the appointments to the formal Council Bodies be amended as illustrated in Appendix B of the presented agenda report for the period until the next Annual Council meeting; and
3. Cllr J Yelland be appointed as Vice-Chairman of the Standards Committee for the period until the next Annual Council meeting."

(The Meeting terminated at 12.15 pm)

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**Mayor**

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At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held **REMOTELY** on **WEDNESDAY** the **29<sup>th</sup>** day of **JULY 2020** at **4.00pm** pursuant to Notice given and Summons duly served.

**Present**

Cllr A F Leech – The Mayor (In the Chair)

Cllr K Ball	Cllr A Bridgewater
Cllr R Cheadle	Cllr P Crozier
Cllr L Daniel	Cllr M Davies
Cllr C Edmonds	Cllr M Ewings
Cllr S Hipsey	Cllr N Jory
Cllr C Kemp	Cllr P Kimber
Cllr J B Moody	Cllr C Mott
Cllr D E Moyse	Cllr C R Musgrave
Cllr T G Pearce	Cllr B Ratcliffe
Cllr M Renders	Cllr L Samuel
Cllr D K A Sellis	Cllr T Southcott
Cllr P Vachon	

Chief Executive  
Director of Place and Enterprise  
Section 151 Officer  
Deputy Monitoring Officer  
Democratic Services Manager  
Senior Specialist – Car Parks

**CM 1            APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs T Bolton, A Coulson, N Heyworth, P Ridgers, J Spettigue, L Wood and J Yelland.

**CM 2            DECLARATION OF INTEREST**

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

**CM 3            BUSINESS BROUGHT FORWARD BY THE MAYOR**

The Mayor informed the meeting that he had agreed for one urgent item to be brought forward to this meeting that related to a proposal to review the status of Abbey Car Park from a long stay to a short stay car park.

In his introduction, the lead Hub Committee Member stated that the recommendation was reflective of the need to increase vehicular turnover and was consistent with the findings of the Tavistock Parking Survey. Also, the lead Member informed that there were currently 23 permit holders that were separate from the Dolvin Road property permits and it was intended that these would each be honoured until their respective expiry dates.

In the ensuing discussion, reference was made to:

- (a) the parents of St Rumons Schoolchildren. For clarity, it was noted that a number of parents had permits to park in the Abbey Car Park at the time of school drop off and pick up and it was therefore agreed that the recommendation should be amended to reflect this point;
- (b) the views of local traders. The lead Member expressed his surprise that some feedback had been received from local traders that they were not supportive of the proposal. The Member was firmly of the view that the proposal to make the Car Park short stay would be beneficial to the local economy.

It was then moved by Cllr T G Pearce, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Abbey Car Park be changed from a long stay to a short stay car park;
2. parking permits be no longer valid for use in Abbey Car Park, with the exception of Dolvin Road residents and the parents of St Rumons Schoolchildren and
3. the consequential changes be made to the Council's Off-Street Parking Places Order 2015."

#### **CM 4 EXCLUSION OF PUBLIC AND PRESS**

It was moved by Cllr A F Leech, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

#### **CM 5 FUSION INTERIM SUPPORT**

The Council considered an exempt report that outlined the proposed approach to further support for the Fusion Leisure Group.

During the lengthy discussion, particular reference was made to:

- (a) legal advice given by the Deputy Monitoring Officer. In his advice, the Officer highlighted the:
  - complexity of the contractual arrangements with Fusion generally;
  - provisions of the contract relating to changes in the law; and
  - need to have a flexible approach to the negotiation of the terms on which any financial support should be given;

- (b) the significance of the decision facing the Council was recognised by a number of Members;
- (c) a request for greater information and detail to be included in the report that was to be presented to the next Council meeting to be held on 22 September 2020; and
- (d) an amendment to the motion. In recognition of the risks associated with the decision, an amendment was moved by Cllr M V L Ewings and seconded by Cllr R Cheadle that read as follows:

*“This Council would look to support the mothballing costs of Meadowlands and Parklands until the end of September 2020 and any associated management costs. Any decision as to reopening of the facilities and, where there is a cost to the Council, shall be deferred until the Council meeting to be held on the 22<sup>nd</sup> September 2020.”*

In debate on the amendment, a number of Members expressed sympathy with its intention, but advised that they would not be able to support it at this time. However, the importance of additional information and detail being included in the report to the next Council meeting was once again emphasised.

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

It was then moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that:

1. interim financial support of £97,000 (as set out in Appendix A of the presented agenda report) be provided to Fusion, on terms to be agreed by the Director of Place and Enterprise, in consultation with the Section 151 Officer, to secure positive health and wellbeing outcomes in the Borough, which are, the reopening of Okehampton Leisure Centre, both wet and dryside;
2. the cost of £97,000 be funded from the Leisure Earmarked Reserve and it be noted that this interim financial support covers the months of July, August and September for leisure provision; and
3. a future decision on leisure provision for the months of October 2020 onwards be taken at the Council meeting to be held on 22 September 2020.”

(The Meeting terminated at 6.10 pm)

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**Mayor**

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# Agenda Item 5a

At a Meeting of the **HUB COMMITTEE** held via Skype on **TUESDAY** the **30<sup>th</sup>** day of **June 2020** at **2:00 pm**

**Present:** Cllr N Jory – Chairman  
Cllr L Samuel – Vice Chairman

Cllr R Cheadle	Cllr C Edmonds
Cllr A F Leech	Cllr J Moody
Cllr C Mott	Cllr T G Pearce
Cllr D K A Sellis	

**In attendance:** Chief Executive  
Deputy Chief Executive  
Director of Place and Enterprise  
Director of Governance & Assurance  
Section 151 Officer  
Head of Strategy and Projects  
Head of Finance  
Head of Democratic Services  
Specialist Democratic Services

**Other Members in attendance:**  
Cllrs Daniel, Ewings and Yelland

**\*HC 78      DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed and none were made

**\*HC 79      MINUTES**

The Minutes of the Hub Committee meeting held on 28 January 2020 were confirmed as a correct record.

**\*HC 80      PUBLIC QUESTION TIME**

There were no questions submitted by the Public

**\*HC 81      HUB COMMITTEE FORWARD PLAN**

Members were presented with the Hub Committee Forward Plan setting out items on the agenda for Hub Committee meetings for the next four months.

The contents of the Forward Plan were agreed subject to the following amendments:

- Medium Term Financial Strategy (MTFS) being deferred to a Committee meeting in October/November 2020;
- In the light of the Recovery Plan, if agreed, Forward Plan (FP) to be reviewed and brought to next Hub Committee meeting;
- The Commercial Investments Update agenda item to be reassigned to Portfolio Area of Council with Lead Member therefore being Cllr Jory.

**\*HC 82**

**COUNCIL RESPONSE AND RECOVERY TO THE COVID-19 CRISIS**

At the Meeting of the Overview and Scrutiny Committee held on 23 June 2020, consideration was given to a report titled: 'Coronavirus (COVID-19) Response and Draft Recovery and Renewal Plan (the report and four parts of the Appendix that were initially presented to the Meeting were outlined at Appendix A of the published agenda report). The Meeting had considered at length both the Response and Draft Recovery and Renewal Plan and the key discussion points were outlined in parts 1 to 4 of the recommendation and Appendix B of the published agenda report;

The Leader introduced the report and invited Member questions and comments.

Following Member discussions, it was agreed that, due to the potential overlap, the Council's adopted Corporate Strategy should be reviewed in light of the emergent Recovery Plan and the two plans amalgamated to one single document to take the Council forward. Officers confirmed that an Extended Leadership Team lead officer for the proposed Business theme would be appointed soon.

The Chairman moved the recommendations on block and these were seconded by the Vice-Chairman.

It was then declared **CARRIED** by unanimous vote that:

1. the Council's response to the Coronavirus (COVID-19) Pandemic to date be noted and endorsed and the Town and Parish Councils and other Community Groups be thanked and congratulated for their response and actions to the COVID-19 Pandemic;
2. Officers develop a Recovery and Renewal Plan in-line with the Framework and Objectives that are outlined in Appendices A2, A3 and A4 of the presented agenda report;
3. the conclusions of the Overview and Scrutiny Committee meeting on the priority areas for the Strategic Framework for Recovery and Renewal (as summarised at Appendix B) be taken into account;
4. an update on progress against the development of the Plan be presented back to a meeting of the Overview and Scrutiny Committee to be held on 1 September 2020; and

That, in light of the discussions at the Overview and Scrutiny Committee Meeting:

5. A series of Recovery and Renewal Theme-Based Member Workshops be convened in advance of the Meeting that is to be held on 1 September 2020.

**\*HC 83**

**REVENUE BUDGET MONITORING FOR APRIL AND MAY 2020**

Members were presented with a report that outlined the impact on the Council's Budget following the lockdown caused by the Covid-19 pandemic.

The Lead Member introduced the monitoring report which was the first since the outbreak of the pandemic. It was confirmed that there would be monthly reporting to Members going forward with an amended budget to be brought to Council in September. When questioned, it was confirmed that regular meetings of the Financial Stability Review Group would be arranged once the definitive financial announcement had been received from Central Government.

Members were informed that the financial accounts were nearly completed for 2019/20, with a report presenting the accounts to be brought to the Audit Committee in July. Also, a Member Budget Setting workshop would be set up during August and would follow the same format as previous years. It was then intended that a draft amended Budget for 2020/21 would then be presented to the Overview & Scrutiny Committee meeting to be held on 1 September, on to the Hub Committee meeting to be held on 15 September, and then on to Council for ultimate approval at its meeting to be held on 22 September.

Cllr Edmonds moved the recommendations on block and these were seconded by Cllr Mott.

It was then unanimously **RESOLVED** that:-

- i) the significant forecast income and expenditure variations for the 2020/21 financial year and the overall projected overspend of £1.028 million (14.3% of the total Budget £7.212 million) be noted.
- ii) the loss of income streams already experienced by the Council in April 2020 and May 2020 of £0.371 million in total as shown in Section 6 of the presented agenda report be noted.
- iii) an Amended Budget for 2020/21 be presented to the September cycle of Committee meetings, setting out recommendations as to how the projected losses could be financed and what action could be taken. This is in order to achieve a balanced budget for 2020/21, in light of the Covid 19 pandemic.
- iv) a comprehensive review be undertaken into all of the Council's Earmarked Reserves.

(The meeting terminated at 14:57 pm)

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Chairman

***(NOTE: THESE DECISIONS WILL BECOME EFFECTIVE FROM WEDNESDAY 8<sup>th</sup> JULY 2020 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).***

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At a Meeting of the **HUB COMMITTEE** held via Skype on **TUESDAY** the **28<sup>th</sup>** day of **July 2020** at **2:15 pm**

**Present:** Cllr N Jory – Chairman  
Cllr L Samuel – Vice Chairman

Cllr R Cheadle                      Cllr C Edmonds  
Cllr A F Leech                      Cllr J Moody  
Cllr C Mott                          Cllr T G Pearce  
Cllr D K A Sellis

**In attendance:** Chief Executive  
Director of Place and Enterprise  
Section 151 Officer  
Head of Democratic Services  
Head of Housing, Revenue & Benefits  
Head of Environmental Health & Licensing  
Head of Strategy and Projects  
Senior Specialist (Housing)  
Senior Specialist (Legal)  
Specialist Democratic Services

**Other Members in attendance:**

Cllrs Ewings, Musgrave, Ratcliffe, Renders, Spettigue,  
and Yelland

**\*HC 01            DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed and none were made.

**\*HC 02            MINUTES**

The Minutes of the Hub Committee meeting held on 30 June 2020 were confirmed as a correct record.

**\*HC 03            PUBLIC QUESTION TIME**

There were no questions submitted by the Public

**\*HC 04            HUB COMMITTEE FORWARD PLAN**

Members were presented with the Hub Committee Forward Plan setting out items on the agenda for Hub Committee meetings for the next four months.

The contents of the Forward Plan were agreed subject to the following amendment:

- Devon Districts Procurement Strategy was to be deferred until the Committee meeting on 2 February 2020 and Lead Member changed to Cllr Jory.

**\*HC 05**

**MONTH 3 REVENUE BUDGET MONITORING 2020/21 (to end of June 2020)**

The Lead Member for Performance and Resources presented the Committee with a report that enabled them to monitor income and expenditure variations against the approved budget for 2020/21, particularly in light of the impact of the Covid 19 pandemic, and provided a forecast for the year end position. The report set out an overall projected shortfall of £0.501 million for 2020/21.

It was highlighted that car parking income had been assumed at 30% reduction for onwards in the previous budget monitoring report, but based on levels of income seen in April, May and June, this has led to a readjustment of estimated losses of 40% drop in income levels for July onwards, leading to overall projection of potential 52% reduction in car park income overall for the year. Income guarantee scheme had been announced but further clarification was being sought from Central Government. In response to a specific question on the potential for further local outbreaks, it was agreed that the Environmental Health Lead Officer would follow up this point with Devon County Council colleagues before advising the membership.

It was then **RESOLVED** that the Hub Committee note:

- i) the significant forecast income and expenditure variations for the 2020/21 financial year and the overall projected shortfall of £0.501 million (6.9% of the total annual Budget of £7.212 million).
- ii) the loss of income streams already experienced by the Council in April 2020 to June 2020 of £0.474 million in total as shown in Section 6 of the presented agenda report.

**\*HC 06**

**HOMELESSNESS STRATEGY ACTION PLAN 2020/21**

Members were presented with a report that outlined the draft 2020/21 action plan for the third year of the 2017/22 Homelessness Strategy.

The Lead Member for Homes highlighted the significant achievement of 228 households that had been prevented from becoming homeless, over 80% conversion rate. Private evictions would start again at the end of August, however Members were assured that the Council had funds that could help those in financial need and were therefore reminded to refer residents in need to the Council for help.

It was then unanimously **RESOLVED** that the Hub Committee agree that the Homelessness Strategy Action Plan 2020-21 (as attached at Appendix 3 of the presented agenda report) be adopted with effect from the 1 April 2020.

**HC 07**

**CHANGES TO PEST CONTROL SERVICE**

The Lead Member for Health and Wellbeing presented the Committee with a report outlining the changes to the costs involved in providing the pest control service to residents due to the end of the last contract and following the procurement process for a new contract.

Officers confirmed that the reduction in service was expected to be 50% but they would monitor this and undertake a review if this was significantly different, with a subsequent report then being brought back to Committee for review.

It was then **RESOLVED** that the Hub Committee **RECOMMEND** the Council:

1. approve the removal of free pest control (rats and mice treatments) service for residents and replace it with a free service for benefit recipients only; and
2. accept and approve the tender from Terminix to deliver the service in West Devon Borough Council areas.

**\*HC 08            EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

**HC 09            URGENT BUSINESS - FUSION UPDATE**

The Committee considered an exempt report that outlined the proposed approach to further support of the Fusion Leisure Group.

The Lead Member for Health and Wellbeing updated on the current situation with the Fusion Leisure Group following the impacts due to the Covid-19 pandemic.

Members sought clarification about facilities available to residents, potential long term impact, what Fusion would be paying for and what these monies would cover.

There followed a full and frank discussion and it was then **RESOLVED** that the Hub Committee **RECOMMENDED** to Council:

1. To provide interim financial support of £97,000 (as set out in Appendix A) to Fusion to secure positive health and wellbeing outcomes in the Borough, which are, the re-opening of Okehampton Leisure Centre, both wet and dryside.
2. That the cost of £97,000 is funded from the Leisure Earmarked Reserve and it is noted that this interim financial support covers the months of July, August and September for leisure provision.
3. That a future decision on leisure provision for the months of October 2020 onwards is taken at the Council meeting on 22<sup>nd</sup> September 2020.

(The meeting terminated at 16:49 pm)

**(NOTE: THESE DECISIONS, WITH THE EXCEPTION OF MINUTES HC 07 and HC 09 WHICH ARE RECOMMENDATIONS TO THE FULL COUNCIL MEETINGS ON 22 SEPTEMBER 2020 AND 29 JULY 2020 RESPECTIVELY, WILL BECOME EFFECTIVE FROM WEDNESDAY 5<sup>th</sup> AUGUST 2020 UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINY PROCEDURE RULE 18).**

# Agenda Item 5b

At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Skype on **TUESDAY** the 28th day of **JULY 2020** at **9.30am**

**Present:** Cllr J Yelland – Chairman  
Cllr T G Pearce – Vice Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipse	Cllr C Mott
Cllr D E Moyse	Cllr B Ratcliffe
Cllr M Renders	Cllr P Vachon

Head of Development Management Practice (PW)  
Planning Case Officer  
Solicitor (BF)  
Specialist, Joint Local Plan (PB)  
Senior Case Officer, Democratic Services (KH)

**Other Members also in attendance:**

Cllrs T Southcott, J Spettigue

**\*DM&L 5 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr T G Pearce declared a personal interest in all applications by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on the item.

**\*DM&L 6 URGENT BUSINESS**

There was no urgent business.

**\*DM&L 7 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 3 March 2020 were confirmed and signed by the Chairman as a correct record.

**\*DM&L 8 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

(a) **Application No: 1055/19/FUL**                      **Ward: Bridestowe**

**Site Address: Field at East Linnacombe Farm, Sourton Down, Okehampton, EX20 4HR**

**Erection of single-storey agricultural building for general agricultural storage using existing access**

Speakers included: Supporter – Mr Ed Persse: local Ward Member - Cllr Caroline Mott

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** Conditional Approval

**(b) Application No: 0806/20/FUL Ward: Bridestowe**

**Site Address: Lobhill Cottage, Lewdown, EX20 4DS**

**Erection of dwelling in residential garden with associated works (resubmission of 0106/19/FUL)**

Speakers included: Supporter – Mr Chris Burton: local Ward Member – Cllr Terry Southcott

**RECOMMENDATION:** Refusal

**COMMITTEE DECISION:** Refusal

**(C) Application No: 1919/19/FUL Ward: Tavistock South East**

**Site Address: Land adjacent to Breckland, Down Road, Tavistock, Devon, PL19 9AG**

**Variation of conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)**

Speakers included: Supporter – Mr Ed Persse: local Ward Member - Cllr James Spettigue

**RECOMMENDATION:** Conditional Consent

**COMMITTEE DECISION:** Refusal

Reason

This proposal by reason of the increase in proximity, height and change in orientation, would have an unacceptable impact upon the residential enjoyment of the neighbouring properties and gardens on Deer Leap, especially numbers 11 and 12 due to loss of privacy, light and overdominance. As such the proposal is considered contrary to DEV1, part 1, DEV10 and DEV2 of the Joint Local Plan and

the guidance of the adopted SPD.

(The Meeting terminated at 14.05pm)

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**Chairman**

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At a Meeting of the **DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held via Skype on **TUESDAY** the 28th day of **JULY 2020** at **9.30am**

**Present:** Cllr J Yelland – Chairman  
Cllr T G Pearce – Vice Chairman

Cllr R Cheadle	Cllr P Crozier
Cllr S Hipsev	Cllr C Mott
Cllr D E Moyse	Cllr B Ratcliffe
Cllr M Renders	Cllr P Vachon

Head of Development Management Practice (PW)  
Planning Case Officer  
Solicitor (BF)  
Specialist, Joint Local Plan (PB)  
Senior Case Officer, Democratic Services (KH)

**Other Members also in attendance:**

Cllrs T Southcott, J Spettigue

**\*DM&L 5 DECLARATION OF INTEREST**

Members were invited to declare any interests in the items of business to be considered and the following were made:

Cllr T G Pearce declared a personal interest in all applications by virtue of being a Member of the Devon Building Control Partnership. He remained in the meeting and took part in the debate and vote on the item.

**\*DM&L 6 URGENT BUSINESS**

There was no urgent business.

**\*DM&L 7 CONFIRMATION OF MINUTES**

The Minutes of the Development Management and Licensing Committee Meeting held on 30 June 2020 were confirmed and signed by the Chairman as a correct record.

**\*DM&L 8 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the applications that had been prepared by the Development Management Specialists and considered also the comments of the Town and Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below, and **RESOLVED** that:

(a) **Application No: 1055/19/FUL** **Ward: Bridestowe**

**Site Address: Field at East Linnacombe Farm, Sourton Down, Okehampton, EX20 4HR**

**Erection of single-storey agricultural building for general agricultural storage using existing access**

Speakers included: Supporter – Mr Ed Persse: local Ward Member - Cllr Caroline Mott

**RECOMMENDATION:** Conditional Approval

**COMMITTEE DECISION:** Conditional Approval

**(b) Application No: 0806/20/FUL Ward: Bridestowe**

**Site Address: Lobhill Cottage, Lewdown, EX20 4DS**

**Erection of dwelling in residential garden with associated works (resubmission of 0106/19/FUL)**

Speakers included: Supporter – Mr Chris Burton: local Ward Member – Cllr Terry Southcott

**RECOMMENDATION:** Refusal

**COMMITTEE DECISION:** Refusal

**(C) Application No: 1919/19/FUL Ward: Tavistock South East**

**Site Address: Land adjacent to Breckland, Down Road, Tavistock, Devon, PL19 9AG**

**Variation of conditions 1 (plans) and 3 (vegetation border) of planning permission 2138/18/FUL (Erection of 2 dwellings)**

Speakers included: Supporter – Mr Ed Persse: local Ward Member- Cllr James Spettigue

**RECOMMENDATION:** Conditional Consent

During discussion, Members raised concerns over the increased proximity of the units to properties at Deer Leap and in particular numbers 11 and 12. Concerns also raised over the size and scale of the units deemed to be a variation to that previously approved. The development being in breach of sections of the Joint Local plan.

**COMMITTEE DECISION: Refusal**

Reason

The proposal by reason of the increased scale of the proposed units and their increased proximity to the properties on Deer Leap would have a detrimental impact on the character of the area and especially on the amenity and privacy values of 11 and 12 Deer Leap. Contrary to Dev 1 part 1 Dev 10 Dev 2.1 of the JLP

(The Meeting terminated at 14.05pm)

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**Chairman**

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# Agenda Item 5c

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23<sup>rd</sup>** day of **JUNE 2020** at **12 noon**.

**Present:** Cllr M Ewings – Chairman  
Cllr P Kimber – Vice-Chairman

Cllr T Bolton	Cllr A Coulson
Cllr P Crozier	Cllr L Daniel
Cllr S Hipsey	Cllr C Kemp
Cllr D Moyse	Cllr R Musgrave
Cllr B Ratcliffe	Cllr T Southcott
Cllr J Spettigue	Cllr L Wood

Strategic Leadership Team  
Head of Strategy and Projects  
Head of Housing, Revenue & Benefits  
Monitoring Officer  
Head of Communications  
Business Manager (Case Management)  
Democratic Services Manager

**Also in Attendance:** Cllrs R Cheadle, C Edmonds, N Jory, T Leech, J Moody, C Mott, T Pearce, L Samuel and J Yelland

**\*O&S 88 WELCOME AND INTRODUCTIONS**

In light of the recent changes in the political composition of the Council (Minute CM 95 refers), the Chairman wished to welcome Cllrs Crozier and Hipsey to their first meeting of the Overview and Scrutiny Committee since their respective appointments. In addition, the Chairman wished to thank Cllrs Ball and Ridgers for their service and contributions to the Committee prior to becoming Members of the Audit Committee.

**\*O&S 89 APOLOGIES FOR ABSENCE**

Apologies for absence for this meeting were received from Cllr N Heyworth

**\*O&S 90 CONFIRMATION OF MINUTES**

The minutes of the Meeting of the Overview and Scrutiny Committee held on 25 February 2020 were confirmed by the Meeting as a true and correct record.

**\*O&S 91      DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.

**\*O&S 92      PUBLIC FORUM**

The Chairman informed that no formal requests had been received in accordance with the Overview and Scrutiny Procedure Rules.

**\*O&S 93      DRAFT HUB COMMITTEE FORWARD PLAN**

It was noted that no prior requests had been received for updates on any future Hub Committee agenda items at this meeting.

**\*O&S 94      DRAFT ANNUAL WORK PROGRAMME 2020/21**

The Committee considered its draft Annual Work Programme for 2020/21 and, in discussion, reference was made to an additional Committee meeting. The Chairman advised that, since the next scheduled Committee meeting (to be held on 1 September) would be focusing on the Draft Recovery and Renewal Plan and the Draft Amended Budget 2020/21, she had requested that an additional Committee meeting be scheduled to be held on 4 August 2020.

In terms of agenda items to be considered at the additional meeting, it was agreed that the following should be included:

- an update on rural broadband provision. At the request of the Committee, it was agreed that a meeting of the Rural Broadband Working Group would be held in the upcoming weeks, with the outcome of this meeting being reported to the next Committee meeting;
- an update on the A386 Transport infrastructure provision; and
- the Committee draft Annual Report for 2019/20.

**O&S 95      CORONAVIRUS (COVID – 19) RESPONSE AND DRAFT RENEWAL AND RECOVERY PLAN**

The Committee was presented with a report that summarised the work undertaken by the Council in delivering a highly effective response to the challenges of the Covid-19 Pandemic. In addition, the report also outlined some initial thoughts with regard to the challenges that the Council would face and provide an initial opportunity for Members to input to the way forward.

At this point, the Chairman informed that it was her intention for the meeting to first consider the Response element of the agenda item before then providing some initial thoughts on the draft Renewal and Recovery Plan.

## **(a) Response**

In the ensuing debate, the following points were raised:

- (i) A number of Members commended the work of the Community Response Team that had been formed in response to the Pandemic. Members found the initiative to have been very useful and a model that could be adapted in the draft Renewal and Recovery Plan, with town and parish council representatives also becoming involved.

In respect of the relationship between town and parish councils and the Borough Council, it was acknowledged that this had been varied during the Pandemic. Whilst some town and parish councils had been heavily engaged with the Borough Council, other councils had unfortunately been very passive and this had been to the detriment of their local communities. In such instances, it was recognised that local Ward Members had a key role to play in ensuring that all town and parish councils were engaged with the Borough Council;

- (ii) With regard to the £69,000 that had been secured from Devon County Council (DCC) towards the provision of emergency financial assistance to residents, officers committed to circulating a copy of the DCC Policy that set out the criteria for funding to be allocated;
- (iii) A Member referred back to the earlier request for the Committee to receive an update on Rural Broadband provision (Minute \*O&S 94 above refers) and emphasised the importance of good connectivity (e.g. mobile phone signal and Broadband provision) during these difficult times;
- (iv) A number of tributes were paid to the work of the Council and its officers and Members during the Pandemic. Several examples of officers and Members going the extra mile to maintain service delivery were highlighted to the meeting and particular credit was paid to those officers who had been involved in the payment of Discretionary Grants to local businesses;
- (v) By way of an update, it was noted that an all Member Leisure Briefing was to be held at the Informal Council session to be held on 1 June 2020;
- (vi) The meeting was informed that the Council operated a very flexible way of working and those staff with school aged children could use the flexitime scheme to help manage their caring responsibilities during the school holidays;
- (vii) The Section 151 Officer provided an update on the financial position and made specific reference to:

- a. the decision-making cycle for an amended Budget for 2020/21. Members were informed of the intention for a draft Budget setting Workshop to be held during August, before a draft amended Budget was then considered by:
  - the Overview and Scrutiny Committee meeting to be held on 1 September 2020;
  - the Hub Committee meeting to be held on 15 September 2020; and
  - the Full Council meeting to be held on 22 September 2020;
- b. Central Government listening to the financial plight being faced by District Councils and the latest information being that a comprehensive package was to be announced imminently; and
- c. the latest financial situation for the Council being set out in the Budget Monitoring Report that was to be presented to the Hub Committee meeting on 30 June 2020.

#### **(b) Draft Recovery and Renewal Plan**

In providing some initial thoughts on the draft Renewal and Recovery Plan, the Committee made particular reference to:

##### **General Thoughts:**

- There was a need to recognise that Health and Wellbeing underpinned each of the Plan Themes and should be given significant prominence in the Plan;
- A Member questioned whether climate and environmental factors were so significant that they merited their own standalone theme; and
- The view was also expressed that the Plan needed to anticipate the potential for a 'Local Lockdown'.

##### **Residents Theme:**

- Members highlighted the need to identify those vulnerable persons who may have been missed or overlooked during the Pandemic. As a potential solution, the ability to create a Register for vulnerable persons to sign up to was questioned;
- The role of the Council in supporting Food Banks was stated; and
- The importance of information sharing across partner organisation(s) was also recognised.



**Business Theme:**

- A number of Members emphasised the importance of the Plan reflecting a renewed urgency to improve the Borough's poor Broadband and Mobile Phone coverage; and
- It was felt that the Plan needed to reflect the anticipated increase in unemployment across the Borough.

**Community and Partnerships Theme:**

- The Committee reiterated that the Pandemic had presented a unique opportunity for the Council to build strong relationships with its partners (including town and parish councils) and the community;
- The importance of the ability to harness the funding streams that had presented themselves during the Pandemic being reflected in the Plan was recognised;
- Some Members considered there to be a need for proper meaningful funding to be allocated to local Community Groups;
- The view was expressed that the Plan needed to take into account that there were varying levels of capability and capacity within town and parish councils;
- Members considered there to be potential to expand upon the work of the Community Response Team concept. Moreover, the importance of Outreach was highlighted and there was felt to be scope to build upon the role of local Ward Members as community leaders;
- The meeting was of the view that the importance of the Tavistock / Bere Alston rail link and current and future Section 106 projects that supported 'greener' solutions should be reflected in the Plan; and
- Some Members questioned whether the Council's Link Committees should be given added emphasis and/or decision-making powers.

**Financial Stability Theme:**

- Members stated that the format of previous Budget Setting Workshops had been very well received.

**Communications Theme:**

- The meeting felt that there was a need to consider improving Public Participation at the formal Member meetings of the Council.

**Governance Theme:**

- The Committee made reference to the increased number of remote meetings being held and highlighted the potential impact on the future use of Kilworthy Park; and
- There would be a need to review Member IT provision to reflect the change in working processes.

**Service Recovery Theme:**

- Members were of the view that the 'Build Back Better' concept must be more environmentally sustainable; and
- The need to promote the benefits of the Locality Service were recognised.

It was then **RECOMMENDED** that the Hub Committee be **RECOMMENDED** to:

1. note and endorse the Councils response to the Coronavirus (COVID-19) Pandemic to date and thank and congratulate the Town and Parish Councils and other Community Groups for their response and actions to the COVID-19 Pandemic;
2. request that Officers develop a Recovery and Renewal Plan in-line with the Framework and Objectives that are outlined in Appendix 1 of the presented agenda report;
3. take into account the conclusions of the meeting on the priority areas for the Strategic Framework for Recovery and Renewal (as summarised in the detailed minutes below); and
4. request that an update on progress against development of the Plan be presented back to a meeting of the Overview and Scrutiny Committee to be held on 1 September 2020.

(The meeting terminated at 3.35 pm)

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Chairman

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held **REMOTELY via ZOOM** on **TUESDAY** the **4<sup>th</sup>** day of **AUGUST 2020** at **2.00pm**.

**Present:** Cllr M Ewings – Chairman  
Cllr P Kimber – Vice-Chairman

Cllr A Coulson	Cllr P Crozier
Cllr L Daniel	Cllr N Heyworth
Cllr S Hipse	Cllr D Moyse
Cllr R Musgrave	Cllr B Ratcliffe
Cllr T Southcott	Cllr J Spettigue
Cllr L Wood	

Strategic Leadership Team  
Head of Strategy and Projects  
Democratic Services Manager  
Connecting Devon and Somerset  
Representatives  
Airband Representative  
Cllr R Gilbert – Devon County Council lead  
Cabinet Member for Economy and Skills

**Also in Attendance:** Cllrs R Cheadle, C Edmonds, N Jory, T Leech,  
J Moody, C Mott and T Pearce

**\*O&S 1 APOLOGIES FOR ABSENCE**

Apologies for absence for this meeting were received from Cllrs T Bolton and C Kemp.

**\*O&S 2 CONFIRMATION OF MINUTES**

The minutes of the Meeting of the Overview and Scrutiny Committee held on 23 June 2020 were confirmed by the Meeting as a true and correct record, subject to:

Reference page 3 Minute O&S 95 '*Coronavirus (COVID-19) Response and Draft Renewal and Recovery Plan*' discussion point (a) (i) deletion of the following sentence:

*'Whilst some town and parish councils had been heavily engaged with the Borough Council, other councils had unfortunately been very passive and this had been to the detriment of their local communities.'*

**\*O&S 3 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.

**\*O&S 4 PUBLIC FORUM**

The Chairman informed that no formal requests had been received in accordance with the Overview and Scrutiny Procedure Rules.

**\*O&S 5 DRAFT HUB COMMITTEE FORWARD PLAN**

It was noted that no prior requests had been received for updates on any future Hub Committee agenda items at this meeting.

**\*O&S 6 A386 TRANSPORT INFRASTRUCTURE – VERBAL UPDATE**

The Chairman advised the meeting that she had been in contact with the Devon County Council lead Cabinet Member for Infrastructure, Development and Waste. In their discussions, the lead Member had confirmed that a Bid had now been submitted to the Beeching Reversal Fund and she would provide a further update when she was in a position to do so.

To ensure that the matter was kept as a high profile agenda item on the Committee Work Programme, it was agreed that the next update should be scheduled for the Committee meeting to be held on 6 October 2020.

**\*O&S 7 RURAL BROADBAND PROVISION**

The Chairman introduced representatives from Connecting Devon and Somerset (CDS) and Airband to the meeting. In addition, the Chairman also welcomed the lead Devon County Council lead Cabinet Member for Economy and Skills to the meeting.

In their respective presentations, the representatives made particular reference to:-

- the main achievements of the Programme. The representatives highlighted that the deployment of Phase 1 of the Programme was now completed and had exceeded targets. For example, this Phase had seen over 300,000 Superfast Connections to homes and businesses;
- a summary of the West Devon Borough area. Of the 27,924 homes or businesses in the area, there remained 2,378 that had still not had delivered (or planned to be delivered) Superfast Connectivity;
- take up in Phase 1 being at around 70% in the Borough area, which was higher than the national rural programme average;
- the number of Community Engagement events that had been attended by CDS representatives;
- additional coverage and funding opportunities via:

- the rural Gigabit Voucher Scheme / Community Challenge Programme;
- Gainshare;
- National Fibre Programme; and
- Commercial Operator plans;
- the Airband Programme running to December 2021 and currently remaining on schedule; and
- Airband being in receipt of nearly 25% of the total nationwide Gigabit Voucher Scheme.

During the subsequent debate, the following points were raised:

- (a) Whilst welcoming the progress that was being made in respect of Superfast provision, the meeting acknowledged that this was of scant consolation to those 2,378 homes or businesses in the area that were currently not planned to be in receipt of such Connectivity. In reply, the representatives informed that they were committed to doing all that they could for these homes and businesses;
- (b) When questioned, Members were informed that there were different means of measuring performance. However, it was widely acknowledged that the West Devon Borough area was in the bottom quartile in respect of Superfast provision. This point was widely recognised and local MPs had sent a joint letter to the Minister for Digital and Broadband provision to highlight this matter;
- (c) Representatives were keen to work alongside the Council's Rural Broadband Working Group and it was agreed that they would be invited to attend future Group meetings. The Committee felt it important to also receive regular updates and it was agreed that the best means of achieving this objectives would be discussed when considering the latest version of its draft Annual Work Programme (Minute O&S 11 below refers);
- (d) Members commented that it had become particularly apparent during the recent lockdown that Superfast provision was not only critical to homes and businesses but also for education purposes;
- (e) With regard to the voucher scheme, whilst economies of scale were an important factor, examples were cited of instances where twelve isolated properties had been able to gain connectivity. In such instances, the importance of willing landowners was often crucial;
- (f) Members noted that neither CDS or Airband had any control over the existing infrastructure provided by Openreach;
- (g) The representatives confirmed that they remained committed to Community Engagement and were more than willing to be invited to attend local town and parish council meetings.

In conclusion, the Chairman thanked the representatives for their attendance and informative presentations and Members looked forward to working closely with them in the upcoming months.

#### **O&S 8 COMMUNITY FUNDING SCHEMES**

The Committee was presented with a report that considered the progress of the Council's three main Community Funding Schemes: the Member Locality Fund; the Seamoor Lotto; and Crowdfunding and sought the views of Members on the effectiveness of them to date.

During the ensuing debate, reference was made to:-

- (a) the effectiveness of the Member Locality Fund. Some Members were of the view that the Fund was a very effective scheme that was straightforward to apply and not unduly bureaucratic;
- (b) a user guide to support and promote the benefits of the Schemes. In reply to a request, officers committed to producing a user guide in the upcoming weeks. It was agreed that the guide should include the ability for Members to combine their Locality Funds in order to support local community projects and useful links to other Community Grant schemes;
- (c) the Community and Partnership Funding model. Officers confirmed that the current model of Community and Partnership Funding would be further reviewed as part of the draft Recovery Plan and Budget Setting processes;
- (d) raising awareness of these Schemes. The Committee recognised the need for Members to promote the existence of each of these Schemes amongst their local Community Groups and town and parish councils;

It was then:

#### **RESOLVED**

That the Committee:

1. note the success of the Community Funding Schemes during 2019/20; and
2. recommend to officers that a user guide be produced that supports and promotes the benefits of the Schemes; and
3. encourage all Members to promote the existence of these Schemes amongst their local Community Groups and town and parish councils.

#### **O&S 9 OVERVIEW AND SCRUTINY ANNUAL REPORT**

Members were presented with a report that sought approval of its Annual Report for 2019/20.

In discussion, the Committee welcomed the Report and recognised the progress and achievements that it had made during 2019/20.

It was then:

**RECOMMENDED**

That the Committee **RECOMMEND** to the Council that the Annual Report for 2019/20 (as outlined at Appendix A of the presented agenda report) be approved.

**O&S 10 TASK AND FINISH GROUP UPDATES**

The Chairman reminded the Committee that they were currently no Task and Finish Group reviews being carried out.

**O&S 11 DRAFT ANNUAL WORK PROGRAMME 2020/21**

The Committee considered the latest version of its draft Annual Work Programme for 2020/21 and, in discussion, the following updates were made:

- It was agreed that the next update on the A386/Rail projects should be scheduled for consideration at the Committee meeting to be held on 6 October 2020; and
- The Committee requested that, with effect from 6 October 2020 meeting updates from the Rural Broadband Working Group should become a standing agenda item.

**O&S 12 MEMBER LEARNING AND DEVELOPMENT OPPORTUNITIES ARISING FROM THIS MEETING**

The Chairman reminded the Meeting that a 2020/21 Revised Draft Budget Setting Workshop had been arranged to be held at 1.30pm on Tuesday, 25 August and all Members were encouraged to attend this important session.

(The meeting terminated at 3.55 pm)

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Chairman

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At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held **REMOTELY** via **SKYPE** on **TUESDAY** the **1<sup>st</sup>** day of **SEPTEMBER 2020** at **2.00pm**.

**Present:** Cllr M Ewings – Chairman  
Cllr P Kimber – Vice-Chairman

Cllr A Coulson	Cllr P Crozier
Cllr L Daniel	Cllr N Heyworth
Cllr S Hipsey	Cllr C Kemp
Cllr D Moyse	Cllr R Musgrave
Cllr B Ratcliffe	Cllr T Southcott
Cllr J Spettigue	

Strategic Leadership Team  
Democratic Services Manager

**Also in Attendance:** Cllrs R Cheadle, C Edmonds, N Jory, T Leech, C Mott and T Pearce

- \*O&S 13 APOLOGIES FOR ABSENCE**  
Apologies for absence for this meeting were received from Cllrs T Bolton and L Wood.
- \*O&S 14 CONFIRMATION OF MINUTES**  
The minutes of the Meeting of the Overview and Scrutiny Committee held on 4 August 2020 were confirmed by the Meeting as a true and correct record.
- \*O&S 15 DECLARATIONS OF INTEREST**  
Members and officers were invited to declare any interests in the items of business to be considered during the course of this meeting but there were none made.
- \*O&S 16 PUBLIC FORUM**  
The Chairman informed that no formal requests had been received in accordance with the Overview and Scrutiny Procedure Rules.
- \*O&S 17 HUB COMMITTEE FORWARD PLAN**  
Whilst no prior requests had been received for updates on any future Hub Committee agenda items at this meeting, the Chairman asked whether the Hub Committee would be monitoring any trends relating to write-offs as the

impact of the COVID-19 pandemic continued to be realised. In reply, the lead Hub Committee Member advised that write-off reports would continue to be presented on a quarterly basis at the moment and he gave an assurance that he was closely analysing any upward trends.

## **O&S 18      AMENDED BUDGET 2020/21**

A report was considered that sought to recommend to the Hub Committee five options (as set out below) in order to produce an Amended Revenue Budget for 2020-21:

- To use the 3<sup>rd</sup> tranche of COVID-19 funding that had been received from Central Government (£89,000);
- To use the New Burdens Government Grant funding received for the administration of the Business Rates Grants (£130,000);
- To utilise the 2019/20 Statement of Accounts underspend (£133,000);
- To allocate the uncommitted New Homes Bonus from 2020/21 to further fund the Revenue Base Budget (£69,000); and
- To reduce the Capital Budget for the remedial works to the Tavistock Viaduct from £100,000 to £20,000 (£80,000).

In discussion, particular reference was made to:-

- (a) the effectiveness of the recent Member Budget Setting Workshop. A number of Members thanked officers for arranging the recent Workshop and felt that it had been an excellent session;
- (b) the remedial works to the Tavistock Viaduct. When questioned, the Section 151 Officer confirmed that, following a Condition Survey being undertaken on the Viaduct, the initially proposed extensive repair works would not now be required during 2020/21 and the capital budget can be limited to further vegetation clearance and some drainage improvements;
- (c) the Town Centre support initiative. With regard to the initiative, the meeting acknowledged that there was a need to consult with all of the town councils (including Chagford) that were located within the Borough.

It was then:

### **RECOMMENDED**

That the Committee **RECOMMEND** that the Hub Committee **RECOMMEND** to Council that:

1. the five options totalling £501,000 (as summarised in the detailed minutes above) be approved in order to produce an Amended Revenue Budget for 2020-21;

2. it be noted that the future capacity of Reserves (as set out in Sections 5.8 and 5.9 of the presented agenda report) may have to be called upon to meet any future financial challenges and/or additional requirements; and
3. £70,000 be used from the Business Rates Retention Earmarked Reserve to fund the Town Centre Support Initiative that is set out in Section 6 of the presented agenda report.

**O&S 19      CORONAVIRUS (COVID-19) RECOVERY AND RENEWAL PLAN DEVELOPMENT UPDATE**

The Committee considered a report that summarised what continued to be a highly effective response to the challenges of the COVID-19 Pandemic. The report also detailed key recovery actions that had already been completed or underway and proposals to develop and implement the first iteration of the Council's medium and long term recovery and renewal plans.

In discussion, the following points were raised:-

- (a) In thanking the lead officers, Members acknowledged that the outcomes arising from the recent Workshops had been reflected in the latest version of the Recovery and Renewal Action Plan; and
- (b) The meeting emphasised the importance of local residents and businesses in the Borough having appropriate access to Superfast Broadband provision. In acknowledging the community leadership role to be played by the Council in this respect, it was felt that this should be a key objective in the Recovery and Renewal Action Plan.

It was then:

**RECOMMENDED**

That the Committee **RECOMMEND** to the Hub Committee to:

1. note the Council's continuing response to the Coronavirus (COVID-19) Pandemic;
2. note the outputs arising from the recent Member Workshops (as set out in Appendix 1 of the presented agenda report);
3. note the progress on the development of the Recovery and Renewal Action Plan ('the Plan') as detailed in Appendix 1 of the presented agenda report;
4. delegate authority to the Group Leaders, in consultation with the Chairman of the Overview and Scrutiny Committee, to nominate Members to serve on the Task and Finish Groups (as outlined at Section 8.4 of the presented agenda report);
5. take into account the conclusions of the Overview and Scrutiny Committee on the Plan; and

6. request that a further update on progress against the development and delivery of the Plan be brought back to the Overview and Scrutiny Committee at its meeting to be held on 10 November 2020.

## **O&S 20**

### **TASK AND FINISH GROUP / WORKING GROUP UPDATES**

The Chairman reminded the Committee that they were currently no Task and Finish Group reviews being carried out. However, a meeting of the Rural Broadband Working Group had recently been held and the lead Hub Committee Member was invited to provide an update.

#### **(i) Rural Broadband Working Group**

The lead Hub Committee Member highlighted that there was now a Central Government grant available (£1,500 per property) towards enabling Superfast provision for any homes and businesses that were currently not planned to be in receipt of such connectivity (amounting to 2,378 in the Borough). In addition, neighbouring properties were able to pool their monies together to enable for clusters of currently excluded homes and businesses to be in receipt of Superfast provision.

In the ensuing discussion, the following points were raised:

- (a) Whilst it was recognised that this would still not fully resolve the issue for all homes and businesses in the Borough (and community expectations should not be unduly raised), it should nonetheless be considered as a positive news story that could enable provision for a number of those highlighted 2,378 homes and businesses in the Borough;
- (b) The lead Hub Committee Member agreed to produce a Briefing Note that all Members could then disseminate to their local town and parish councils in order to raise awareness of the Grant;
- (c) It was noted that the Working Group and Connecting Devon and Somerset representatives were currently looking to identify suitable clusters of properties before then working in partnership with them to facilitate their Grant applications.

## **O&S 21**

### **DRAFT ANNUAL WORK PROGRAMME 2020/21**

The Committee considered the latest version of its draft Annual Work Programme for 2020/21 and, in discussion, the following update was made:

- In the event of the Hub Committee approving each of the recommendations arising from the draft Recovery and Renewal Plan (Minute O&S 19 above refers), it was acknowledged that the Work Programme would be updated to include a further Plan update at the Panel meeting to be held on 10 November 2020.

**O&S 22 MEMBER LEARNING AND DEVELOPMENT OPPORTUNITIES ARISING FROM THIS MEETING**

The Chairman advised the Meeting that a 2021/22 Draft Budget Setting Workshop would be arranged to be held in the upcoming months. Once the details had been confirmed, all Members would be encouraged to attend this important session.

(The meeting terminated at 3.00 pm)

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Chairman

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# Agenda Item 5d

At a Meeting of the **AUDIT COMMITTEE** held remotely by Skype, on **TUESDAY** the **23rd** day of **June 2020** at **10.00am**

**Present:**

- Cllr M Davies (Chairman)
- Cllr P Vachon (Vice Chair)
- Cllr K Ball
- Cllr A Bridgewater
- Cllr M Renders
- Cllr P Ridgers
- Cllr J Yelland

**Officers in attendance:**

- Section 151 Officer
- Internal Audit Manager
- Head of Finance
- Chief Internal Auditor
- External Auditors
- Chief Executive
- Director of Governance & Assurance
- Case Management Manager
- Head of Strategy and Projects

**Also in attendance:** Cllr C Edmonds, Cllr N Jory

**\* AC 1 CONFIRMATION OF MINUTES**

The Minutes of the Committee Meeting held on 21 January 2020 were confirmed and signed by the Chairman as a correct record.

**\*AC 2 GRANT THORNTON AUDIT PROGRESS REPORT AND SECTOR UPDATE**

The external auditor took Members through the report. This has been delayed being brought to committee due to Covid-19. Audit timetable has moved to the end of November 2020. This is the original report that would have been presented at the March Committee. The Audit plan was presented to Council in April. Included in that report was the audit fee which has been confirmed with the S151 Officer & PSAA.

First time for a fully remote audit. Looking at practical issues around carrying this out.

It was then **RESOLVED** that:

The content of the Report and Update was noted.

**\* AC 3 INTERNAL AUDIT ANNUAL REPORT**

Cllr Edmonds introduced members to the report. The internal Auditor took the members through the report. Business continuity is shown as improving. Debtors income collection is still ongoing.

In response to questions the internal auditor stated this is an historic report Since this report was written Covid-19 has had an impact and assurance mapping will take place. With experience and dialogue with officers an opinion would be sought. Remote meetings via Skype with SLT will look at the 2021 plan. New systems have been introduced with business grants being processed and robust testing has been taking place.

Budget monitoring will be done on a monthly basis rather than quarterly due to the current financial climate.

Purchase card improvement control to put limit on cards and line managers to check on cards.

An explanation was provided by the S151 Officer that the spend was typically IT spend or spend relating to the Council's out of hours provision of services. The responsibility for purchasing cards has been transferred to the Finance Specialist Team.

It was then **RESOLVED** that:

1. The Audit Committee noted that overall and based on work performance during 2019/20, and that of our experience from previous year's audit, the Head of Internal Audit's Opinion is of "Substantial Assurance" on the adequacy and effectiveness of the Authority's internal control framework.
2. Members noted the performance and achievements of the Internal Audit Team during 2019/20

#### **AC 4 CORPORATE RISK REGISTER**

Cllr Jory introduced the report on the Corporate Risk Register.

In reply to a member question in regard to the leisure centres the S151 Officer responded that once government guidance is given to re-opening of the leisure industry more updates can be given. The Council has been successful in securing a Sports England grant (Lottery funding of £4,560 across both Councils) for external support to ensure that the impact on the contract is minimised and the Centres are in the best position to adapt and react to the future environment, delivering services for customers (such as increased health and wellbeing). Members will be kept updated.

It was **RESOLVED** that:

The Audit Committee reviewed the Strategic Risk & Opportunity Register (Appendix 1) and made recommendations to Council on any further action the Committee concludes should be considered.

The Chairman thanked the S151 officer and finance team for all their hard work.

(The Meeting terminated at 10.55am)



Dated this

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Chairman

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Report to: **COUNCIL**  
Date: **22 September 2020**  
Title: **Designation of Monitoring Officer**  
Portfolio Area: **Leader of the Council, Cllr Neil Jory**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

A version of this report will also be considered at the equivalent South Hams District Council meeting to be held on 24 September 2020

Author: **Andy Bates** Role: **Head of Paid Service**

Contact: email: [andy.bates@swdevon.gov.uk](mailto:andy.bates@swdevon.gov.uk)

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## **RECOMMENDATIONS:**

**That Council APPROVES the following:**

- 1. To remove the Monitoring Officer responsibilities and duties from the Business Manager (Specialists) role;**
- 2. To designate the role of the Monitoring Officer to a Level 3 Head of Legal Services (once appointed);**
- 3. To appoint to the role of Head of Legal Services and Monitoring Officer via an external recruitment process; and**
- 4. To ask the Chief Executive to carry out a review of the Legal Services team, including a review of the role(s) and remuneration of the Deputy Monitoring Officer(s) and the resources needed to provide an effective legal service.**

## **1. Executive summary**

- 1.1 Under the current staffing arrangements the statutory responsibilities of the Monitoring Officer sit with the Business Manager (Specialists). This is a result of the former Head of Legal Services accepting the role of Business Manager in December 2019 and retaining the statutory duties.

- 1.2 The newly appointed Chief Executive and Head of Paid Service conducted a review of the arrangements to ensure there was clarity of accountability for the statutory functions, and that the Council could reduce the risk of legal challenge by making sure the Monitoring Officer had the capacity to respond in a timely and effective manner to all issues referred to the role.
- 1.3 The report proposes a route for changing the designation of the Monitoring Officer role and recommends the designation of the Monitoring Officer role to the Head of Legal Services (once appointed).

## **2. Background**

- 2.1 Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer.
- 2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council's Constitution and arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to illegality or maladministration, and promoting high standards of conduct.
- 2.3 A full list of the Monitoring Officer's responsibilities and delegated powers is included within the Council's Constitution (see Part 2, Article 10.2)
- 2.4 Neither of the Council's other statutory officers - the Head of Paid Service and the Chief Finance Officer – is permitted to also hold the position of Monitoring Officer.
- 2.5 There is no statutory requirement for the position to be held by a legally qualified officer, although this is the most common arrangement in the majority of councils where the senior legal officer typically holds this position.
- 2.6 The Council's Constitution also permits the Monitoring Officer to be a shared position with South Hams District Council.
- 2.7 Following the restructure of SLT and ELT in 2019, the incumbent Monitoring Officer was appointed to the role of Business Manager (Specialists):
  - The post holder maintained the statutory role of monitoring officer

- The role of Head of Legal Services at Level 3 was left vacant pending recruitment to the Chief Executive and Head of Paid Service role
  - One of the current Deputy Monitoring Officers was given a special responsibility allowance to direct and supervise the broader areas of work within the Legal Services Community of Practice.
  - There are two Deputy Monitoring Officers (Senior Specialists within the Legal Community of Practice).
- 2.8 The role currently sits within the Extended Leadership Team and attends SLT in an advisory capacity by invitation. The role reports to the Director of Service Delivery, with a 'dotted line' reporting to the Director of Governance and Assurance.
- 2.9 The role of Business Manager (Specialists) is a full-time and complex operational role and places competing demands on the post holder who retains the responsibility and duties of the Monitoring Officer.

### **3. Outcomes/outputs**

- 3.1 Nine months after the implementation of the current arrangements, the Chief Executive and Head of Paid Service conducted a review to make sure that there is clarity of accountability for the statutory functions of the role, and to minimise the risk of a legal challenge by making sure the role has sufficient capacity to respond in a timely and effective manner to any matter that is referred to, or is the responsibility of, the Monitoring Officer.
- 3.2 The designation or withdrawing of the statutory duties of the Monitoring Officer to an officer must be made by the Full Council.

### **4. Proposal for change and alternative option**

- 4.1. Council is asked to adopt the following recommended proposal for changing the designation of the Monitoring Officer duties and responsibilities.
- 4.2 **To remove the Monitoring Officer duties and responsibilities from the Business Manager (Specialists) and to appoint to the vacant L3 Head of Legal Services role and designate the appointee the Monitoring Officer.**
- 4.3 This would appoint to the role left vacant pending the appointment of the Chief Executive. The role would take on the dual role of Monitoring Officer and Head of Legal Services, and would be supported by a Deputy Monitoring Officer(s).

- 4.4 The proposal will provide clarity of accountability for the statutory functions and increase the capacity to respond in a timely and effective manner and thereby reduce the risk of legal challenge against the Council.
- 4.5 Under this proposal, the Monitoring Officer would report to the Director of Customer Service for operational matters but would retain the 'dotted line' reporting to Director of Governance and Assurance where appropriate, including on matters of governance.
- 4.6 The restoration of this structure will also firmly place the statutory role of the Monitoring Officer alongside the other legal duties carried out the wider Legal Services Team and the incumbent will have an oversight of all legal matters, including any potentially contentious issues that may require the Monitoring Officer's attention and/or input at any early stage to prevent the unnecessary escalation of the matter.
- 4.7 In addition, the proposed structure will enable the incumbent to prioritise the statutory duties of the Monitoring Officer without the competing demands of another senior and complex role. The intention being that the Monitoring Officer will be able to be proactive in the advice and support they provide on governance issues, for example on the Council's Constitution and decision-making arrangements, as well as being reactive to issues as they arise.
- 4.8 A decision to appoint to the vacant L3 Head of Legal Services would be supported by a review of the wider Legal Services function to make sure both the regulatory functions (e.g. supporting the DM Committee and Officers, and the governance of the organisation) and property function (e.g. sale, purchase, lease and letting of Government assets) is sufficiently resourced.
- 4.9 The Head of Paid Service will carry out a review of the capacity and resources required.

#### **4.(b) Alternative option considered**

- 4.10 **To designate the current Director of Governance and Assurance as the Monitoring Officer and transfer the statutory responsibilities.**
- 4.11 This would have the benefit of placing the Monitoring Officer role firmly within SLT and will give Members clarity over where the statutory responsibilities lie.
- 4.12 Although the fact that the Director of Governance and Assurance is not a qualified lawyer does not prohibit the appointment, it will mean providing sufficient support through the continuation of the

two Deputy Monitoring Officer roles or considering the appointment of an additional Deputy Monitoring Officer).

4.13 This option therefore has the potential effect of increasing the clarity of accountability, but carries the risk that matters referred to the Monitoring Officer are not responded to in a timely manner because it may be necessary to seek specialist legal advice from a Deputy Monitoring Officer.

4.14 There is a further concern that the wide ranging senior and strategic responsibilities carried out by the Director of Governance and Assurance might, in reality, leave little time to the focus on the statutory role. Without additional capacity, this could simply replicate the challenges inherent with the existing arrangement.

## 5. Proposed Way Forward

5.1 The recommendation is to support the proposed route and to remove the Monitoring Officer responsibilities and duties from the Business Manager (Specialists) role. Further it is recommended that the Council designate the role the Monitoring Officer to a Level 3 Head of Legal Services (once appointed), and that the Head of Paid Services makes an appointment to the role of Head of Legal Services and Monitoring Officer via an external recruitment process. Following the appointment, the Chief Executive and newly appointed Head of Legal Services should carry out a review of the Legal Services team, including a review of the role(s) and remuneration of the Deputy Monitoring Officer(s) and the resources needed to provide an effective legal service.

## 6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Yes	Under Section 5 of the Local Government & Housing Act 1989 (as amended), the Council has a duty to appoint a Monitoring Officer. The appointment must be made by full Council. The Head of Paid Service is responsible for the staffing structure of the Council.
Financial implications to include reference to value for money		The recommended proposal would appoint to the vacant L3 role of Head of Legal Services. The subsequent review of the legal service may require the addition of new post(s) onto the Establishment, or to the awarding of additional Special Responsibility Allowances to Deputy Monitoring Officers. The Business Manager (Specialists) will

		have the Special Responsibility Allowance equating to 20% of salary protected for 18 months.
Risk		The risk to the Council of continuing with the current arrangements is the greater potential for litigation if the Monitoring Officer is unable to provide timely and effective advice to the Council because of the competing priorities of the Business Manager role.
Supporting Corporate Strategy		The establishment of a sufficiently resourced Monitoring Officer role will support the Corporate Strategy of maintaining good governance.
Climate Change - Carbon / Biodiversity Impact		The report has no direct impact.
<b>Comprehensive Impact Assessment Implications</b>		
Equality and Diversity		The report has no direct impact.
Safeguarding		The report has no direct impact.
Community Safety, Crime and Disorder		The report has no direct impact
Health, Safety and Wellbeing		The report has no direct impact
Other implications		

**Supporting Information**

**Appendices:**

None

**Background Papers:**

None



Report to: **COUNCIL**

Date: **22 September 2020**

Title: **Appointment of Electoral Registration Officer and Returning Officer**

Portfolio Area: **Leader of Council**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Committee**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **22 September 2020**

Author: **Andy Wilson** Role: **Head of Human Resources**

Contact: **Email: [andy.wilson@swdevon.gov.uk](mailto:andy.wilson@swdevon.gov.uk)**

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## **RECOMMENDATION**

**That the Council agrees that, with immediate effect, the:**

- 1. Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) is confirmed as the Electoral Registration Officer and Returning Officer for West Devon Borough Council; and**
- 2. Director of Place and Enterprise (Chris Brook) is appointed as the Deputy Returning Officer.**

### **1. Executive summary**

- 1.1 Members will be aware that the Council previously appointed the Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) as the Electoral Registration Officer and Returning Officer following the resignation of Steve Jorden.
- 1.2 Following the appointment of a new Chief Executive and Head of Paid Service, this report seeks the approval of the Council to confirm the appointment of Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) as the Electoral Registration Officer and Returning Officer for the Council with effect from 22 September 2020.

- 1.3 The report also seeks approval to appoint the Director of Place and Enterprise (Chris Brook) as the Deputy Returning Officer.

## **2. Background**

- 2.1 It is both a statutory and constitutional requirement for the Council to appoint an officer of the Council as its Electoral Registration Officer and Returning Officer.
- 2.2 The main duties of the Electoral Registration Officer include the creation and maintenance of the registers of Electors. The statutory involvement of the post includes the provision of registers and absent voter list for each Polling Station, as well as to candidates at the election and to the Returning Officer.
- 2.3 The main duty of the Returning Officer is to organise and conduct elections. As the roles are closely linked, for consistency, it is usual for the Electoral Registration Officer and the Returning Officer roles to be held by the same person, particularly as for UK Parliamentary Elections, the Electoral Registration Officer appointed for the Council automatically becomes the Acting Returning Officer.

## **3. Outcomes/outputs**

- 3.1 It is recommended that the appointment of the Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) to the role of Electoral Registration Officer and Returning Officer is confirmed, and that the Director of Place and Enterprise is appointed to the role of Deputy Returning Officer for the Council from 22 September 2020.

## **4. Options available and consideration of risk**

- 4.1 There is a statutory and Constitutional duty to appoint an officer to this post. The principal risks associated with this appointment fall on the officer appointed.
- 4.2 The risks to the Council are that, without making adequate provision to remunerate, train and indemnify these officers, it may fail to identify any persons prepared to undertake these statutory tasks. Also, having made such an appointment, the Council may run the reputational risk associated with a successful legal challenge that exposes the officer to significant financial loss as a result of the failure of the Council to do what is lawful and appropriate.

## 5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty under the Representation of the People Act 1983 to appoint one of its officers as an Electoral Registration Officer and Returning Officer.
Financial	N	The Returning Officer fees for external elections and referendums are set by regulations and are funded externally.
Risk		The risks associated with this report are outlined at Section 4 above.
Comprehensive Impact Assessment Implications		
Equality and Diversity		None directly related to this report.
Safeguarding		None directly related to this report.
Community Safety, Crime and Disorder		None directly related to this report.
Health, Safety and Wellbeing		None directly related to this report.
Other implications		N/A

## **Supporting Information**

### **Appendices:**

None

### **Background Papers:**

Minute 70/19, Council Meeting 13 February 2020

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