

# WEST DEVON COUNCIL



West Devon  
Borough  
Council

## Minutes of a meeting of the **West Devon Council** held on **Tuesday, 19th July, 2022** at **4.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Mott  
**Vice Chairman** Cllr Pearce

Cllr Ball	Cllr Blackman
Cllr Bolton	Cllr Bridgewater
Cllr Cheadle	Cllr Crozier
Cllr Daniel	Cllr Edmonds
Cllr Ewings	Cllr Heyworth
Cllr Jory	Cllr Kemp
Cllr Kimber	Cllr Leech
Cllr Moody	Cllr Moyse
Cllr Ratcliffe	Cllr Renders
Cllr Samuel	Cllr Sellis
Cllr Southcott	Cllr Spettigue
Cllr Turnbull	Cllr Vachon
Cllr Wood	Cllr Yelland

### **In attendance:**

Officers:  
Chief Executive  
Deputy Chief Executive  
Section 151 Officer  
Director – Place & Enterprise (via Teams)  
Monitoring Officer  
Democratic Services Manager  
Senior Specialist – Economic Development  
Head of Waste and Environmental Services

### 20. **Apologies for Absence**

CM 20/22

Apologies for absence were received from Cllrs Coulson, Davies and Ridgers.

21. **Confirmation of Minutes**  
CM 21/22  
The minutes of the Annual Council meeting held on 24 May 2022 were confirmed as a true and correct record.
22. **Declarations of Interest**  
CM 22/22  
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.
23. **Business brought forward by or with the consent of the Mayor**  
CM 23/22  
The Mayor informed that she had agreed for one item of urgent business to be raised at this meeting. The item was titled 'Waste and Recycling Services Contract Update' and was considered urgent in light of the associated time constraints.
- In light of the item being considered to be exempt in accordance with paragraph 3 of Section 100(A)(4) of the Local Government Act 1972, it was her intention for the Meeting to consider this matter at agenda item 13 (Minute CM 32/22 below refers).
24. **To respond to any questions submitted by the public and to receive deputations or petitions under Council Procedure Rule 21**  
CM 24/22  
The Mayor informed the Meeting that no Public Questions had been received in accordance with the Council Procedure Rules.
25. **To consider (any) Questions or Motions of which notice has been duly submitted by Members in accordance with Council Procedure Rule 15**  
CM 25/22  
Members noted that no Questions on Notice had been received from the membership in accordance with the Council Procedure Rules.
26. **To receive the minutes of the following Committees to note the delegated decisions and to consider the adoption of those Minutes which require approval:**  
CM 26/22
- a. Overview & Scrutiny Committee - 26 April 2022**  
It was moved by Cllr M Ewings, seconded by Cllr P Kimber and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 26 April 2022 meeting be received and noted

**b. Hub Committee – 7 June 2022, 21 June 2022 and 12 July 2022**

It was moved by Cllr N Jory, seconded by Cllr C Edmonds upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 7 June 2022, 21 June 2022 and 12 July 2022 meetings be received and noted, with the exception of Recommendations HC 8/22 (part 2 only), HC 19/22 and HC 30/22.”

In respect of the Recommendations:

**HC 8/22: Housing Crisis Update Report - Strengthening Housing Delivery**

It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to the **CARRIED** and **“RESOLVED** that an annual revenue cost pressure of £29,800 (WDBC share) be approved to be built into the budget process for 2023/24 onwards, and a one off expenditure of £100,520 to be funded from the 2021/22 Government Homeless Prevention grant, also be approved to be used to fund the additional posts for the new Housing Team Structure (as set out in Appendix 1 of the presented agenda report to the Hub Committee Meeting).

**HC 19/22: Levelling-Up Fund Round 2 Bid**

In respect of the Committee Recommendations, the Leader informed that these were to be considered as a standalone agenda item later at this Council Meeting (Minute CM 27/22 below refers).

**HC 30/22: Urgent Business: Waste and Recycling Services Contract Update**

In respect of the Committee Recommendations, the Leader reminded the Meeting that the Mayor had agreed that these were to be considered as a standalone agenda item later at this Council Meeting (Minutes CM 23/22 above and CM 31/22 below refer).

**c. Development Management & Licensing Committee Meeting - 14 June 2022**

It was moved by Cllr J Yelland, seconded by Cllr T Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 14 June 2022 meeting be received and noted.

27. **Levelling-up Fund Round 2 and UK Shared Prosperity Fund**

CM 27/22

Consideration was given to a report that provided an update to the Council on the Levelling Up Fund (LUF) following its decision to support a bid at its meeting of 5 April 2022 (Minute CM 70 refers) and also provided an update on the UK Shared Prosperity Fund investment plan proposal, setting out an opportunity for the Council to submit a Bid to the UK Shared Prosperity

In discussion, the following points were raised:

- a) Officers informed that the deadline for submitting a LUF Round 2 Bid had been extended to 2 August 2022;
- b) In terms of process, Members noted that the Bid to the LUF would be submitted in partnership with Devon County Council (DCC), Network Rail and Great Western Rail and the Council and would amount to £13.12 Million, with 10% match funding having already been secured. However, it was unclear when the outcome of the Bid would be known;
- c) There was widespread support expressed for the project and a number of Members were of the view that the West Devon Transport Hub offered a once in a lifetime opportunity to Okehampton and its surrounding parishes and would result in the creation of a thriving neighbourhood through the multi-modal travel exchange.

It was then proposed by Cllr C Edmonds, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that:

1. the Council ratifies the following decisions, failing with the Council's commitment to give financial support for this Bid is to be withdrawn:
  - That in view of the timetable for the submission of the Bid authorised by the Council on 5 April 2022 (Minute CM 70 refers) and the clarification of the likely capital costs of the West Devon Transport Hub in Okehampton, the Director of Place and Enterprise be further authorised to indicate in the Bid to the Levelling Up Fund 2 that the Council intends to make a match-funding contribution of £120,000; and
  - the match-funding contribution of £120,000 be funded from the UK Shared Prosperity Fund (UKSPF) monies allocated to the Council in the first instance, but in the event that the Council is not allocated any UKSPF monies or they are insufficient, the match-funding contribution, is funded from the Business Rates Retention Earmarked Reserve;
2. authority be delegated to the Director of Place and Enterprise, in consultation with the Leader of Council, to submit the UK Shared Prosperity Fund Bid for £1million in accordance with section 2.13 and Appendix 1 of the presented report before the deadline of 2 August 2022."

28.

### **Fusion Solar Investment Proposal**

CM 28/22

Consideration was given to a report that provided an update on the Council's decision to approve an investment of up to £300,000 in solar

panels across both Council leisure centres to reduce the centres' utility bills and aid their financial sustainability (Minute CM 10/22(d) refers)

In discussion, reference was made to:

- a) the funding proposals. In reply to Member questions over the funding and repayment mechanisms, the Section 151 Officer provided greater clarity to the Meeting. In conclusion, Members felt that, whilst there was an element of risk associated with the proposals, the improvements and enhancements to two significant Council assets outweighed these risks;
- b) the power generated by the solar panels. Officers advised that the generated power would align to the power requirements of the Leisure Centres and it was not expected that excess electricity would be generated and sold to the National Grid;
- c) the Council's declared Climate Change and Biodiversity Crisis. In addition to aligning to the Council's commitment to reduce its carbon footprint, it was recognised that the proposals, if approved, would also assist Fusion in reducing its Electricity costs thereby supporting its financial sustainability.

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

- 1) to facilitate the investment in and installation of solar panels on the Council's two leisure centres, a change to the funding proposals be approved such that:
  - i) the acquisition of the solar panels be funded direct as part of the Capital Programme for 2022/23 (instead of making a loan to Fusion to do the same) and a capital budget of £300,000 for solar panel investment on the Council's leisure centres be approved, funded by either Public Works Loan Board borrowing or internal borrowing depending on prevailing interest rates; and
  - ii) a separate management agreement be drawn up between the Council and Fusion, to the benefit of the Council, so that the Council receives an income payment annually from Fusion for the same amount of the repayments that the Council would have received from Fusion from the loan repayment;
- 2) an exemption be granted to the Council's procurement rules such that it can rely upon the procurement that Fusion have undertaken to get a contractor ready to install the panels for the price agreed; and
- 3) approval be delegated to the Section 151 Officer, in consultation with the Leader, the lead Hub Committee Member for Leisure and the Director of Place and Enterprise, to agree any necessary

contract amendments, the management agreement between Fusion and the Council referred to in resolution part 1 (ii) above and the structure of the borrowing referred to in resolution part 1 (i) above as part of the Council's overall Capital Programme.

29. **Milton Abbot, Chillaton and Kelly Neighbourhood Plan**

CM 29/22

A report was considered that sought the Council's approval for the making (adoption) of the Milton Abbot, Chillaton and Kelly Neighbourhood Plan

During discussion, reference was made to the hard work and commitment that had gone into the creation of the Plan.

It was then proposed by Cllr C Mott, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Milton Abbot, Chillaton and Kelly Neighbourhood Plan be made (adopted)."

30. **Council Appointments**

CM 30/22

Following the formal resignation of a Member from the Hub Committee, consideration was given to a report that sought approval of four consequent recommendations that related to the formal appointments process.

In discussion, both the Leader of the Council and the Leader of the West Devon Alliance Group conveyed their thanks to Cllr Daniel for her service on the Hub Committee and her work within the Natural Environment Portfolio area.

An additional recommendation was then **PROPOSED** by Cllr N Jory and **SECONDED** by Cllr Cheadle and subsequently declared **CARRIED** whereby:

*'Cllr T Pearce be appointed to the Joint Local Plan Partnership Board to replace Cllr L Daniel for the remainder of the 2022/23 Municipal Year.'*

It was then proposed by Cllr N Jory, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that for the remainder of the 2022/23 Municipal Year:

1. Cllr L Daniel be replaced by Cllr L Wood as the lead Hub Committee Member for the Natural Environment;
2. Cllr L Wood be replaced by Cllr L Daniel as a Member of the Overview and Scrutiny Committee;
3. Cllr L Daniel be replaced by Cllr L Wood as the Natural Environment Hub Advisory Group Chair;
4. Cllr L Daniel be replaced by Cllr L Wood as the Council representative on the Devon Authorities Strategic Waste Committee Outside Body.

5. Cllr L Daniel be replaced by Cllr T Pearce as a Council representative on the Joint Local Plan Partnership Board.”

31. **Exclusion of Public and Press**

CM 31/22

**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.

32. **Waste and Recycling Services Contract Update**

CM 32/22

As highlighted above (Minute CM 23/22 refers), Members were in receipt of an urgent exempt report that provided an update on the status of the Waste and Recycling Services Contract.

Following a lengthy debate during which widespread support was expressed for the service currently received and for the proposed way forward, Members expressed a wish to re-admit the public and press to the meeting in advance of the vote on the motion being taken.

As a result, it was then:

**RESOLVED**

That the public and press be re-admitted to the meeting.

It was then proposed by Cllr C Edmonds, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

- 1 a) authority be delegated to the Head of Paid Service (Chief Executive) and Director of Customer Services Delivery, in consultation with the Leader and Lead Hub Committee Member for waste and recycling services, to conclude, subject to contract and without prejudice, negotiations with the Council’s waste contractor, FCC Environment Limited (FCC), for the continuation of the waste collection, recycling and cleansing services in view of South Hams and FCC agreeing to a mutual partial termination with a further report being brought to Council before 3 October 2022 for Council to agree the final terms;
- b) the value of the 2021/22 deductions be transferred to the waste management earmarked reserve (as part of the closure of the 2021/22 accounts), to contribute to the new contracted costs as set out in section 5 of the report presented to the Hub Committee Meeting;

- c) the capital budget for Hayedown depot (statutory compulsory improvements), be increased with the increase being financed from either the Waste Management Earmarked Reserve or internal borrowing as set out in Section 5 of the reports presented to the Hub Committee; and
  - d) a capital budget be approved for a new vehicle as set out in Section 5 of the Hub Committee agenda report, to be financed either from the Waste Management Earmarked Reserve or internal borrowing;
- 2. it be noted that the Section 151 Officer will bring a further report to the Hub Committee in September 2022 on the updated ongoing revenue costs of delivering the service and the impact on the Council's Medium Term Financial Strategy;
  - 3. it be noted that the Head of Paid Service will make any necessary organisational changes to the joint staffing structure, to recognise the changes in the provision of waste collection, recycling and cleansing services in the Councils.
  - 4. due to the critically short timescales of concluding the negotiations and the need for continuity with the Council's existing suppliers in these service areas, authority be delegated to the Director of Customer Service Delivery, in consultation with the Leader, Lead Hub Committee Member for waste and recycling services and the Section 151 Officer to grant an exemption from the Council's Contract Procedure Rules (procurement rules) for:
    - i) technical and professional services; and
    - ii) plant and equipment.

(NB. Recommendation 4 is conditional upon these goods and services having not already been procured under the terms of a framework agreement and being below the UK threshold for the purposes of the Public Contracts Regulations 2015.)

The Meeting concluded at 5.10 pm

**Signed by:**

**Chairman**

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