

# West Devon Council



West Devon  
Borough  
Council

<b>Title:</b>	<b>Summons</b>																																							
<b>Date:</b>	Tuesday, 27th June, 2023																																							
<b>Time:</b>	2.30 pm																																							
<b>Venue:</b>	Chamber - Kilworthy Park																																							
<b>Full Members:</b>	<p style="text-align: right;"><b>Mayor</b> Cllr Daniel</p> <p style="text-align: right;"><b>Deputy Mayor</b> Cllr Sellis</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 Jory</td> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Blackman</td> <td>Cllr Kimber</td> <td></td> </tr> <tr> <td>Cllr Bridgewater</td> <td>Cllr Leech</td> <td></td> </tr> <tr> <td>Cllr Calder</td> <td>Cllr Moody</td> <td></td> </tr> <tr> <td>Cllr Casbolt</td> <td>Cllr Mott</td> <td></td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Oxborough</td> <td></td> </tr> <tr> <td>Cllr Cunningham</td> <td>Cllr Renders</td> <td></td> </tr> <tr> <td>Cllr Dexter</td> <td>Cllr Saxby</td> <td></td> </tr> <tr> <td>Cllr Edmonds</td> <td>Cllr Southcott</td> <td></td> </tr> <tr> <td>Cllr Elliott</td> <td>Cllr Squire</td> <td></td> </tr> <tr> <td>Cllr Ewings</td> <td>Cllr Vachon</td> <td></td> </tr> <tr> <td>Cllr Guthrie</td> <td>Cllr Wakeham</td> <td></td> </tr> <tr> <td>Cllr Johnson</td> <td>Cllr Watts</td> <td></td> </tr> </table>	Cllr Ball	Cllr Jory		Cllr Blackman	Cllr Kimber		Cllr Bridgewater	Cllr Leech		Cllr Calder	Cllr Moody		Cllr Casbolt	Cllr Mott		Cllr Cheadle	Cllr Oxborough		Cllr Cunningham	Cllr Renders		Cllr Dexter	Cllr Saxby		Cllr Edmonds	Cllr Southcott		Cllr Elliott	Cllr Squire		Cllr Ewings	Cllr Vachon		Cllr Guthrie	Cllr Wakeham		Cllr Johnson	Cllr Watts	
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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 - 6**  
To approve and adopt as a correct record the Minutes of the Meeting of Council held on 30 May 2023;
- 3. Declarations of Interest**  
In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 4. The Council Constitution** **7 - 12**
- 5. Business brought forward with the consent of the Mayor**
- 6. To report on the composition of political groups**  
To follow;
- 7. Appointment of Members to the Committees of the Council**  
To receive the appointments from the Political Groups of the Members they have selected to serve on the Committees. To appoint (if any) the requisite number of Members from the Members of the Council who, at the date of this meeting, are not members of a Political Group  
  
to follow;
- 8. Appointment of Chairman and Vice-Chairman of those Committees of the Council**  
To appoint the Chairman and Vice-Chairman to the Committees of the Council for the ensuing year  
  
to follow;
- 9. Appointment of Representatives on Outside Bodies**  
To appoint representatives to the list of Outside Bodies for the ensuing year  
  
to follow;

**10. Appointment of Governance Boards**

To appoint representatives to the list of Governance Boards for the ensuing year to follow;

**11. Appointment of Hub Advisory Groups**

To appoint representatives to the list of Hub Advisory Groups to follow.

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# Agenda Item 2

At the Annual Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **31<sup>st</sup>** day of **MAY 2023** at **11.00am** pursuant to Notice given and Summons duly served.

## Members in attendance

\* Denotes attendance

∅ Denotes apology for absence

\*\* Denotes Attendance Via Teams in a non-voting capacity

\* Cllr C Mott – The Mayor (In The Chair)

* Cllr K Ball	* Cllr N Jory
* Cllr A Blackman	* Cllr P Kimber
* Cllr A Bridgewater	* Cllr T Leech
* Cllr M Calder	* Cllr J Moody
* Cllr M Casbolt	* Cllr R Oxborough
* Cllr R Cheadle	* Cllr M Renders
* Cllr A Cunningham	∅ Cllr I Saxby
* Cllr L Daniel	* Cllr D Sellis
∅ Cllr G Dexter	* Cllr T Southcott
* Cllr C Edmonds	* Cllr P Squire
* Cllr J Elliott	∅ Cllr P Vachon
* Cllr M Ewings	* Cllr S Wakeham
* Cllr S Guthrie	* Cllr L Watts
* Cllr A Johnson	

## Officers in attendance

Chief Executive; Deputy Chief Executive; Section 151 Officer; Monitoring Officer, Democratic Services Manager; Assistant Director Strategy & Organisational Development (via Teams)

### **CM 1/23**      **MAYOR'S SPECIAL RECOGNITION AWARD**

The Mayor presented a Special Recognition Award to local photographer Mr Chris Chapman for his contribution to the West Devon area in photographing life on Dartmoor over many years.

On receipt of his award, Mr Chapman briefly addressed the meeting.

### **CM 2/23**      **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs G Dexter, I Saxby and P Vachon.

**CM 3/23      APPOINTMENT OF MAYOR**

Cllr M Ewings moved the appointment of Cllr L Daniel as Mayor for the ensuing year and Cllr N Jory subsequently seconded the motion.

No other nominations were received and, upon the motion being submitted to the meeting, it was declared to be **CARRIED** and “**RESOLVED** that Cllr L Daniel be appointed Mayor for the ensuing year”.

The retiring Mayor and newly elected Mayor left the Council Chamber so that Cllr Daniel could be invested with the civic regalia.

Upon returning to the Council Chamber, the newly elected Mayor, Cllr L Daniel, made the Declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr L Daniel then chaired the remainder of the meeting.

Cllr N Jory proposed a vote of thanks to the retiring Mayor. The proposition was seconded by Cllr M Ewings.

Cllr L Daniel then invested Cllr C Mott and Mr K Mott with the Past Mayor’s and her Consort’s Medallions.

The retiring Mayor, Cllr C Mott proceeded to address the meeting.

**CM 4/23      APPOINTMENT OF DEPUTY MAYOR**

The Mayor called for nominations for the position of Deputy Mayor.

Cllr N Jory moved the appointment of Cllr D Sellis and Cllr M Renders subsequently seconded the motion.

There being no other nominations, it was declared to be **CARRIED** and “**RESOLVED** that Cllr D Sellis be appointed as Deputy Mayor for the ensuing year”.

The Deputy Mayor then made the Declaration of Acceptance of Office, signed the register and proceeded to address the Council.

**CM 5/23      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 6/23      CONFIRMATION OF MINUTES**

It was moved by Cllr C Mott, seconded by Cllr C Edmonds and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Council agree the Minutes of the 4 April 2023 meeting”.

**CM 7/23      APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE COUNCIL**

**a.      Leader**

It was moved by Cllr M Renders, seconded by Cllr N Jory and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that Cllr M Ewings be appointed Leader of the Council for the ensuing year.”

**b.      Deputy Leader**

It was moved by Cllr M Ewings, seconded by Cllr N Jory and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that Cllr M Renders be appointed Deputy Leader of the Council for the ensuing year.”

Cllr Ewings proceeded to address the Meeting.

**CM 8/23      REPORT OF THE FORMATION OF POLITICAL GROUPS**

Members noted the schedule of officially appointed political groups as follows:

- West Devon Alliance Group (comprising of 17 Members); and
- Conservative Group Members (comprising of 11 Members).

It was also noted that the political composition of the Council would be further reviewed once the Burrator and Tavistock North By-Elections had been held.

**CM 9/23      COMMITTEE STRUCTURE**

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Committee structure be as follows for the coming year:

Audit & Governance	7 Members;
Hub	9 Members (to include Leader and Deputy Leader);
Overview & Scrutiny	15 Members;
Development Management & Licensing	10 Members (& Named Substitutes);
Council Tax Setting	4 Members; and

Regeneration & Investment	3 Members.
Dartmoor National Park Authority	2 Members

with all of the appointments to the above Committees being politically balanced”.

**CM 10/23 APPOINTMENT OF INDEPENDENT PERSONS**

The Council considered a report that sought approval for the re-appointment, until the next annual meeting, of five persons as Independent Persons to assist in the discharge of the Council’s arrangements for dealing with standards complaints

It was then proposed by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and **”RESOLVED** that the following persons be appointed as Independent Persons until the next annual meeting:

George Barnicott  
Peter Boreham  
Martin Gleed  
Trevor Kirkin  
Victoria Spence.”

**CM 11/23 MINUTES OF COMMITTEES**

**a) Overview & Scrutiny Committee – 21 March 2023**

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 21 March 2023 meeting be received and noted”.

**b) Regeneration & Investment Committee – 2 May 2023**

It was moved by Cllr C Edmonds, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **”RESOLVED** that the Minutes of the 2 May 2023 meeting be received and noted”.

**CM 12/23 HONORARY ALDERMEN - PROCESS**

The Council gave consideration to a report that sought approval for the criteria and procedure to appoint Honorary Aldermen

During debate, a Member questioned whether a certificate or other tangible item could be presented to those past Members who were conferred the title of Honorary Aldermen. In reply, it was confirmed that this would be possible and a number of options would be examined.



It was then proposed by Cllr C Mott, seconded by Cllr M Ewings and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the criteria for appointing Honorary Aldermen of the Council as set out in paragraph 3.1 of the presented report, be approved; and
2. Group Leaders be invited to make nominations to appoint Honorary Aldermen of the Council, prior to the arrangement of a Special Council meeting specifically convened for this purpose.

**CM 13/23 MEETING ADJOURNMENT**

The Mayor confirmed that, at this point, the Annual Meeting was to be adjourned and would be reconvened on **27 June 2023 at 2.30pm**.

(The Meeting terminated at 12.25 pm)

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**Mayor**

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Report to: **Council**

Date: **27 June 2023**

Title: **Council Constitution**

Portfolio Area: **Leader of the Council**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: **Immediately**

Author: **David Fairbairn** Role: **Head of Legal Services and Monitoring Officer**

Contact: **Telephone/email:  
01803861359/david.fairbairbairn@swdevon.gov.uk**

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## **RECOMMENDATIONS:**

### **That the Council:**

- (1) notes the Constitution as set out at <https://westdevon.gov.uk/constitution>; and**
- (2) notes the changes made by the Monitoring Officer since the adoption of the Constitution and as set out in the Record of Changes attached as Appendix A to the report.**

### **1. Executive summary**

- 1.1 The Council operates the committee system as its governance arrangements.
- 1.2 The Council has a legal duty to publish an up-to-date Constitution reflecting its governance arrangements and which contains its standing orders, its councillor code of conduct, such information as the Secretary of State directs or that the Council considers appropriate.
- 1.3 Following a review, the Council adopted a new style constitution last year. The Monitoring Officer has kept the Constitution under review and made changes under delegated powers. Those changes are recorded in the Record of Changes set out in Appendix A. Council is asked to note these.

## **2. Background**

- 2.1 Under Section 9B of the Local Government Act 2000 there are two permitted forms of governance arrangements for local authorities in England; executive arrangements or a committee system. Decisions are therefore made in accordance with sections 101 and 102 of the Local Government Act 1972. This means that the Council carries out its functions through committees, sub—committees and officers as well as through other local authorities. Decisions may be “delegated”, in which case the body or person to whom the decision has been delegated becomes the decision-maker, or “referred” in which case the committee, sub-committee or officer merely considers the matter and reports to the body referring the decision which may then reaches a decision in the light of the information and any recommendation in the report.
- 2.2 Although overview and scrutiny is a feature of executive arrangements, it is optional for those authorities with the committee system. The Council has chosen to have an overview and scrutiny committee. Consequently, the Local Authorities (Committee System) (England) Regulations 2012 apply and set out specific requirements that must be reflected in the Council’s overview and scrutiny arrangements.
- 2.3 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a document, to be known as the Constitution, which contains:
- (a) a copy of the authority's standing orders for the time being;
  - (b) a copy of the authority's code of conduct;
  - (c) such information as the Secretary of State may direct; and
  - (d) such other information (if any) as the authority considers appropriate
- 2.4 The Council’s constitution is published on the Council’s website at <https://westdevon.gov.uk/constitution>. The Council completed a review of the Constitution and adopted the current Constitution in September 2022 (Min CM.42/22 refers). The decision to adopt the Constitution was the culmination of several decisions by the full Council by which it agreed changes to its decision-making framework to secure greater transparency, accountability, clarity of roles, and efficiency of the democratic process (Min. HC.84/20 refers).
- 2.5 The Monitoring Officer is responsible for keeping the Constitution under review and has delegated powers to “make changes to the Constitution to give effect to decisions of the Council, to secure compliance with the law and to correct or improve layout, spelling

or grammar including, but not exclusively changes to ensure individual names, positions and job titles are updated to reflect changes in the composition of the Executive, Committees, and Officers.” Appendix A to this report records the changes made or to be made under those powers.

- 2.6 No changes of substance going beyond the Monitoring Officer’s delegated powers are proposed currently. However, if members consider that the Constitution should be reviewed and more substantive changes made, then it is suggested that a further report is prepared for the Audit and Governance Committee, which historically has been responsible for maintaining an overview of the Constitution and for making any necessary recommendations to the Council.

### 3. Outcomes/outputs

- 3.1 Keeping Constitution under review will ensure that the Council can meet its statutory obligations and make decisions transparently and lawfully.

### 4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	These are set out in the report at paragraphs 2.1 – 2.3.
Financial implications to include reference to value for money	N	
Risk	N	
Supporting Corporate Strategy	Y	Having an up-to-date Constitution supports A Plan for West Devon by setting out transparently how the Council operates, how decisions are made and the procedures which are followed.
Consultation & Engagement Strategy	N	
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	

Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

**Supporting Information**

**Appendices:**

Appendix A – Record of Changes.

**Background Papers:**

There are no background papers.



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## RECORD OF CHANGES

<b>Revision/Edit Date</b>	<b>Approved by</b>	<b>Documents affected</b>	<b>Nature of change</b>
01.02.2023	Monitoring Officer	Chapter 2 – Table 4	Addition of new paragraph 4.109A to clarify arrangements for sealing and for consistency with other provisions of the Constitution.
27.02.2023	Monitoring Officer	Chapter 2 – Table 5 – Conditions on exercise of delegated powers	Add new paragraph 5.20 “Sealing of Documents. The affixing of the Council’s seal to a document shall be witnessed by a single authorised officer.”
10.05.2023	Monitoring Officer	Chapter 3 – Council Procedure Rule 1.2(g)	Delete the words “the next post-election Annual Meeting, unless”. Error and needed to reflect section 9(7) of the Local Government Act 1972.
10.05.2023	Monitoring Officer	Chapter 5 – Financial Procedure Rules - Section 151 Officer’s guidance	In Table A5 delete the words “and submit it to the Executive (South Hams only) for approval”
		Chapter 3 – Council Procedure Rule 1.2(g)	Amend to read “elect the Leader who will hold office until the next Annual Meeting unless the Leader: (i) resigns from office; (ii) becomes incapacitated or dies;

Revision/Edit Date	Approved by	Documents affected	Nature of change
			(iii) ceases to be a councillor; (iv) is removed from office by resolution of the Council or (v) the Council elects a new Leader.” Reflects the legal position that all members retire together.