

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 16th February, 2016** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman
Vice Chairman

Baldwin	Ball
Cllr M J R Benson	Cllr R Cheadle
Cloke	Davies
Edmonds	Evans
Cllr J Hockridge	Jory
Kimber	Leech
McInnes	Moody
Mott	Moyse
Musgrave	Oxborough
Roberts	Sampson
Sanders	Sellis
John	Yelland

In attendance:

Councillors:

Officers:

45. **Apologies for Absence**

Apologies for absence were received from Cllrs W G Cann OBE, T G Pearce, P J Ridgers, L Samuel, B Stephens and L Watts.

46. **Declarations 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.

47. **Confirmation of Minutes**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Council agree the Minutes of the 8 December 2015 meeting as a true record."

48. **To receive communications from the Mayor or person presiding**

In providing his update, the Mayor informed that he and the Deputy Mayor had attended a number of engagements since the last Council meeting including the South Hams District Council Civic Service and an event at Falmouth with the Air Cadets.

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

Part 6 of the Constitution (Members' Allowance Scheme), Paragraph 9.1 stated that "no payment can be made of any travel and subsistence claim made more than three months after the meeting for which the claim was made without the authority of Council in every case".

A request had been received from Cllr P R Sanders for payment of expenses dating back to October 2015.

It was subsequently moved by Cllr M J R Benson, seconded by Cllr D K A Sellis and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that payment could be made of the expense claims from Councillor P R Sanders (backdated to October 2015)."

50. **To consider motions of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 15**

It was moved by Cllr P R Sanders and seconded by Cllr R E Baldwin that:

'That authority be delegated to the Head of Paid Service in consultation with the Leader, Deputy Leader and Section 151 Officer on behalf of the Council, to consider and submit a response to the Government's technical consultation document on the future of the New Homes Bonus scheme.

In presenting his motion, the proposer made specific reference to:-

- The response carrying more weight when backed by a formal resolution;
- The difficulty in timing;
- The need to consolidate the comments from Sparse and District Council Network into the response, as both organisations had been instrumental in intense lobbying that saw a significant increase in rural payments.

When put to the vote, the motion was declared **CARRIED**.

Cllr R F D Sampson had given notice of his intention to propose the following motion at the meeting.

‘That, with immediate effect and until further notice, the Overview & Scrutiny (Internal) Committee shall meet monthly:-

- (a) Being provided with up to date Management Information, to investigate Performance Indicators generally, but particularly those relating to Planning and Enforcement (including Our Plan and other strategic issues), IT and the Call Centre;
- (b) To refer urgent matters of concern to the next available meeting of the Hub Committee; and
- (c) To report fully at each meeting of the Council.

When asked to move his motion, Cllr Sampson declared that he would not move his motion and the motion therefore lapsed. In so doing, he advised that the motion had arisen from a frustration and sense of service delivery not being up to standard. However, he had since had discussions with senior officers and those discussions had identified the areas of concern and a way of addressing them. He added that he hoped that the relevant Hub Committee members would liaise with the chairmen of Overview and Scrutiny Committees to ensure matters of concern were appropriately referred.

The Leader of Council responded by thanking the Independent Group for raising the matter as set out in the agenda papers and stated that he shared their concerns.

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

a. Planning and Licensing Committee – 8 December 2015

It was moved by Cllr D K A Sellis, seconded by Cllr M Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 8 December 2015 meetings be received and noted”.

b. Overview & Scrutiny (Internal) Committee – 12 January 2016

It was moved by Cllr C R Musgrave, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 12 January 2016 meeting be received and noted”.

c. Joint Overview and Scrutiny (External) and (Internal) Committee – 12 January 2016

It was moved by Cllr C R Musgrave, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 12 January 2016 meeting be received and noted.

d. Audit Committee – 19 January 2016

It was moved by Cllr M Davies, seconded by Cllr J Moody and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 19 January 2016 be received and noted, with the exception of Unstarred Minute AC 27”.

In respect of the Unstarred Minute:

i. AC27 – Treasury Management Mid-Year Review

It was moved by Cllr M Davies, seconded by Cllr J Moody and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED:**

1. That the counterparty limit for counterparties set out in Appendix A of the presented agenda report (with the exception of Lloyds PLC) be increased from £2 million to £3 million; and
2. That the counterparty limit for Lloyds Bank PLC (the Council’s Bank) be increased from £3 million to £4 million. This allows flexibility to maintain a working balance of up to £1 million in the account, with the option to invest up to £3 million additional funds at any one time”.

e. Hub Committee – 26 January 2016

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 26 January 2016 meeting be received and noted, with the exception of Unstarred Minutes HC 50, 51 and 52”.

In respect of the Unstarred Minutes:

i) HC 50 Our Plan – Local Plan Arrangements

It was moved by Cllr G Parker, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED**:

1. That the principle of a Joint Local Plan within the Housing Market Area (HMA) be agreed as set out in Option 2 of the presented agenda report, subject to appropriate arrangements being put in place with neighbouring planning authorities;
2. That a detailed Collaboration Agreement establishing the operation of the Joint Local Plan be developed with neighbouring planning authorities (and any other relevant organisations);
3. That the Collaboration Agreement include, but not necessarily be limited to, the following matters:-
 - a. Strategic Context;
 - b. Objectives and Priorities;
 - c. Joint Spatial Framework;
 - d. Governance and working arrangements;
 - e. Local Development Scheme and timescales;
 - f. Evidence;
 - g. Infrastructure;
 - h. Policies;
 - i. Allocations;
 - j. Engagement and Consultation;
 - k. Resources and Staffing;
 - l. Examination;
 - m. Assessments; and
 - n. Monitoring and Review.
4. That a further report be submitted to the Hub Committee and Council setting out the detailed policy and allocation proposals that are to be subject to consultation,

consideration and submission within the Joint Local Plan element of *West Devon - Our Plan*; and

5. That those contents which are to be agreed under recommendations 1, 2 and 3 (above) be delegated to the Lead Specialist – Place and Strategy, in consultation with the Hub Committee Lead Member and the Leader of Council”.

ii) HC 51 Community Right to Build Orders – Delegated Procedures

It was moved by Cllr G Parker, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED**:

1. That authority to approve the Community Right to Build Orders Procedure (as set out in Appendix 2 of the presented agenda report), be delegated to the Lead Specialist – Place and Strategy in consultation with the Lead Hub Committee Member for Strategic Planning and Housing and the local Ward Member(s) for the relevant neighbourhood area; and
2. That, subject to approval of recommendation 1 above, the appropriate changes be made to the Council’s Neighbourhood Planning Protocol”.

iii) HC 52 Safeguarding Policy

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED**:

That the Safeguarding Policy be adopted”.

52. Budget Proposals 2016/17

A report was considered that updated Members on the revenue budget position for the year 2016/17. In introducing the report, the Leader informed that it would be his intention to propose that the Council should increase Council Tax by £5 and he set out the resulting impact on Band D properties of this proposal. To enable the debate, the recommendations were then moved by Cllr P R Sanders and seconded by Cllr R E Baldwin.

In the subsequent discussion, reference was made to the additional funds received however it was noted that rather than being an extra

amount received this was in fact a smaller reduction in government grant. Members also expressed thanks to local MPs for their support and for working together to make a difference.

In accordance with statutory legislation, two recorded votes were then called for. The first recorded vote was called for on part 1 only of the recommendation, with the second recorded vote being called for on parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the recommendation.

The voting on part 1 of the recommendation (i.e. that Council Tax should be increased by £5) was recorded as follows:-

For the motion (25): Cllrs Baldwin, Ball, Benson, Cheadle, Cloke, Davies, Edmonds, Evans, Hockridge, Jory, Kimber, Leech, McInnes, Moody, Mott, Moyse, Musgrave, Oxborough, Parker, Roberts, Sampson, Sanders, Sellis, Sheldon and Yelland

Against the motion (0):

Abstentions (0):

Absent (6): Cllrs W G Cann OBE, Pearce, Ridgers, Samuel, Stephens and Watts

and the vote was therefore declared **CARRIED**.

The voting on parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the recommendation was recorded as follows:-

For the motion (25): Cllrs Baldwin, Ball, Benson, Cheadle, Cloke, Davies, Edmonds, Evans, Hockridge, Jory, Kimber, Leech, McInnes, Moody, Mott, Moyse, Musgrave, Oxborough, Parker, Roberts, Sampson, Sanders, Sellis, Sheldon and Yelland

Against the motion (0):

Abstentions (0):

Absent (6): Cllrs W G Cann OBE, Pearce, Ridgers, Samuel, Stephens and Watts

and the vote was therefore declared **CARRIED**.

It was consequently **"RESOLVED** that:

- (i) Council Tax is increased by £5 (which equates to a Band D council tax of £213.39 for 2016/17, an increase of £5 per year or 10 pence per week). This equates to a

Council Tax requirement of £4,210,912 (as shown in Appendix B1))

- (ii) The financial pressures in Appendix A of £836,000 are accepted
- (iii) The proposed savings of £845,000 set out in Appendix A are adopted
- (iv) The Collection Fund surplus of £280,000 be agreed
- (v) £1,000,000 of New Homes Bonus funding is used to balance the 2016-17 Revenue Budget.
- (vi) The Budget Surplus for 2016/17 of £669,292 is transferred to an Earmarked Reserve, with a future report to be presented to Council regarding its use.
- (vii) The Total Net Expenditure of the Council for 2016/17 is £7,253,325 (Appendix B1)
- (viii) The 2016/17 Capital Programme projects totalling £651,000 as per 8.1 is approved.
- (ix) The 2016/17 Capital Programme of £651,000 is financed by using £412,000 of New Homes Bonus funding and £239,000 of Better Care Funding (as per 8.1).
- (x) The Council transfers £24,136 of its allocation of New Homes Bonus for 2016/17 to an Earmarked Reserve called 'Community Investment Fund – Dartmoor National Park', to be applied for and drawn down by Dartmoor National Park as required. This amount is a one-off payment and the position will be considered annually by the Council as part of the budget process. The condition is that this is for use within the boundaries of the Borough Council only.
- (xi) The Council Tax Support Grant of £77,509 be passed onto Town and Parish Councils for 2016/17. (This is a reduction of 11.2% from 2015/16) as per Appendix D.

(xii) The minimum level of the Unearmarked Revenue Reserves be maintained at £750,000 as per Section 9.

(xiii) The level of reserves as set out within this report and the assessment of their adequacy and the robustness of budget estimates be noted. This is a requirement of Part 2 of the Local Government Act 2003.

53. **Proposals Relating to a Local Authority Controlled Company**

A report was considered that proposed the establishment of a company jointly owned by West Devon Borough Council and South Hams District Council to deliver services, and to other organisations as contracts are won, subject to the further approval of a detailed business case and implementation plan.

In introducing this agenda item, the Leader reiterated that the recommendation stated 'subject to further approval of a detailed business case'.

During debate, Members discussed the inclusion of the waste collection service and stated that the Council should seek to maintain and enhance the service and that full Member input was essential.

It was then proposed by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. A Local Authority Controlled Company be established jointly with South Hams District Council to deliver services for West Devon Borough Council and South Hams District Council, and to other organisations as contracts are won, subject to the further approval of a detailed business case and implementation plan;
2. The Council's waste collection and street cleansing services are delivered by the newly formed company when the current contract ends in March 2017, subject to the

further approval of a detailed business case and implementation plan;

3. The Councils' costs for the preparation of the detailed business case and implementation plan of £300,000 be met from the cost pressure built into the 2016/17 Revenue Budget for each Council (£150,000 for each Council).

54. **Heart of the South West Formal Devolution Bid**

A report was considered that set out the detail of a shared Devolution Statement of Intent from the authorities within the Heart of the South West Bid and the opportunities that would arise from West Devon Borough Council from devolution.

The Leader introduced the report. During debate, Members noted that the document did not include a date or version number.

It was then proposed by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and **RESOLVED** that:

1. The Leader's current approach to devolution
Working with local authorities, National Parks and the Heart of the South West Local Enterprise Partnership to deliver full proposals for devolution which will seek a formal agreement with Government on a formal devolution deal as set out in Appendix 1
2. the final devolution proposal be approved; and
3. It be agreed that, should government timescales change, or minor amendments become necessary, authority be delegated to the Head of Paid Service in consultation with the Leader of the Council to approve the final proposal.

55. **WDBC Response to National Planning Policy Framework Consultation**

A report was considered that sought to agree the submission of the draft consultation response to the Department for Communities and Local Government subject to inclusion of any amendments agreed at the meeting.

In introducing the report, the Hub Lead Member for Strategic Planning and Housing stated that it was important to stress the importance of maintaining a stock of affordable homes for rent in perpetuity. It was

also important to keep a range of land uses in villages, the idea that one size fits all did not apply in rural areas.

It was then proposed by Cllr G Parker, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that:

1. the draft consultation response be submitted to the Department for Communities & Local Government (as set out at Appendix 1), subject to inclusion of any amendments agreed at the meeting; and authority be delegated to the Lead Specialist – Place and Strategy, in consultation with the lead Member for Strategic Planning and Housing, to agree the precise wording of the final submission.

56. **Pay Policy Statement 2016/17**

A report was considered that sought to adopt the Pay Policy Statement 2016/17, as set out in the presented appendix. The Leader introduced the report.

It was then proposed by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon being submitted to the meeting was declared to be **CARRIED** and "**RESOLVED** that:

The Pay Policy Statement for 2016/17 be adopted.

The Meeting concluded at 5.55 pm

Signed by:

Chairman
