

# West Devon Council



West Devon  
Borough  
Council

<b>Title:</b>	<b>Agenda</b>																														
<b>Date:</b>	<b>Tuesday, 4th October, 2016</b>																														
<b>Time:</b>	<b>4.30 pm</b>																														
<b>Venue:</b>	<b>Chamber - Kilworthy Park</b>																														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Sheldon <b>Vice Chairman</b> Cllr Moody</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Baldwin</td> <td style="width: 33%;">Cllr Moyse</td> </tr> <tr> <td>Cllr Ball</td> <td>Cllr Oxborough</td> </tr> <tr> <td>Cllr Benson</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Ridgers</td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Roberts</td> </tr> <tr> <td>Cllr Cloke</td> <td>Cllr Sampson</td> </tr> <tr> <td>Cllr Davies</td> <td>Cllr Samuel</td> </tr> <tr> <td>Cllr Edmonds</td> <td>Cllr Sanders</td> </tr> <tr> <td>Cllr Evans</td> <td>Cllr Sellis</td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Stephens</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Watts</td> </tr> <tr> <td>Cllr Kimber</td> <td>Cllr Yelland</td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Musgrave</td> </tr> <tr> <td>Cllr McInnes</td> <td>Cllr Parker</td> </tr> <tr> <td>Cllr Mott</td> <td></td> </tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Ball	Cllr Oxborough	Cllr Benson	Cllr Pearce	Cllr Cann OBE	Cllr Ridgers	Cllr Cheadle	Cllr Roberts	Cllr Cloke	Cllr Sampson	Cllr Davies	Cllr Samuel	Cllr Edmonds	Cllr Sanders	Cllr Evans	Cllr Sellis	Cllr Hockridge	Cllr Stephens	Cllr Jory	Cllr Watts	Cllr Kimber	Cllr Yelland	Cllr Leech	Cllr Musgrave	Cllr McInnes	Cllr Parker	Cllr Mott	
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Cllr McInnes	Cllr Parker																														
Cllr Mott																															
<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>	Member.Services@swdevon.gov.uk																														

**1. Apologies for Absence**

**2. 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.

**3. Confirmation of Minutes**

**1 - 24**

To approve and adopt as a correct record the following Minutes:

the Annual Meeting of Council held on 10 May 2016  
the Special Meeting of Council held on 28 June 2016  
the Special Meeting of Council held on 26 July 2016

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

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

**6. To respond to any questions submitted by the public and to receive deputations or petitions under Council Procedure Rule 21**

**7. To consider motions(s) of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 15:**

**(a) Motion received from Cllr K Ball:**

*“West Devon Borough Council would like to raise its concerns about the narrow consultation options in respect of the potential loss of 16 beds at Okehampton Hospital, where all of the options are to the far east of the County. West Devon Borough Council therefore asks that NEW Devon CCG give consideration to including the retention of the 16 beds in Okehampton Hospital as an additional option during the consultation exercise.”*

**8. To consider questions (if any) submitted by Members under Council Procedure Rule 21**

9. To receive the Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those Unstarred Minutes which require approval: 25 - 58

- (i) **Audit Committee**  
Meeting held on 19 July 2016
- (ii) **Overview and Scrutiny (Internal) Committee**  
Meeting held on 19 July 2016
- (iii) **Planning and Licensing Committee**  
Meeting held on 26 July 2016

**Unstarred Minute to agree**  
Members are recommended to agree:

**P&L 14 Planning Peer Challenge Action Plan 2016/17**  
**RESOLVED to RECOMMEND:-**

That the Planning and Licensing Committee receive on a monthly basis key performance data relevant to the Action Plan and the Council be **RECOMMENDED** to update the Committee Terms of Reference to reflect this additional responsibility.

Meeting held on 23 August 2016

Meeting held on 20 September 2016

- (iv) **Overview and Scrutiny (External) Committee**  
Meeting held on 2 August 2016
- (v) **Hub Committee**  
Meeting held on 20 September 2016

**Unstarred Minute to agree**  
Members are recommended to agree:

**HC 18 Medium Term Financial Strategy**

That Council be **RECOMMENDED**:

- i) to accept the four year financial settlement being offered by the Government as set out in Section 2 of the agenda report presented to the Hub Committee;
- ii) that the approval of the Efficiency Statement (for the four year funding settlement) be delegated to the Head of Paid Service in consultation with the Leader, Lead Member for Support Services and the S151 Officer (Finance Community of Practice Lead).
- iii) to commence consultation with Town and Parish Councils, on an annual grant reduction of 8.6% for the next three years in the Local Council Tax Support Grant, as shown in Appendix E to the agenda report presented to the Hub Committee.

**PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).**

If any, the Council is recommended to pass the following resolution:

**“RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in Part 1 of Schedule 12(A) to the Act.”

**10. Waste Services - Procurement Route**

Report of the Lead Specialist Waste Strategy – Report to follow

# Agenda Item 3

At the Annual Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **10<sup>th</sup>** day of **MAY 2016** at **11.00am** pursuant to Notice given and Summons duly served.

## Present

Cllr D W Cloke – The Mayor (In the Chair)

Cllr R E Baldwin	Cllr K Ball
Cllr M J R Benson	Cllr W G Cann OBE
Cllr R Cheadle	Cllr M Davies
Cllr C Edmonds	Cllr J Evans
Cllr L J G Hockridge	Cllr N Jory
Cllr P Kimber	Cllr A F Leech
Cllr J R McInnes	Cllr J B Moody
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr R J Oxborough
Cllr G Parker	Cllr T G Pearce
Cllr P J Rldgers	Cllr R F D Sampson
Cllr L Samuel	Cllr P R Sanders
Cllr D K A Sellis	Cllr J Sheldon
Cllr B Stephens	Cllr L Watts
Cllr J Yelland	

Head of Paid Service  
Executive Director (Service Delivery and Commercial  
Development)  
Monitoring Officer  
Senior Specialist – Democratic Services

## CM 1 IESE AWARDS PRESENTATION

The Mayor invited Dr Andrew Lerner, Chief Executive of iESE, to step forward and formally present him with the following national awards that the Council had gained at a recent Improvement and Efficiency Social Enterprise (iESE) event:

- The 'Council of the Year'; and
- A gold award for 'Transforming through People.'

In presenting the awards, Dr Lerner paid tribute to the Council and felt that the authority was a real credit to the whole public sector.

## CM 2 APPOINTMENT OF MAYOR

Cllr R Cheadle moved the appointment of Cllr J Sheldon as Mayor for the ensuing year and Cllr K Ball 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 J Sheldon be appointed Mayor for the ensuing year".

The retiring Mayor and newly elected Mayor left the Council Chamber so that Cllr J Sheldon could be invested with the civic regalia. The retiring Mayor also invested Mrs Sheldon with the Mayoress's Badge of Office.

Upon returning to the Council Chamber, the newly elected Mayor, Cllr J Sheldon, made the declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr J Sheldon then chaired the rest of the meeting.

Cllr N Jory proposed a vote of thanks to the retiring Mayor. The proposition was seconded by Cllr T G Pearce.

Cllr J Sheldon then invested Cllr D W Cloke and Mrs Cloke with the Past Mayor's and his Consort's Medallions.

The retiring Mayor, Cllr D W Cloke proceeded to address the meeting.

**CM 3 APPOINTMENT OF DEPUTY MAYOR**

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

One nomination was received as follows:

Cllr J B Moody	proposed:	Cllr N Jory
	seconded:	Cllr T G Pearce

There being no other nominations, it was declared to be **CARRIED** and **"RESOLVED** that Cllr J B Moody be appointed as Deputy Mayor for the ensuing year".

The Deputy Mayor then made the Declaration of Acceptance of Office and signed the register and the Mayor invested Cllr J B Moody with the Deputy Mayor's Insignia.

Cllr J B Moody then addressed the Council.

**CM 4 APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr A Roberts.

**CM 5 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 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 5 April 2016 meeting as a true record."

**CM 7                    COMMUNICATIONS FROM THE MAYOR**

The Mayor advised that he had omitted to make reference in his initial address to his chosen charity for his year of office.

The Mayor proceeded to advise that the Margaret Green Animal Rescue was to be his chosen charity. The Rescue charity ran the Wingletang kennels, who worked with the Council to home stray and lost dogs across West Devon.

**CM 8                    ADOPTION OF THE COUNCIL'S CONSTITUTION**

It was moved by Cllr R F D Sampson, seconded by Cllr P R Sanders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Council adopt the revised Constitution for the forthcoming year".

The Mayor then signed the bound copy of the Constitution for 2016/2017.

**CM 9                    MINUTES OF COMMITTEES**

**a.                    Hub Committee – 19 April 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 19 April 2016 meeting be received and noted, with the exception of Unstarred Minutes HC 73, HC 74, HC 75, HC 76 and HC 77".

In respect of the Unstarred Minutes:

**i.                    HC 73 – Options for Future Garden Waste Service**

The lead Hub Committee Member for Commercial Services introduced this Unstarred Minute and highlighted the degree of local concern that had become apparent since the recommendations had been initially made by the Committee.

It was therefore deemed appropriate for further work to be undertaken on the options for the future garden waste service before a decision was made. In the ensuing debate, there was general support expressed for this suggestion.

As a consequence, it was then moved by Cllr R F D Sampson, seconded by Cllr P R Sanders and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Council urgently refer back to the Waste Working Group "Option C" for further consideration.

Specifically, the service be considered in terms of financial implications, risk of an increase in fly-tipping in the event of charges being introduced and more detailed proposals for the promotion of home composting. An expanded report is then requested to be presented to the next available Hub Committee meeting.”

ii. **HC 74 – Review of Long Term Parking Scheme**

It was moved by Cllr R F D Sampson, seconded by Cllr R J Oxborough and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that approval be given to the continuation of the long stay parking scheme in Okehampton and Tavistock.”

iii. **HC 75 – Review of Corporate Complaints 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:-

1. the revised Corporate Complaints Policy (as presented at Appendix 1 of the agenda report to the Hub Committee meeting) be adopted; and
2. authority be delegated to the Monitoring Officer, in consultation with the lead Hub Committee Member, to make any minor amendments as deemed necessary.”

iv. **HC 76 – Draft Calendar of Meetings 2016/17**

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 Calendar of Meetings for 2016/17 be approved (as set out in Appendix A of the published Hub Committee minutes).”

v. **HC 77 – Resources to Deliver Income Generation Proposals**

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 a permanent level four grade specialist post, shared between South Hams and West Devon (on a 60% SH / 40% WD split) be recruited to support the further investigation and delivery of income generation proposals approved at full Council on 5 April 2016 (as detailed in paragraph 3 of the agenda report presented to the Hub Committee meeting).”



**CM 10 APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE COUNCIL**

**a. Leader**

It was moved by Cllr R F D Sampson, seconded by Cllr R E Baldwin and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that Cllr P R Sanders be appointed Leader of the Council for the ensuing year.”

**b. Deputy Leader**

It was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that Cllr R E Baldwin be appointed Deputy Leader of the Council for the ensuing year.”

**CM 11 REPORT OF THE FORMATION OF POLITICAL GROUPS**

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

- 21 Conservative Group Members; and
- 10 Independent Group Members.

**CM 12 COMMITTEE STRUCTURE**

It was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson 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	5 Members;
Hub	9 Members;
Overview & Scrutiny (Internal)	11 Members;
Overview & Scrutiny (External)	11 Members;
Planning & Licensing	10 Members; and
Standards	5 Members

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

**CM 13 MEMBERSHIP OF COMMITTEES**

A list of appointments made to the Committees by the two political groups for the ensuing year had been circulated and were duly approved. The Leaders of the two political groups were named as:

Conservative	Cllr P R Sanders (Deputy: Cllr R E Baldwin)
Independent	Cllr R F D Sampson (Deputy: Cllr W G Cann OBE)

**CM 14**

**APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN OF COMMITTEES**

The following appointments were proposed by Cllr P R Sanders and seconded by Cllr R E Baldwin and when put to the vote were declared to be **CARRIED**:

- Audit Committee: Cllr M Davies (Chairman);  
Cllr J B Moody (Vice Chairman)
- Hub Committee: Cllr P R Sanders (Chairman);  
Cllr R E Baldwin (Vice Chairman)
- Overview & Scrutiny (Internal) Committee: Cllr C R Musgrave (Chairman);  
Cllr J Yelland (Vice Chairman)
- Overview & Scrutiny (External) Committee: Cllr D K A Sellis (Chairman);  
Cllr D W Cloke (Vice Chairman)
- Planning & Licensing Committee: Cllr P R Sanders (Chairman);  
Cllr G Parker (Vice Chairman)
- Standards Committee: Cllr A F Leech (Chairman);  
Cllr J Sheldon (Vice Chairman)

**CM 15**

**APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OUTSIDE BODIES FOR THE ENSUING YEAR**

Members considered a report which presented the Group Leader's nominations to fill the vacancies on the list of Outside Bodies.

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:

1. The Council should be represented on the list of Outside Bodies as presented to the meeting;
2. Appropriate representatives be appointed as this Council's appointments to those Bodies for the 2016/17 Municipal Year and that for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and
3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned".

**CM 16**

**APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OTHER GROUPS**

It was 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 appointments be endorsed for the ensuing year".

**CM 17**

**DARTMOOR NATIONAL PARK AUTHORITY**

It was noted that the two Council representatives appointed to the Dartmoor National Park were:-

Cllr W G Cann OBE (Independent)

Cllr D E Moyse (Conservative)

(NOTE: These appointments formed part of the Political Balance Table.)

(The Meeting terminated at 12.20 pm)

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**Mayor**

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At the Special Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **28<sup>th</sup>** day of **JUNE 2016** at **2.00pm** pursuant to Notice given and Summons duly served.

**Present**

Cllr J Sheldon – The Mayor (In the Chair)

Cllr K Ball	Cllr M J R Benson
Cllr W G Cann OBE	Cllr R Cheadle
Cllr D W Cloke	Cllr M Davies
Cllr C Edmonds	Cllr N Jory
Cllr P Kimber	Cllr A F Leech
Cllr J R McInnes	Cllr J B Moody
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr R J Oxborough
Cllr T G Pearce	Cllr P J Ridgers
Cllr A Roberts	Cllr R F D Sampson
Cllr L Samuel	Cllr P R Sanders
Cllr D K A Sellis	Cllr B Stephens
Cllr L Watts	Cllr J Yelland

Head of Paid Service  
Executive Director (Service Delivery and Commercial Development)  
Monitoring Officer  
Group Manager – Commercial Services  
Senior Specialist – Democratic Services  
Specialist (Waste Review)

**CM 18 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs R E Baldwin, J Evans, L J G Hockridge and G Parker.

**CM 19 DECLARATION OF INTERESTS**

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 20 COMMUNICATIONS FROM THE MAYOR**

In providing his update, the Mayor acknowledged the recent EU Referendum result and the fact that the national outcome reflected the local result for the West Devon Borough area. In so doing, the Mayor wished to record his gratitude to the Counting Officer and the elections staff for their hard work and efforts to ensure that the process was seamless.

Secondly, the Mayor reminded Members that, following this meeting, an all Member Briefing had been arranged to informally consider the Local Authority Controlled Company business case.

**MINUTES OF COMMITTEES**

**a. Hub Committee – 7 June 2016**

It was moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 7 June 2016 meeting be received and noted, with the exception of Unstarred Minutes HC 03, 06 and 07”.

In respect of the Unstarred Minutes:

**i. HC 03 Options for Future Garden Waste Service Design**

In introducing the Hub Committee recommendations, the lead Member for Commercial Services made particular reference to:-

- the huge amount of work that had been undertaken by officers and the Working Group to get to this point;
- these recommendations being driven by the significant budgetary pressures facing the Council;
- neighbouring local authorities currently considering similar initiatives;
- the proposed charges (albeit only an indicative figure at present) being lower than comparable local authorities who already levied a charge for the service; and
- the proposals ensuring that the Council would be able to sustain an excellent garden waste service.

The lead Member proceeded to move the Hub Committee recommendations (as outlined below):

*That, at the time that the waste services contract be formally procured:-*

- 1. An opt-in financially sustainable garden waste recycling service with collection from reusable sacks be approved;*
- 2. Concessions to the service be applied for residents on low incomes;*
- 3. A comprehensive publicity campaign be delivered highlighting the positive messaging around the retention of the service despite budgetary cuts and that the Council has considered the fairest methods for residents;*
- 4. A structured campaign be delivered to promote home composting (as the best environmental option) along with community composting; and*

5. *Any changes considered necessary to the terms as highlighted be delegated to the Lead Specialist Waste Strategy (Strategy and Commissioning) in consultation with the lead Hub Committee Member for Commercial Services.*

In seconding these recommendations, the Leader of Council advised that he did so with a degree of reluctance. It was noted that this reluctance was borne out of his opposition to the concept of charging for the Garden Waste Service. However, this opposition had to be balanced against the serious long-term financial budget pressures that were facing the Council.

In the ensuing discussion, the following points were raised:-

- (a) Some Members highlighted the level of local opposition to these proposals that they had been made aware of by their respective constituents;
- (b) In support of the recommendations, a Member was of the view that local residents would prefer to pay for a service than lose it altogether. Furthermore, some Members were of the view that the indicative charges were not excessive and represented good value for money for such an excellent service;
- (c) Some Members also expressed the view that the administrative, bureaucratic and other unforeseen costs associated with the proposals were likely to be much higher than anticipated;
- (d) In addition to the reputational risks to the Council, the potential for the proposals to lead to neighbour disputes was also emphasised by a Member;
- (e) In light of the budgetary climate, a number of Members repeated the views of the proposer and seconder and stated the need for such difficult decisions to be made in order to preserve the long-term sustainability of the Council.

In accordance with Council Procedure Rule 19(5), a recorded vote was then called for on the motion and was subsequently recorded as follows:-

For the motion (9):	Cllrs Cheadle, Edmonds, Kimber, Musgrave, Pearce, Roberts, Sampson, Sanders and Sheldon
Against the motion (18):	Cllrs Ball, Benson, Cann OBE, Cloke, Davies, Jory, Leech, McInnes, Moody, Mott, Moyse, Oxborough, Ridgers, Samuel, Sellis, Stephens, Watts and Yelland.

Abstentions (0):

Absent (4): Cllrs Baldwin, Evans, Hockridge and Parker.

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

ii. **HC 06 Planning Obligations Threshold**

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

1. In areas with special designations, planning obligations to provide Affordable Housing in accordance with the Core Strategy will be sought from planning applications for 6 or more units of residential accommodation; and
2. In Tavistock and Okehampton, if the planning site does not fall within a designated special area, planning obligations will be sought on 11 units or more.”

iii. **HC 07 Transitional Resources Report**

In reply to a question arising from the report, officers confirmed that they would circulate to Members the cost breakdown figures in relation to Disabled Facilities Grants.

In support of part 4 of the proposed recommendation, a Member stated that the intention was not to apportion any blame to individuals as part of this review, but to undertake an open and transparent enquiry to ensure that lessons could be learned for the future.

It was then moved by Cllr C Edmonds, seconded by Cllr R J Oxborough and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. The use of temporary, fixed term transitional resources be approved to improve service levels and customer satisfaction;
2. The use of £215,522 of unused New Homes Bonus funding (as shown in Section 5 of the presented agenda report to the Hub Committee) be approved to fund the temporary transitional staffing resources (as set out in Appendix A of the agenda report presented to the Hub Committee);
3. The remaining £58,478 (of the £274,000 unused New Homes Bonus funding as shown in Section 5 of the presented agenda report to the Hub Committee) be allocated as a contingency budget for Disabled Facilities Grants; and



4. The Overview and Scrutiny (Internal) Committee be asked to undertake an interim review of the T18 Programme, with the Terms of Reference for this Review being agreed by the Executive Director (Strategy and Commissioning) in consultation with the lead Hub Committee Members for Customer First and Economy.”

## **CM 22 REVIEW OF GROUP MANAGER SALARIES**

A report was considered that sought to recommend increasing the salaries of the Group Managers for Commercial Services and Support Services, initially on an interim basis, to reflect the additional responsibilities taken on since the departure of the Group Manager for Customer First.

In discussion, reference was made to:-

- the proposals reflecting the increased responsibilities for these two postholders;
- the senior management structure review. The Leader confirmed that, in the event of the review concluding that there was a need to fill the vacant post, then the two postholders would revert back to their previous salaries. It was also confirmed that the review would take into account the long-term sustainability of the interim structure and would make a recommendation as to whether it was putting senior officers under too much undue pressure;
- performance related pay. As a general point, the Head of Paid Service advised that options were currently being considered in relation to offering performance related pay opportunities;
- the proposals encouraging talent and enabling for quality staff to be suitably rewarded.

It was then moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that new salary levels for the Group Managers for Commercial Services and Support Services be approved on the terms as outlined at paragraph 3.1 of the presented agenda report.”

(The Meeting terminated at 3.10 pm)

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**Mayor**

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At the Special Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **26<sup>th</sup>** day of **JULY 2016** at **2.00pm** pursuant to Notice given and Summons duly served.

**Present**

Cllr J Sheldon – The Mayor (In the Chair)

Cllr R E Baldwin	Cllr K Ball
Cllr M J R Benson	Cllr W G Cann OBE
Cllr R Cheadle	Cllr D W Cloke
Cllr M Davies	Cllr C Edmonds
Cllr J Evans	Cllr N Jory
Cllr L J G Hockridge	Cllr P Kimber
Cllr A F Leech	Cllr J R McInnes
Cllr J B Moody	Cllr C Mott
Cllr D E Moyse	Cllr C R Musgrave
Cllr R J Oxborough	Cllr G Parker
Cllr T G Pearce	Cllr R F D Sampson
Cllr L Samuel	Cllr P R Sanders
Cllr D K A Sellis	Cllr B Stephens
Cllr J Yelland	

Head of Paid Service  
Executive Director (Service Delivery and Commercial  
Development)  
Monitoring Officer  
Senior Specialist – Democratic Services

**CM 23      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs P J Ridgers, A Roberts and L Watts.

**CM 24      DECLARATION OF INTERESTS**

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 25      QUESTIONS**

The Mayor informed that one question had been received from Cllr P Kimber in accordance with Council Procedure Rule 21. Having been invited to by the Mayor, Cllr Kimber proceeded to read his question:-

*“I attended four meetings in the past couple of weeks:*

- 1) Highampton Parish Council*
- 2) Hatherleigh Parish Council*
- 3) Meeth Parish Council*
- 4) Devon Building Control*

*At every meeting there were complaints from councillors, or residents, of phone calls not being returned and email messages not being replied to by officers of our council.*

*I became a councillor in May 2015 and we were asked by the senior management team for our support while issues resulting from the T18 process were resolved:*

- *We were told that processes would be sorted by October 2015*
- *We were told that we would see changes in culture and behaviours - in particular in “communication” and “taking responsibility”.*
- *We were told our first point of call should be through the contact centre*
- *We were told to “let officers get on with operational issues”.*

*It is completely unacceptable that phone calls are not returned and emails are not replied to. Attending parish council meetings is embarrassing and it is becoming impossible to support the current levels of service.*

*My most common task following parish councils meetings, is sending chasing emails to officers trying, and often failing, to get a response.*

*What do we have to do to get the level of service promised to our residents?”*

In response, the lead Hub Committee Member for Customer First made particular reference to:-

- 50% of calls currently received by Customer Services being resolved at the first point of contact;
- an acknowledgment that current performance levels in respect of customer contact were wholly unacceptable. The lead Member stressed that both he and the Senior Management Team were taking this matter very seriously and he asked fellow Members to let him know of specific instances of poor performance in this regard that he would then ensure were fully investigated;
- these issues being closely monitored by the Overview and Scrutiny (Internal) and Hub Committees;
- the well-rehearsed problems linked to the IT systems and the reductions in staff numbers, which were coupled with the increase in call volumes. In addition, a number of telephone calls being received by the Council were being made by repeat callers;
- improvement measures. In order to improve current performance levels, the lead Member made reference to the following measures that were being undertaken by the Council:
  - o increased transitional resources being employed;
  - o a new telephony system being installed imminently; and
  - o a new website was currently being procured.
- the need to strengthen dialogue with town and parish councils. The lead Member advised that all town and parish clerks would soon be receiving

an update from the Council that would include a performance update, an explanation of the steps being taken; and an invite to a briefing session sometime during September/October.

## **CM 26 MINUTES OF COMMITTEES**

### **a. Overview and Scrutiny (Internal) Committee – 14 June 2016**

It was moved by Cllr C R Musgrave, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 14 June 2016 meeting be received and noted”.

### **b. Overview and Scrutiny (External) Committee – 14 June 2016**

It was moved by Cllr D K A Sellis, seconded by Cllr D W Cloke and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 14 June 2016 meeting be received and noted”.

### **c. Planning and Licensing Committee – 28 June 2016**

It was moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 28 June 2016 meeting be received and noted”.

### **d. Audit Committee – 5 July 2016**

It was moved by Cllr M Davies, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 5 July 2016 meeting be received and noted, with the exception of Unstarred Minute AC 09”.

In respect of the Unstarred Minute:

#### **i. AC 09 Update on Anti-Fraud, Corruption and Bribery Policy and Strategy, Anti-Money Laundering Policy and Confidential Reporting Policy**

It was moved by Cllr M Davies, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Council adopts the following reviewed policies and documents:-

- a) Anti-fraud, Corruption and Bribery Policy & Strategy (Appendix A as presented to the Committee refers);
- b) Anti-fraud, Corruption and Bribery Response Plan (Appendix B as presented to the Committee refers);
- c) Anti-money Laundering Policy Procedures and Guidance for Staff (Appendix C as presented to the Committee refers);
- d) Anti-money Laundering Policy (Appendix D as presented to the Committee refers);

- e) Confidential Reporting Policy (Appendix E as presented to the Committee refers); and
- f) Confidential Reporting Policy Frequently Asked Questions (Appendix F as presented to the Committee refers).

**e. Hub Committee – 12 July 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 12 July 2016 meeting be received and noted”.

**CM 27**

**LOCAL AUTHORITY CONTROLLED COMPANY (LACC) BUSINESS CASE**

A report was considered that set out and commented on the findings of a detailed business case that had been prepared by PriceWaterhouseCoopers (PWC) at the request of Members.

The report confirmed that the findings of the detailed business case were that there was a credible case for the establishment of a Local Authority Controlled Company (LACC), based on HM Treasury’s five case model, that reviewed the strategic, economic, commercial, financial and management cases.

The PWC report recommended that the Council and South Hams District Council proceeded with establishing the LACC subject to positive resolutions of questions relating to corporation tax, pension arrangements, governance and state aid.

In introducing this agenda item, the Leader advised that it was his intention to propose a revised set of recommendations in light of a number of discussions that had taken place since the agenda report had been published. It was hoped that these revised recommendations would satisfy a number of Member concerns that had been recently raised. For absolute clarity, it was confirmed that the revised recommendations were not seeking a final decision to be made at this meeting. Instead, the revised recommendations were asking for the creation of a Joint Steering Group (JSG), who would be tasked with progressing this project and giving particular focus to the outstanding pension, taxation and governance issues.

At this point, a number of Members wished to discuss the exempt appendices and it was therefore **PROPOSED** and **SECONDED** and on being put to the vote declared to be **CARRIED** and “**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Paragraph 3 of Schedule 12(A) to the Act”.

In discussion on the exempt appendices, Members made a number of specific points on the future of the waste service.

Once all Members were content that they had no further issues to raise on the exempt appendices, it was then **PROPOSED** and **SECONDED** and on being put to the vote declared to be **CARRIED** and “**RESOLVED** that the press and public be re-admitted to the meeting.”

In the ensuing debate, the following points were raised:-

- (a) Some Members commented that the establishment of a LACC had been identified as a means of trying to ensure that the Council placed itself in a firm financial position for the future;
- (b) In respect of the likelihood of the Council obtaining central government grant funding towards the set up costs of a LACC, it was felt that this would be unlikely in light of the number of other local authorities who were similarly investigating such an option;
- (c) Some Members emphasised the importance of Member representation on the JSG being based upon an individual's skills sets and time availability rather than their political group membership;
- (d) Disappointment was expressed over the business case that had been produced by PWC and a Member was of the view that the JSG was being tasked with undertaking the work that had been initially assigned to PWC. In particular, the lack of evidenced market testing in the business case was felt to be regrettable and it was requested that market intelligence be specifically included in the terms of reference for the JSG;
- (e) Some Members advised of their opposition to these proposals with the following reasons cited:
  - the proposed implementation costs were felt to be questionable;
  - the need at this time for focus to be on continuing to embed the Transformation Programme and the consequent service improvements;
  - there being other alternative options to this particular LACC model that had not been sufficiently explored;
  - a further delay would prove to be unsettling for staff, who were already under immense pressure;
- (f) A couple of Members emphasised the importance of a fully tested business plan being worked upon prior to a final decision being taken and therefore sought agreement for part 1 of the recommendation to include reference to:

‘.....subject to there being a satisfactory outcome to the outstanding pension, tax and governance questions and actions as set out in paragraph 5.4 of the presented agenda report *and the production of a fully tested Business Plan*;

Since the proposer and seconder of the original motion were content to include this wording, it was therefore included in the substantive motion.

An addition to part 2 of the recommendation was also deemed acceptable by the proposer and seconder that read as follows:

*'...Such terms of reference to be finalised by the Executive Director (Strategy and Commissioning), in consultation with the Leader of the Council and the Leader of the Independent Group, with the JSG reporting its recommendations to the first Council meetings of both local authorities in 2017.'*

- (g) A number of Members confirmed their support for the revised recommendations and felt that a delay in making a decision was appropriate in this instance to ensure that a number of outstanding issues were resolved and that the final decision would be a more informed (and evidence based) one.

Having been moved by Cllr P R Sanders and seconded by Cllr R E Baldwin, it was then submitted to the Meeting and declared to be **CARRIED** and **"RESOLVED:**

1. That the Council proceed with the work which enables a more considered decision to be made with regard to the implementation of a Local Authority Controlled Company (LACC) jointly owned with South Hams District Council, subject to there being a satisfactory outcome to the outstanding pension, tax and governance questions and actions as set out in paragraph 5.4 of the presented agenda report and the production of a fully tested Business Plan;
2. That a Joint Steering Group (JSG) with South Hams District Council be established to deal with matters concerning the implementation of the LACC as detailed in paragraph 5.5 of the presented agenda report and the draft terms of reference at Appendix B of the report. Such terms of reference to be finalised by the Executive Director (Strategy and Commissioning), in consultation with the Leader of the Council and the Leader of the Independent Group, with the JSG reporting its recommendations to the first Council meetings of both local authorities in 2017;
3. That the Audit Committee be tasked to consider the Joint Steering Group's recommendations regarding governance;
4. That the date of transfer of staff to the Company and the Commencement of the contract between the Council and LACC be decided by the Council on the recommendation of the Joint Steering Group;



5. That the Council approves the use of up to £126,750 of the 2016/17 Budget Surplus Contingency earmarked Reserve for the set-up costs of the LACC as detailed in paragraph 5.8 of the presented agenda report specifically drawn down with the agreement of the Joint Steering Group;
6. Subject to approval of recommendation 1 (above), that the Council enters into an external Waste Management arrangement; this arrangement will be subject to full affordability assessment, risk analysis and in compliance with Public Contract Regulations 2015, for a 2 year period with a view to waste services transferring to the LACC at the end of the 2 year period; and
7. That the Council proceeds to acquire the fleet required to satisfy the West Devon Waste specification as set out in Appendix D of the presented agenda report. If purchased, as opposed to leased, the cost of the fleet is to be financed through borrowing.”

## **CM 28**

### **HEALTH AND WELLBEING PROCUREMENT OUTCOME**

The Council considered a report that highlighted the recent completion of a procurement exercise for a new leisure contract for the next 25 years. The report emphasised that the contract was a Design, Build, Maintain and Operate contract such that the day-to-day responsibilities of running the leisure service would fall to the successful bidder.

In introducing the report, the lead Hub Committee for Commercial Services highlighted the paper that had been tabled to the meeting that sought to amend the Legal/Governance section that had been included in the published agenda report.

During the ensuing debate, the following points were raised:-

- (a) A number of Members commended the process that had been followed to reach this outcome and wished to congratulate the lead officers and Board Members who had been involved in such a successful procurement exercise. In addition, the thanks of the Meadowlands User Group were also forwarded to the meeting;
- (b) With regard to the preferred bidder, the view was expressed that the presentation that they had recently delivered to Members was incredibly impressive. Furthermore, the lasting impression of this session was that the future of the leisure centres in the borough would be in safe hands;
- (c) The wish for the current working relationship to be maintained with the Okehampton Community Recreation Association by the new bidder was highlighted.

It was moved by Cllr R F D Sampson, seconded by Cllr C R Musgrave and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that approval be given to:

1. award the Leisure Design, Build, Operate and Maintain contract to the preferred bidder: Fusion Lifestyle; and
2. undertake prudential borrowing of £1.5 million as set out in Appendix 2 of the presented agenda report.”

**CM 29**

**HEART OF THE SOUTH WEST FORMAL DEVOLUTION BID – COMBINED AUTHORITY PRINCIPLE**

The Leader of Council presented a report that sought approval to sign-up ‘in principle’ to the pursuit of a Devolution Deal and the creation of a Combined Authority for the Heart of the South West sub-region to administer the powers and funding devolved through the Deal.

In his introduction, the Leader emphasised the importance of the Council maintaining its involvement in the Bid at this stage and that the recommendations did not commit the Council at this time to making any formal decisions regarding the establishment of a Combined Authority.

In discussion, it was considered to be a great achievement that each of the 23 organisations were still working together on the Bid.

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** to:

1. endorse the Leader’s current approach to Devolution and agree to sign up to the principle of creating a Combined Authority for the Heart of the South West, as set out in the Prospectus for Productivity, as the basis for negotiation with Government towards a Devolution Deal for the area; and
2. note that giving this endorsement does not commit the Council to entering into a Devolution deal or becoming a member of a Heart of the South West Combined Authority. This would be subject to future debate and agreement by the Council and subject to negotiations with Government.”

**CM 30**

**ANNUAL REPORT**

The Leader of Council introduced a report that asked Members to consider the Annual Report and recommend its publication.

During discussion, reference was made to:-

- (a) trend analysis. In reply to a request, it was agreed that comparative information based upon previous years would be included in future editions of the Annual Report;
- (b) the accuracy of the information contained in the Annual Report. When questioned, officers gave specific assurances that the information in the Report that related to the number of town and parish councils in the borough and the number of Council employees was correct.

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 Council has considered the Annual Report and approves it for publication.”

### **CM 31 MEMBERS’ ALLOWANCES REVIEW**

The Leader of Council introduced a report that sought to consider and approve an increase to the Basic Allowance for Members.

During discussion, reference was made to:-

- (a) the recommended increase. In citing that the Basic Allowance was currently the lowest in the county, the recommended increase was supported by the majority of Members. However, if any Members felt uneasy accepting any such increase at this current time, it was confirmed that they could opt out from receiving it;
- (b) the current Scheme of Members’ Allowances. In particular focusing on the Special Responsibility Allowance for lead Hub Committee Members, the view was expressed that the multiplier applied to this role was too low. In accepting this view, other Members reminded those present that the Independent Remuneration Panel had in fact recommended a higher increase for this role, however this had not been subsequently approved by the Council at its meeting on 31 March 2015 (Minute CM 98 refers). In hindsight, these Members felt that this decision had proven to be a mistake.

In light of these comments, Members felt that it was now timely for the Independent Remuneration Panel to be reconvened to consider the Scheme of Members’ Allowances and an additional recommendation was therefore **PROPOSED** and **SECONDED** as follows:

*‘That the Council’s Independent Remuneration Panel be reconvened to consider the Scheme of Members’ Allowances and, no later than December 2016, make recommendations to the Council.’*

It was then 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:

1. the Basic Allowance be increased by 1% (from £4,200 to £4,242 per annum) and that this be backdated to 1 May 2016; and
2. the Council's Independent Remuneration Panel be reconvened to consider the Scheme of Members' Allowances and, no later than December 2016, make recommendations to the Council."

(The Meeting terminated at 4.45 pm)

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**Mayor**

# Agenda Item 9

At a Meeting of the **AUDIT COMMITTEE** held in the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19<sup>th</sup>** day of **July 2016** at **10.00am**

**Present:** Cllr M Davies (Chairman)

Cllr B Stephens  
Cllr J Yelland

Cllr N Jory  
Cllr W G Cann OBE

**Officers in attendance:** Finance Community of Practice Lead (S151 Officer  
Accountant Business Partner  
Case Manager, Strategy & Commissioning

**Also in attendance:** Cllrs C Edmonds and Executive Director  
(Service Delivery and Commercial Development)

**\*AC 10 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs L Watts & J B Moody and representatives from KPMG (the Council's External Auditors). The meeting proceeded to note that Cllr Yelland (for Cllr Watts) and Cllr Cann OBE (for Cllr Moody) were acting in the capacity of Substitute Members for this meeting.

**\*AC 11 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 5 July 2016 were confirmed and signed by the Chairman as a correct record.

**\*AC 12 DRAFT STATEMENT OF ACCOUNTS**

In his capacity as Lead Hub Committee Member for Support Services, Cllr Edmonds introduced the Draft Statement of Accounts.

The Section 151 Officer then took Members through the key points within the Narrative Statement. The Council's Accounts for 2015-16 reported an underspend of £32,000, meaning that actual spend for the year was 0.4% less than the Budget set. Answering concerns in regard to pension liability after Brexit, the S151 Officer explained that the Council would be in a better position to confirm what the percentage payable by the employer for employers' pension's contributions would be by December 2016. This was following results of the Triennial Pension Revaluation which took place in March 2016.

Currently, the percentage payable was 25.8% and it was possible that Devon County Council might look to review the strategy of the investment of pension fund money.

Furthermore for West Devon's own position, it was possible that the payback period for the recovery of the deficit could be extended to

25 years as an option for the Council to consider (NB it was currently 20 years). Twenty five years was the Fund average deficit recovery period.

In regard to Business Rates, the S151 Officer reiterated that the Council needed to be mindful of being in the safety net position within the pool, but she felt assured that West Devon would not be in the same position next year as this was mainly due to the increase in the provision for business rates appeals.

During discussions, several questions were raised by Members. The S151 Officer gave an update on several prospective tenants looking to utilise space at Kilworthy Park. In addition, an agent had also been commissioned to assist in promoting the office space.

In regard to the payable payment period, the S151 Officer stated that 84% of invoices had been paid within 30 days.

In response to a Member question, the Accountant Business Partner reported that debt over more than one year old had increased from £130,000 (March 2015) to £164,000 (March 2016). However, overall debt had fallen from £466,000 (March 2015) to £264,000 (March 2016). It was noted that the long term debt was harder to recover than short term debt.

In answer to agency staffing costs, the S151 Officer explained that the £215,000 of unused New Homes Bonus grant funding would be used to employ staff on a fixed term one year contract.

The S151 Officer informed that there was £30,000 set aside in a reserve for homelessness cases and that this reflected an increase in demand due to the benefit cap.

Member expenses were discussed and an overall increase of £10,000 was noted due to an independent review carried out on Member allowances following the establishment of the Hub Committee.

In conclusion, the Chairman thanked The S151 Officer, The Accountant Business Partner and the finance team for their hard work.

It was then **RESOLVED** that the Audit Committee note the Draft Statement of Accounts together with the Technical Appendix for the financial year ended 31 March 2016

(The Meeting terminated at 10.58 am)

Dated this

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Chairman

At a Meeting of the **OVERVIEW & SCRUTINY (INTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19<sup>th</sup>** day of **JULY 2016** at **2.00pm**.

**Present:**

Cllr C R Musgrave – Chairman  
Cllr J Yelland – Vice-Chairman  
Cllr W G Cann OBE                      Cllr M Davies  
Cllr J Evans                                      Cllr P Kimber  
Cllr C Mott                                      Cllr D E Moyse  
Cllr P J Ridgers

Head of Paid Service  
Executive Delivery (Service Delivery and  
Commercial Development)  
Group Manager – Support Services  
Group Manager – Business Development  
Section 151 Officer  
Senior Specialist – Democratic Services

**Also in Attendance:**

Cllrs K Ball, D W Cloke, C Edmonds, A F  
Leech, G Parker and P R Sanders

**\*O&S(I) 11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs L J G Hockridge and J R McInnes.

**\*O&S(I) 12 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 14 June 2016 were confirmed and signed by the Chairman as a correct record.

**\*O&S(I) 13 DECLARATIONS OF INTEREST**

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

**\*O&S(I) 14 PUBLIC FORUM**

It was noted that no issues had been raised by the general public.

**\*O&S(I) 15 HUB COMMITTEE FORWARD PLAN**

The most recent (published June 2016) Hub Committee Forward Plan was presented for consideration and was duly noted without any issues being raised.

**\*O&S(I) 16 T18 BUDGET MONITORING REPORT TO END OF MARCH 2016**

A report was presented that set out the revenue position of the T18 Programme at the end of March 2016. It was noted that a version of this report had also been considered at the Hub Committee meeting held on 12 July 2016 (Minute HC 11 refers).

In discussion, the following points were raised-

- (a) With regard to workstream T4: 'Web/Portal', the Committee was advised that this had been extended to include the purchase of a new Council website. It was intended that the new website (that would be funded from within the IT equipment savings budget) would be cloud based and would be quicker and more responsive for its users.

Specifically regarding the number of web pages currently available on the website, it was noted that, as part of the recent transitional resources report, a temporary post was to be filled that would be responsible for reducing and streamlining the content that was published;

- (b) As an update to workstream T5: 'Telephony', officers confirmed that a new telephony system had been purchased. Within the next two weeks, it was also noted that one of the telephone lines would be running on this new system. Once officers were content that the system was set up and working satisfactorily, the handover plan would take effect and all lines would be switched over to the new system over the course of a weekend. When questioned, officers gave an assurance that these changes (once in place) would be advertised and publicised widely as part of a Communications Strategy;
- (c) Officers were invited to provide a detailed explanation of the cost allocations and apportionments of the Programme between the Council and South Hams District Council. The Section 151 Officer explained the processes and confirmed that the Council's new external auditors (KPMG) would also be reviewing the processes and methodology used as part of the annual audit of the Accounts. It was explained that KPMG would report on their findings to the Audit Committee meeting on 27 September 2016;
- (d) In terms of the total expenditure for the Programme, officers confirmed that the figures outlined in the presented agenda report were the final totals. As and when future expenditure was being sought for other potential projects, a business case would be presented to Members for their consideration.

Particularly when considering the extent of the changes, a Member felt that the Senior Leadership Team should be congratulated that the Programme had been delivered for less than the agreed budget. Whilst there were still ongoing difficulties associated with the Programme, the Member was reassured that the Senior Leadership Team had demonstrated its ability to deliver such extensive change.

It was then **RESOLVED** that progress to date on the T18 Transformation Programme be noted.



## \*O&S(I) 17 TASK AND FINISH GROUP UPDATES

### (a) T18 Programme – Interim Review: Draft Terms of Reference

The Committee was reminded that the Council approved the following recommendation at its meeting held on 28 June 2016 (Minute CM 21a (iii) refers):

*‘That the Overview and Scrutiny (Internal) Committee be requested to undertake an interim review of the T18 Programme, with the Terms of Reference for this Review being agreed by the Executive Director (Strategy and Commissioning), in consultation with the Lead Member for Customer First and the Lead Member for Economy.’*

Since this decision and, in consultation with the relevant lead Members, the Executive Director (Strategy and Commissioning) had drafted a set of proposed Terms of Reference as follows:

*“The Overview and Scrutiny (Internal) Committee is requested to undertake an interim review of the T18 programme. In undertaking the review, the Task and Finish Group is asked to focus on the:*

- *timescales of the programme and the reasons for these;*
- *capacity during transition;*
- *leadership and continuity from 2104 until present;*
- *approach to project management; and*
- *impact on service delivery.*

*The review should be conducted in a way that highlights what went well and what could have been done better, does not allocate blame but provides a report that is based on lessons learnt.”*

During the ensuing debate, reference was made to:-

- (a) the importance of the terms of reference being appropriate for the review to be effective. In addition, some Members emphasised that the review needed to be robust and challenging;
- (b) the need for swift progress to be made on this review was recognised by all Members;
- (c) an addition to the draft terms of reference. It was **PROPOSED** and **SECONDED** that the following addition should be included at the end of the final sentence in the draft terms of reference:

*‘and how these lessons learnt are being applied.’*

When put to the vote, this addition was declared **CARRIED**.

It was then **RESOLVED** that:

1. The broad terms of reference (as outlined above, subject to inclusion of the addition at discussion point (b)) be approved as the basis for this Review; and
2. Cllrs Davies, Evans, Mott, Musgrave, Ridgers and Yelland be nominated to serve on this Task and Finish Group.

**O&S(I) 18 MEMBER DEVELOPMENT STEERING GROUP – PROGRESS UPDATE AND INDUCTION REVIEW**

The Committee considered a report that presented a series of recommendations from the Member Development Steering Group.

The Chairman of the Steering Group proceeded to introduce the report and responded to Member questions.

In the subsequent discussion, the following points were raised-

- (a) The Chairman of the Steering Group confirmed that there were no cost implications associated with pursuing the South West Charter Status for Member Development;
- (b) Members endorsed a suggestion whereby a standing agenda item should be included for future Committee meetings that acted as a prompt for any future Member Learning and Development opportunities that arose from each meeting;
- (c) Whilst acknowledging that the Member Induction Programme was a largely generic document, it was noted that the future Member Learning and Development Plan would have the ability to cater for the individual needs of all Members;
- (d) Specifically regarding the revised Induction Programme, a number of Members commended its content and wished to put on record their thanks to the Steering Group and lead officer for taking on board the feedback of the wider membership and for producing such an excellent piece of work.

It was then:

**RESOLVED**

That the Committee:

1. note the progress made by the Steering Group to date; and

2. request a standing agenda item be included for future Committee meetings that acts as a prompt for any future Member Learning and Development opportunities that arose from each meeting.

That the Hub Committee be **RECOMMENDED** to:

3. approve the future Member Induction Programme (as attached at Appendix A of the presented agenda report), subject to delegated authority being granted to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group and Group Leaders, to make any necessary minor amendments;
4. approve the principle of a Member Learning and Development Plan, with responsibility for its content and monitoring being delegated to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group; and
5. support the pursuing of the South West Charter Status for Member Development accreditation.

**\*O&S(I) 19 COMMITTEE DECISIONS LOG**

The latest version of the Committee decisions log was presented to the meeting and, with no debate or discussion, it was:

**RESOLVED**

That the published Decisions Log be noted.

**\*O&S(I) 20 DRAFT WORK PROGRAMME 2016/17**

The Committee took the opportunity to express its views in relation to its 2016/17 Work Programme and proceeded to note the content of the latest draft (as presented in the published agenda papers) without the need for any revisions at this time.

(The meeting terminated at 2.55 pm)

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Chairman

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At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **26<sup>th</sup>** day of **JULY 2016** at **10.00am**

**Present:**

	Cllr P R Sanders – Chairman
	Cllr G Parker – Vice-Chairman
Cllr R E Baldwin	Cllr M J R Benson
Cllr W G Cann OBE	Cllr L J G Hockridge
Cllr C Mott	Cllr D E Moyse
Cllr T G Pearce	

**Substitutes:** Cllr J Yelland for Cllr A Roberts

Executive Director (SH)  
Group Manager Support Services (SM)  
Specialists (TF, MJ and TJ)  
Highways Authority Representative (PT)  
Solicitor (SN)  
Senior Specialist – Democratic Services (DW)

**In attendance:** Cllrs A F Leech, R F D Sampson and D K A Sellis

**\*P&L 07 APOLOGIES**

Apologies were received from Cllr A Roberts for whom Cllr J Yelland acted as substitute.

**\*P&L 08 DECLARATION OF INTEREST**

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

Cllr J Yelland declared a personal interest in application 0436/16/COU: change of use from private garage (C3) to furniture shop (A1) – Kingswood, Castle Road, Okehampton, by virtue of being the local Ward Member who called the application to Committee and a Member of Okehampton Town Council. She remained in the meeting and took part in the debate and vote;

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 each item.

In accordance with the Committee Procedure Rules, Cllrs R E Baldwin and G Parker both advised that, since they were not in attendance at the last Committee meeting held on 28 June 2016, they would potentially take part in the debates on those applications that had been deferred to a site inspection at that meeting. However, both Members confirmed that they would abstain from the vote on each of these applications.

**\*P&L 09 URGENT BUSINESS**

With the agreement of the Chairman, a Member wished to highlight that a Horse Drawn Carriage was currently operating in the Burrator area without a licence.

In reply, the Chairman urged the concerned Member to make Enforcement Officers aware that this was occurring.

**\*P&L 10      CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 28 June 2016 were confirmed and signed by the Chairman as a correct record.

**\*P&L 11      PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

**(a) Application No: 0958/16/FUL      Ward: Buckland  
Monachorum**

**Site Address: Land West of Seaton Way, Crapstone, Yelverton  
PL20 7UZ**

Development of an 80kW solar photovoltaic installation, comprising of 307 solar photovoltaic panels with a rating of 260W each. Panels to be arranged in 7 rows of 22.24 metres long, with the top of the panels having a height of 2.46 metres above ground level. There will be a spacing of 9 metres between the rows and a deer fence enclosing the panels.

Speakers included: local Ward Member – Cllr R Cheadle (a brief statement read out on his behalf)

**RECOMMENDATION:**      Conditional Approval

By way of an update following the site inspection, the Specialist (MJ) advised Members that a revised site location plan had been received and was presented to the Committee. Secondly, it was confirmed that the height of the fence would be no higher than two metres, which was considered satisfactory since the fence would not be immediately adjacent to solar panels.

In the ensuing debate, some Members expressed their support for the proposals, with reference being made to the fact that there were no windows overlooking the site.

**COMMITTEE DECISION:** Conditional Approval

**(b) Application No: 0436/16/COU      Ward: Okehampton South**

**Site Address: Kingswood, Castle Road, Okehampton EX20 1HX**

Change of use from private garage (C3) to furniture shop (A1)

Speakers included: local Ward Member – Cllr Yelland

The Specialist (MJ) updated the Committee by advising that, since the site inspection, he had received comments back from Strategic Planning colleagues confirming that the site was 'out of the town centre' and not on the 'edge of the town centre'. MJ also confirmed that, whilst there were units currently available for A1 usage within Okehampton town centre, these were not deemed to be suitable by the applicants for their business needs.

The Highways Authority Representative (PT) informed that he was particularly familiar with this site and was of the view that, whilst there may be moments of inconvenience on the highway, these would not be so significant to be deemed as resulting in having a severe impact. In reaching a balanced judgement, PT had concluded that he did not feel that there was a sustainable reason to raise an objection to these proposals on highways grounds.

In discussion, the following points were raised:-

(a) PT confirmed that the impact on the local residential home and visitors to the Castle had been taken fully into consideration when making his highways recommendations;

(b) In light of the comments of the participating local ward Member, it was agreed that the below sentence should be deleted from the case officer report and it therefore should not be taken into account by the Committee when determining this application:

*“Furthermore, the applicant lives next door which means that the entire parking area in front of these two properties and a car port are all available to serve the two dwellings and the shop. Overall, this larger parking area is considered to allow the off street parking for a car for each property and a space for the shop.”*

(c) Whilst wishing to support a local business, some Members did express their concerns in respect of the highways issue. As a consequence, a Member queried the appropriateness of initially granting a temporary (twelve month) approval before it was then reviewed again for a permanent decision. In reply, the Solicitor advised against this course of action and considered that it would be unfair on the applicants.

**RECOMMENDATION:**      Conditional Approval

**COMMITTEE DECISION:** Conditional Approval (NB. by virtue of a Chairman's Casting Vote)

**Site Address: Land off Crediton Road, Hillside Drive, Okehampton, EX20 1UN**

Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor amendment

Speakers included: Objector – Mrs M Marshall and local Ward Member – Cllr Leech

The Specialist (TF) provided an update to the Committee following the site inspection. In so doing, he advised that amended plans had now been received and he emphasised that the application was only considering the proposal to raise up Plot 3. In addition, TF was of the view that the (already constructed) retaining walls were relatively minor and, in their own right, would not necessitate planning permission. Furthermore, a proposed condition had been included whereby there should be no removal of the Devon hedgebank on the southern boundary. However, if the hedgebank had already been damaged, then this would be a matter to be investigated by enforcement colleagues.

In the subsequent debate, reference was made to:-

- (i) the impact on overlooking. Some concerns were noted whereby an increase in dwelling height of 0.7 metres would result in higher window heights that would then have a knock-on effect in respect of overlooking from neighbouring properties;
- (ii) the long running planning history on this site. When considering that this was a contentious application when it was initially approved, some Members expressed their deep frustrations that this amendment was now being presented to the Committee;
- (iii) a proposal to defer the application. In light of the unresolved on-site enforcement issues and the Landscape Officer still having to consider the matter of the hedgebank, a motion was **PROPOSED** and **SECONDED** to defer the application. In speaking against this motion, other Members were of the view that the enforcement issues should be considered in isolation and the risk of non-determination was also highlighted. When put to the vote, the motion was declared **LOST**.

**RECOMMENDATION:** Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.

**COMMITTEE DECISION:** Conditional Approval delegated to the COP Lead Development Management, in consultation with the Chairman and Vice-Chairman of the Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement.



In recognition of the considerable enforcement related concerns that had been raised during the debate on this application, the Chairman asked that officers follow up on these concerns outside of the meeting and keep Committee Members updated accordingly.

As a further request following the site inspection, a Member also made a formal request whereby better signage be erected on major new development sites.

**\*P&L 12      PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

The Chairman informed that officers had agreed that the enforcement appeals would be more clearly designated in future update reports.

As a general point, the Committee wished to put on record its gratitude for the number of appeals that were being dismissed and welcomed the fact that the Planning Inspector was in agreement with the Council in most instances.

**\*P&L 13      AFFORDABLE HOUSING OBLIGATION**

A report was presented that sought (following a Court of Appeal decision) to complete the previously agreed Section 106 Agreements without affordable housing or affordable housing contributions, in line with re-imposed Government guidance.

It was then **RESOLVED**:

1. That Section 106 Agreements on small scale residential development (as defined at the recent Special Council meeting held on 28 June 2016 (Minute CM 21a ii refers) previously considered by the Planning and Licensing Committee be completed without the requirement for affordable housing or an affordable housing contribution; and
2. That, in cases where the Section 106 Agreement for a small scale residential development only related to the provision of affordable housing or a financial contribution to affordable housing, the applications be approved without the need for a Section 106 Agreement.

**P&L 14      PLANNING PEER CHALLENGE ACTION PLAN 2016/17**

The Committee was presented with a report that outlined the Action Plan that had been developed to implement the recommendations contained within the report arising from the Planning Improvement Peer Challenge visit conducted between 18 and 20 April 2016.

In discussion, the following points were raised:

- (a) A Member was of the view that the content of the Peer Challenge report did not reflect the tone of the wash-up presentation given by the team on 20 April 2016. As a consequence, the Member questioned how many amendments had been made by Council officers to the draft report prior to its publication. In response, the Executive Director (SH) informed that the draft report was only checked for points of accuracy and two minor amendments were subsequently made by officers. SH proceeded to give further assurances that nothing substantially had been changed to the draft report that had been received by the team;
- (b) The Committee asked that the Action Plan term 'from cradle to grave' (page 79 of the presented agenda report refers) be amended to read 'from start to finish';
- (c) In welcoming the action to review the Committee site visit protocol, it was noted that the COP Lead Development Management was intending to present a report to a future Committee meeting for further consideration;
- (d) Members also welcomed the specific action relating to engaging with town and parish councils on expectations around support for neighbourhood plans;
- (e) It was **PROPOSED** and **SECONDED** that an additional (two-fold) action should be added to the plan as below:-

*'That the Political Structures Working Group be tasked with giving consideration to:*

- *changing the name of the Planning and Licensing Committee to the 'Development Management Committee'; and*
- *establishing a separate stand-alone Licensing Committee.*

*with the Working Group recommendations being presented to the Council for determination, with any subsequent changes coming into effect from the Annual Council meeting in May 2017.'*

When put to the vote, this addition was declared **CARRIED**.

- (f) Members were supportive of the proposal for relevant planning performance indicators to be presented to the Committee and recognised that this would require Council approval of a minor change to the Committee Terms of Reference.

It was then **RESOLVED** that the:

1. content of the Planning Peer Challenge report (as outlined at Appendix 2 of the presented agenda report) be noted;
2. content of the Action Plan 2016/17 being implemented to improve performance within the wider Planning function (as outlined at Appendix 3 of the presented agenda report) be endorsed, subject to inclusion of the amendments highlighted in the minutes above; and

3. Committee receive on a monthly basis key performance data relevant to the Action Plan and the Council be **RECOMMENDED** to update the Committee Terms of Reference to reflect this additional responsibility.

(The Meeting terminated at 11.55 am)

Dated this

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**Chairman**

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At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23<sup>rd</sup>** day of **AUGUST 2016** at **10.00am**

**Present:**  
Cllr P R Sanders – Chairman  
Cllr G Parker – Vice-Chairman  
Cllr R E Baldwin                      Cllr M J R Benson  
Cllr L J G Hockridge                Cllr C Mott  
Cllr D E Moyse                        Cllr T G Pearce  
Cllr A Roberts

**Substitutes:**                      Cllr C Edmonds for Cllr W G Cann OBE

COP Lead Development Management (PW)  
Planning Specialist (TJ)  
Highways Authority Representative (PT)  
Solicitor (SN)  
Senior Case Manager – Strategy and  
Commissioning (KT)

**In attendance:**                Cllrs M Davies, J Evans, A F Leech, R F D  
Sampson, B Stephens and J Yelland

**\*P&L 15                      APOLOGIES**

Apologies were received from Cllr W G Cann OBE for whom Cllr C Edmonds acted as substitute.

**\*P&L 16                      DECLARATION OF INTEREST**

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

Cllr P R Sanders declared a personal interest in both applications in that he had been contacted by a public relations company acting on behalf of the developer. He spoke on behalf of a number of Committee Members who had been similarly contacted.

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 each item.

**\*P&L 17                      CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 26 July 2016 and the Licensing Sub Committee Meeting held on 8<sup>th</sup> June 2016 were confirmed and signed by the Chairman as a correct record.

**\*P&L 18                      PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Development Management Specialists and considered also the comments of Town and Parish Councils together with other

representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED**:

**(a) Application No: 1493/16/VAR      Ward: Okehampton North**

**Site Address: Land north of Crediton Road, Crediton Road,  
Okehampton, Devon**

Variation of conditions 3 and 21 following grant of outline application 01089/2013 to allow the development to be delivered in a phased manner

Speakers included: Supporter - Mr Robin Upton: Okehampton Hamlets Parish Council representative - Cllr Derek Webber: Local Ward Member – Cllr A F Leech

**RECOMMENDATION:** Delegate to COP Lead Development Management in consultation with the Chairman and Vice Chairman Planning and Licensing Committee to approve subject to conditions

In introducing the application, the case officer advised Members of a number of corrections to his report and provided the Committee with clarification. Members stated their concerns in respect of the entrance to the proposed school area, and there was some discussion over the use of that access for the residential area. Members were reminded that the proposal being discussed had been previously approved, and this application was simply to vary two of the conditions.

**COMMITTEE DECISION:** Delegate to COP Lead Development Management in consultation with the Chairman and Vice Chairman Planning and Licensing Committee to approve subject to conditions

**(b) Application No: 2731/15/OPA      Ward: Okehampton North**

**Site Address: SX603 960 (Parcels 3 and 4), east of Okehampton,  
Crediton Road, Okehampton**

READVERTISEMENT (Extension to consultation period) Outline application with some matters reserved (access to be considered) for residential development of up to 400 dwellings

Speakers included: Supporter - Mr Robin Upton: Okehampton Hamlets Parish Council representative - Cllr Derek Webber: Okehampton Town Council representative – Cllr R Rush: Local Ward Member – Cllr A F Leech

**RECOMMENDATION:** Delegate to COP Lead Development Management in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee to approve subject to conditions and the satisfactory completion of a Section 106 legal agreement, and to review with the Chairman of Planning and Licensing Committee if not completed within 3 months of the Committee date

Members had a detailed discussion on this application, particularly as part of the application site, whilst appearing in the approved plan, was not in the emerging Local Development Plan. However, the solicitor confirmed that the emerging plan had limited weight and therefore would not be a sound basis from which to base a refusal. Drainage concerns were discussed, as were landscape issues, and an additional condition was added specifically requiring provision of a landscape scheme. The Highways Officer responded to a number of questions, particularly in respect of proposed bus stops, and the proposed link road through the application site and the town centre access road.

**COMMITTEE DECISION:** Delegate to COP Lead Development Management in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee to approve subject to conditions and the satisfactory completion of a Section 106 legal agreement, and to review with the Chairman of Planning and Licensing Committee if not completed within 3 months of the Committee date

**\*P&L 19**

**PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 1.20 pm)

Dated this

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**Chairman**

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At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **20th** day of **SEPTEMBER 2016** at **10.00am**

**Present:**

Cllr P R Sanders – Chairman	
Cllr G Parker – Vice-Chairman	
Cllr R E Baldwin	Cllr M J R Benson
Cllr W G Cann OBE	Cllr L J G Hockridge
Cllr C Mott	Cllr T G Pearce
Cllr A Roberts	

**Substitutes:** Cllr J Yelland for Cllr D E Moyse

COP Lead Development Management (PW)  
Planning Specialist (TJ)  
Solicitor (SN)  
Senior Case Manager – Strategy and  
Commissioning (KT)

**In attendance:** Cllr A F Leech

**\*P&L 20 APOLOGIES**

Apologies were received from Cllr D E Moyse for whom Cllr J Yelland acted as substitute.

**\*P&L 21 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 each item.

**\*P&L 22 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 23<sup>rd</sup> August 2016 were confirmed and signed by the Chairman as a correct record.

**\*P&L 23 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

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

**(a) Application No: 2128/16/FUL      Ward: Okehampton North**

**Site Address: 7 Wonnacotts Road, Okehampton, Devon EX20 1LX**

Erection of two bedroom detached bungalow with parking space

Speakers included: Supporter - Mr Chris Tyson: Local Ward Member (speaking on behalf of all three Ward Members and Okehampton Town Council) – Cllr A F Leech

**RECOMMENDATION:**      Conditional Approval

**COMMITTEE DECISION:** Conditional Approval

Conditions: (please refer to report for conditions in full)

- Time
- Accord with Plans
- Materials samples prior to installation
- Drainage details prior to commencement of development
- Unsuspected contamination

**\*P&L 24**

**PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals including enforcement appeals.

(The Meeting terminated at 10.55 am)

Dated this

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**Chairman**

At a Meeting of the **OVERVIEW & SCRUTINY (EXTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **2<sup>nd</sup>** day of **AUGUST 2016** at **2.00 pm**.

**Present:**

Cllr D K A Sellis – Chairman  
Cllr D W Cloke – Vice-Chairman  
Cllr R Cheadle                      Cllr N Jory  
Cllr A F Leech                      Cllr T G Pearce  
Cllr J Sheldon                      Cllr B Stephens

Head of Paid Service  
Place and Strategy Lead Specialist  
Specialist – Community Safety, Safeguarding  
and Partnerships  
Senior Specialist – Democratic Services

**Also in Attendance:**

Cllrs C Edmonds, J B Moody, D E Moyse, C R  
Musgrave, G Parker and J Yelland

**\*O&S(E) 11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs K Ball, A Roberts and L Watts. Apologies were also received from Cllrs R E Baldwin and L Samuel in their capacity as lead Hub Committee Members.

**\*O&S(E) 12 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 14 June 2016 were confirmed and signed by the Chairman as a correct record, subject to introductory point 6 under Minute \*O&S(E) 6 'Joint Local Plan Update' being amended to read:

*'a public consultation exercise that would commence on 1 July 2016.'*

**\*O&S(E) 13 DECLARATIONS OF INTEREST**

Members and officers were asked 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(E) 14 PUBLIC FORUM**

The Chairman informed that there had been one issue raised for this meeting in accordance with the Public Forum:

**Issue raised by Mr Kevin Eady:**

*"The out-of-hours GP clinic at Tavistock hospital is to cease from the 1st October 2016. This decision was taken in such a way that practically no-one in Tavistock knew about it before the decision was announced. Even the announcement was easy to miss. None of the GP surgeries in Tavistock, Yelverton, Bere Alston and Lifton were directly consulted by the CCG. Nor were the trades unions of the workforce involved.*

*The staff discovered their intended redundancy on-line, not even in a face-to-face meeting with anybody. The general public were, and most still are, completely unaware of what was being proposed.*

*Similar proposals are being rolled out across Devon, in Okehampton, Bideford, Tiverton, Honiton and elsewhere. This is all being carried out with the same degree of secrecy and subterfuge. The pretence may be that of increased efficiency and streamlined services, but we all know that the underlying reason is simply lack of funding from central government. The reality will be that many patients will either present themselves for treatment later than they should, fail to present at all, have great difficulty in attending clinics in either Okehampton or Plymouth, or may find the cost prohibitive or punitive. The knock-on adverse health effects are impossible to quantify accurately, but can be imagined.*

*The NEW CCG may think it has followed the letter of the law in terms of consultation, but a quick stroll through Tavistock talking to passers-by would soon convince you that any supposed consultation was complete sham. Or maybe it was merely overlooked by busy people.*

*Is there any justification for the way in which these decisions have been arrived at, for the lack of accountability and for the underhand nature of the decision-making process?"*

Having read his question, Mr Eady proceeded to inform that, in the space of two and a half hours recently, 330 signatories had put their name to a petition urging for the out of hours clinic to be retained. Furthermore, not one person canvassed felt the proposals were a good idea.

At this point, the Chairman informed that Ms Rachael Crawley (Assistant Contract Manager, NHS England South Region, South West) was in attendance at this meeting in accordance with agenda item 7 below (Minute \*O&S(E) 16 below refers). As a consequence, it was the Chairman's intention for these issues to be raised under agenda item 7 and, at that point of the meeting, she would enable Mr Eady a further opportunity to address the Committee.

**\*O&S(E) 15 HUB COMMITTEE FORWARD PLAN**

The most recent (published June 2016) Hub Committee Forward Plan was presented for consideration. In so doing, the Head of Paid Service informed that an additional agenda item would be added to the Plan for the Hub Committee Meeting on 1 November 2016 in relation to the Heart of the South West Devolution Bid.

**\*O&S(E) 16 NHS ENGLAND REPRESENTATIVES**

As highlighted in the Public Forum session (Minute \*O&S(E) 14 above refers), Ms Crawley was in attendance at this meeting to address the Committee and respond to Member questions. In addition to Mr Eady's submission, the following questions had been received in advance from Council Members:

**Questions from Cllr Robert Oxborough:**

- 1. Is the Devon Doctors service being withdrawn?*
- 2. If so, what arrangements will be in place to provide out of hours GP cover in WD?*
- 3. In the event that the service is withdrawn, will there be additional community nurse support provided from the outset (current community nursing staff appears to be at capacity).*

**Questions from Cllr Neil Jory:**

- 1. There has clearly been considerable pressure on social care budgets and spending in recent years and much publicity about the adverse knock-on effect that this has had on the NHS and its ability to deliver services. This situation is likely to have the greatest impact on the most vulnerable members of our society - those who are elderly, homeless, learning disabled, alcoholic, drug dependent and have low incomes. Can you tell me what is being done to protect those members of our community from these pressures?*
- 2. The answer to the problem outlined in my previous question is widely promoted as being the delivery of integrated health and social care (through the Better Care Fund). Can you tell me what progress has been made towards the integration of health and social care services in this area?*
- 3. There has also been considerable publicity over the financial pressures on Doctors' surgeries in recent years. My understanding is that the vast majority of income for surgeries comes from commissioned services funded by the NHS. Can you outline the extent to which surgeries are subject to audit - both in terms of their financial management and the delivery of commissioned services - to ensure that public funds are being properly accounted for and to ensure that patients are receiving the level of care and services that are being funded?*
- 4. What effect, beneficial or otherwise, is political devolution and the proposed creation of the Heart of the South West authority likely to have on the delivery of NHS services in this area?*

In responding to all of the questions received in advance, Ms Crawley made particular reference to:-

- (a) lessons learned from the closure of the surgery of the Ockment Centre, Okehampton. Ms Crawley advised that a number of lessons had been learned from this closure including the need to involve and consult with local authorities and local ward Members from the outset. Specifically regarding the closure of the Ockment Centre, the Committee was advised that this decision had been taken since it was not considered to be financially viable moving forward;*

- (b) the relationship between NHS England and the NEW Devon CCG. Ms Crawley made the point that a number of the advanced questions that had been submitted were in fact the responsibility of the NEW Devon CCG (e.g. the commissioning of out of hours care provision). A detailed and lengthy debate ensued during which it was apparent that there was a lack of clarity and great confusion around the different roles and the relationship between the NHS England and the NEW Devon CCG. The Member frustrations were echoed by members of the public who were present and, at the discretion of the Chairman, Dr Gude was invited to address the Committee. In so doing, Dr Gude read the following statement:

*'I am Dr Gude, who was a GP here for 25 years. Thank you for coming here to answer our questions. I want to ask about something that you are not directly responsible for but wish you to take back to NHS England.'*

*Simon Stevens, as Head of NHS England, is responsible for the health service in England. The CCG's are responsible for commissioning health care and their actions are the responsibility of NHS England.*

- 1. Will you take back to NHS England the very strong feelings of local people about the outrageous action of the CCG to cut back out of hours services without any local consultation either with the Council, the local GPs or the public?; and*
- 2. Will you be able to persuade NHS England to send a directive to the CCG to put the changes on hold so that appropriate local discussions can take place?*

*When the CCGs were created as a result of the Health and Social Act being passed in 2011, it was said that power would be passed to GPs. This has obviously not happened since local GPs were not consulted.'*

Specifically regarding this statement, Ms Crawley assured Dr Gude that she would ensure that these comments are relayed accordingly.

In reflecting the frustrations of the meeting, the Chairman made the formal request that NEW Devon CCG representatives should be invited to a future meeting. Furthermore, in light of the tight time constraints associated with a number of these issues, it was felt that this would need to be a special meeting that was organised at fairly short notice. The Committee endorsed these sentiments and felt that the representatives would be in a better position to both respond to a number of the questions raised in advance and highlight the role of the organisation and how it fitted into the wider public health agenda;

- (c) the need for a pro-active approach to be taken to care planning was recognised and welcomed by the Committee;

- (d) the funding for GPs surgeries being based upon the numbers registered and the consequent age and gender profile. However, Ms Crawley proceeded to inform that there had been a recent move to standardise the payment for all GP surgeries, which would result in smaller surgeries benefiting more than larger practices. In respect of audit requirements and spending reviews, the importance of these were recognised by NHS England, but there was also felt to be a balance to be struck to ensure that these were undertaken in a proportionate manner.

In concluding the agenda item, the Chairman thanked the Members and the public who had contributed to this agenda item. In addition, the Chairman thanked Ms Crawley for her attendance and responses but felt that this item had unearthed a number of issues that required the further detailed consideration of the Committee.

**\*O&S(E) 17 JOINT LOCAL PLAN UPDATE**

The Place and Strategy Lead Specialist and lead Hub Committee Member provided a verbal update on the Joint Local Plan. In so doing, the following points were raised:-

- Members noted that progress continued to be swift and the Council was currently midway through the consultation exercise (deadline being 12 August 2016). In respect of the consultation process, public meetings had already been held in Okehampton and Tavistock and the Locality Officers were raising awareness in the rural areas.
- To date, it was noted that 108 comments had been received by the Council that related to either West Devon or South Hams from 93 respondents, with only a few of these raising outright objections to the proposals. Of particular interest in these responses, Tavistock Town Council had expressed its concerns over the continued reliance on the sites at Callington Road and Plymouth Road. The lead Hub Committee Member informed that he too shared some of these concerns and officers were currently looking into this matter.

Several objections were raised by landowners who had wished to promote their own sites as an alternative and each of these would be discussed with the relevant local ward Member(s). Finally, a number of concerns had been raised from Okehampton and the overriding concerns were related to the scale of proposed development in the town. However, a number of sites had been allocated via the adopted Core Strategy and planning permissions already granted;

- For clarity, it was noted that reference in the initial published consultation document to the New Launceston Road site was an error. In apologising for the confusion arising from this mistake, the lead Hub Committee Member confirmed that the consultation documents had been updated and all relevant parties notified accordingly;

- Since this was the last Committee meeting before the Place and Strategy Lead Specialist left the employ of the Council, the Lead Hub Committee Member confirmed the transitional arrangements that were in place and proceeded to thank the officer for his exemplary service and wished him every success for the future. On behalf of the Committee, the Chairman endorsed these sentiments.

In the ensuing debate, reference was made to:-

- (a) housing needs evidence. With regard to housing needs evidence being required by Neighbourhood Planning Groups, officers agreed to circulate a link to the consultants' report to the wider membership. Furthermore, it was agreed that a copy of the proposed timetable for the Joint Local Plan would also be circulated to all Members;
- (b) allocating housing in villages. The lead Member informed that a decision was still to be made in relation to how housing would be specifically allocated to villages. It was noted that the Council could either leave the villages themselves to determine how the total allocation was divided or they could be specifically allocated via the Joint Local Plan. Whilst there were advantages and disadvantages to both options, Members were advised that a decision had yet to be reached;
- (c) the merits of adopting a Neighbourhood Plan. When questioned, the lead Member stated that the Council would work with Neighbourhood Planning Groups to ensure that there was commonality and close linkages with the contents of the Joint Local Plan. In respect of those parishes without a Neighbourhood Plan, it was confirmed that the Council would leave the option available for them to produce a Development Plan Document in the future (if they so wished);
- (d) the predominantly IT based consultation exercise. Whilst some concerns were raised that there was too great an emphasis on IT during the consultation process, other Members were of the view that it was appropriate in this instance.

## **O&S(E) 18 TASK AND FINISH GROUP UPDATES**

### **(a) Partnership Review**

The Committee considered a report that set out the summary outcomes from the work of the Partnership Task and Finish Group.

In so doing, reference was made to:

- (a) the importance of the CAB. A number of Members highlighted the key role played by the CAB and made the point that they would be strongly against the Council reducing its annual financial contribution to this partner;



- (b) the local Liaison Groups related to Okehampton and Tavistock. In making reference to the lack of clarity around the local Liaison Groups, the Committee recognised that this was an area of the review that was still to be concluded;
- (c) providing regular feedback. The Committee emphasised the comments raised by the Task and Finish Group whereby partners and outside bodies should be reminded and strongly encouraged to provide regular feedback to the Council;
- (d) the partnership register. As a live and evolving document, the importance of the partnership register being kept up to date and regularly monitored was highlighted;
- (e) the business plans to be submitted by the CAB and CVS. In light of the expectations already placed upon them by the task and finish group, some Members felt that the production of a business plan was an unnecessary and onerous expectation on the CAB and CVS. In contrast, other Members felt that it was an important piece of work to establish the value for money that the Council was receiving and did not feel it would need to be an extensive piece of work. In addition, depending on the content of the business plan, officers may feel that there was no need for CAB or CVS representatives to attend the special meeting at which this piece of work would be presented to the Committee.

In conclusion, a number of Members wished to put on record their gratitude for the work undertaken by the Task and Finish Group and lead officers in this respect.

It was then:

### **RECOMMENDED**

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

1. the Partnership Policy (as outlined at Appendix 1 of the presented agenda report) and Guidance (as outlined at Appendix 2 of the presented agenda report) be adopted;
2. the Partnership Register (as outlined at Appendix 3 of the presented agenda report) be adopted;
3. the review and recommendations of the Task and Finish Group (as outlined at Appendix 4 of the presented agenda report) be agreed;
4. Partnerships be retained at current financial levels for 2017/18, subject to any financial modifications set out in Appendix 4 of the presented agenda report and/or any changes required pursuant to recommendation 5 below;
5. those significant partners identified in paragraph 3.7 (CAB and CVS) be invited to submit a business plan to the Overview & Scrutiny (External) Committee before the end of September 2016 setting out:

- What they would spend the funding on;
  - How it will benefit residents;
  - Links to Council's Strategic Priorities;
  - What value for money it will provide; and
  - What success measures they would use.
6. new (or updated) partnership agreements be established for 2017/18 onwards establishing clear outcomes relating to Our Plan themes and, where appropriate, the Locality work to ensure co-ordinated delivery for communities; and
  7. alongside this, a further financial and governance review be undertaken to identify the most appropriate delivery options aligned to financial and procurement procedures once a decision on the Local Authority Controlled Company is confirmed.

**\*O&S(E) 19 COMMITTEE DECISIONS LOG**

The latest version of the Committee decisions log was presented to the meeting.

Whilst acknowledging that attempts had been made by the Council's Communications Team to ask the office of Mel Stride MP to retract a misleading article in the local press, a Member expressed his concerns that this had proven to be unsuccessful. Although the Committee had some sympathy with these frustrations, a number of Members felt that this matter was outside the remit of the Committee and it should therefore be closed.

**RESOLVED**

That the published Decisions Log be noted.

**\*O&S(E) 20 DRAFT ANNUAL WORK PROGRAMME**

The Committee considered its draft 2016/17 Work Programme and made reference to the following comments, additions and amendments:-

- (a) Following the discussions during agenda item 7 above (Minute \*O&S(E) 16 above) Members were reminded of the decision to schedule into the diary an additional Special Committee meeting;

*(Post meeting note: this additional meeting was scheduled to take place on Monday, 26 September at 2.00pm).*

- (b) With regard to the Police and Crime Commissioner agenda item on 11 October 2016, the Chairman urged Members to begin to give consideration to any questions that they would like to raise in advance of this meeting.

(The meeting terminated at 4.15 pm)

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Chairman

At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **20<sup>th</sup>** day of **SEPTEMBER, 2016** at **2.00pm**

**Present:** Cllr P R Sanders – Chairman  
Cllr R E Baldwin – Vice-Chairman

Cllr M J R Benson	Cllr C Edmonds
Cllr J B Moody	Cllr R J Oxborough
Cllr G Parker	Cllr R F D Sampson
Cllr L Samuel	

**Apologies:** Cllr J B Moody and Cllr R F D Sampson

**In attendance:** Executive Director (Strategy and Commissioning)  
Executive Director (Service Delivery and Commercial Development)  
Group Manager Commercial Services  
Group Manager Business Development  
COP Lead – Assets  
Operational Manager (Environment Services)  
S151 Officer  
Senior Case Manager – Strategy & Commissioning

**Other Members in attendance:**

Cllrs Leech, Musgrave, Pearce, Sellis and Yelland

**\*HC 15      DECLARATIONS OF INTEREST**

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

**\*HC 16      MINUTES**

The Minutes of the Hub Committee Meeting held on 12th July, 2016 were confirmed and signed by the Chairman as a correct record.

**\*HC 17      URGENT BUSINESS**

The Chairman had previously agreed to accept one item of urgent business being a report entitled 100% Business Rates Retention Consultation Response. The report was deemed urgent as there was a deadline for consultation responses to be sent to central government. The report was presented at the end of the meeting (Minute HC 22 refers).

**HC 18      MEDIUM TERM FINANCIAL STRATEGY**

The Leader introduced a report that presented an annual review of the Council's Medium Term Financial Strategy (MTFS). The strategy was based on a financial forecast over a rolling five year timeframe to 2021/22 which would help ensure resources were aligned to the outcomes in Our Plan.

The forecast was intended to provide a framework within which decisions could be made regarding the future service provision and council tax levels whilst building an approach that guaranteed the Council's longer term viability.

The Leader began by outlining the assumptions listed at Para 3 of the presented agenda report. The Leader and the s151 Officer gave further detail and responded to a number of detailed questions on elements within the report.

The Executive Director (Service Delivery and Commercial Development) responded to questions on Disabled Facilities Grants and how they were processed. The Leader asked that the Lead Hub Member for Health and Wellbeing monitor performance in relation to Disabled Facilities Grants.

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

- i) Had considered the five year Medium Term Financial Strategy (MTFS) and provided an indication of the budget principles to be adopted, with particular reference to:
  - the level of council tax increase,
  - the use of New Homes Bonus to support the revenue budget,
  - bringing forward income generation and budget savings and
  - maintaining the current Council policy on the minimum level of unearmarked reserves being £750,000 (see Section 10 of the presented agenda report);

**RECOMMENDED** to Council:

- ii) to accept the four year financial settlement being offered by the Government as set out in Section 2 of the presented agenda report,
- iii) that the approval of the Efficiency Statement (for the four year funding settlement) be delegated to the Head of Paid Service in consultation with the Leader, Lead Member for Support Services and the S151 Officer (Finance Community of Practice Lead).
- iv) to commence consultation with Town and Parish Councils, on an annual grant reduction of 8.6% for the next three years in the Local Council Tax Support Grant, as shown in Appendix E to the presented report.

**\*HC 19**

#### **WRITE OFF REPORT**

The Portfolio Holder for Support Services introduced a report that informed Members of the debt written off for revenue streams within the Revenue and Benefits service. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

In respect of the debts with a value of more than £5,000, Members were advised of how they had arisen.

It was requested by Members that an explanation of the financial impact of Housing Benefit write offs on the Council's own finances be appended to the next write off report to the Hub Committee.

It was then **RESOLVED**:

1. That, in accordance with Financial Regulations, that the s151 Officer had authorised the write-off of individual West Devon Borough Council debts totalling £16,651.92 as detailed in Tables 1 and 2 be noted; and
2. The write off of individual debts in excess of £5,000 totalling £23,660.98 as detailed in Table 3 be authorised.

**\*HC 20**

### **COMMERCIAL DEVELOPMENT PROPOSAL**

(Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting on the grounds that exempt information is likely to be disclosed as defined in Paragraph 3 of Schedule 12(A) to the Act).

The Lead Member for Environment presented a report that set out a business case for a commercial development.

During discussion, a number of concerns were raised. The Group Manager Business Development and the COP Lead Assets responded to a number of queries.

It was then **PROPOSED** and **SECONDED** that Hub Committee **RECOMMEND** to Council to approve the expenditure as detailed within the presented report towards the commercial development and on being put to the vote this proposal was declared **LOST**.

With no alternative proposal coming forward, the meeting proceeded to the next agenda item and voted to re-admit members of the public to the meeting.

**\*HC 21**

### **REPORTS OF OTHER BODIES**

In view of Members not having received reports in full in respect of recommendations which were being made from the Overview and Scrutiny Committees to the Hub Committee, this item was deferred to the next meeting of the Hub Committee.

**\*HC 22**

### **100% BUSINESS RATES RETENTION CONSULTATION RESPONSE**

The Lead Member for Support Services introduced an urgent report that set out a draft response to the government consultation paper on 100% Business Rates Retention Consultation.

The s151 Officer responded to queries in more detail and explained the risks associated with the government proposals which included how much of the business rates would be kept by the district and borough councils and also how many of the grants currently received by district councils would be included into a new combined payment under 100% Business Rates Retention.

It was then **RESOLVED**:

That authority to approve the final content of the Authority's response to the consultation document 'Self-sufficient local government: 100% Business Rates Retention' be delegated to the Head of Paid Service in consultation with the Leader, Member Lead for Support Services and the s151 Officer.

(The Meeting terminated at 5.20 pm)

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Chairman