

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 6th December, 2016** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Sheldon
Vice Chairman Cllr Moody

Cllr Baldwin	Cllr Ball
Cllr Benson	Cllr Cann OBE
Cllr Cloke	Cllr Davies
Cllr Edmonds	Cllr Evans
Cllr Hockridge	Cllr Jory
Cllr Kimber	Cllr Leech
Cllr McInnes	Cllr Mott
Cllr Moyse	Cllr Oxborough
Cllr Pearce	Cllr Ridgers
Cllr Roberts	Cllr Sampson
Cllr Samuel	Cllr Sanders
Cllr Sellis	Cllr Yelland
Cllr Musgrave	Cllr Parker

In attendance:

Councillors:

Officers:

Darren Arulvasagam	Group Manager	Business Development
Catherine Bowen	Group Manager	Commercial Services
Helen Dobby	Executive Director	
Sophie Hosking	Executive Director	Head of Paid Service
Steve Jordan		

40. **Apologies for Absence**

CM 40

Apologies for absence were received from Cllrs R Cheadle, B Stephens and L Watts

41. **Declarations of Interest**

CM 41

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:

Cllr N Jory declared a Disclosable Pecuniary Interest in Item 10(v): 'Minutes of Committees' (Minute CM 46(e) below refers) and specifically unstarred minute HC 40 (Economy Working Group Recommendations) by virtue of his involvement with the Business Information Point and left the meeting room during consideration of this unstarred minute;

Cllr R E Baldwin declared a personal interest in Item 8(a): 'Notice of Motion' (Minute CM 45(a) below refers) and remained in the meeting and took part in the debate and vote on this agenda item.

42. **Confirmation of Minutes**

CM 42

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 Meeting held on 4 October 2016 as a true record."

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

CM 43

The Mayor made reference to:

- his Christmas Tea. The Mayor reminded the Council that his Christmas Tea was taking place upon the rising of this meeting and all Members were welcome to attend;
- a number of events that he had recently attended. The Mayor advised that he had attended a number of excellent events recently. In particular, the Mayor wished to highlight the following events:
 - o the Handel's Messiah Concert at Exeter Cathedral;
 - o the Edwardian Night in Okehampton;
 - o the Tavonians Theatre Company production of the Railway Children; and
 - o the formal launch of the Street Pastors initiative in Okehampton.

44. **External Audit Report 2015/16**

CM 44

Members considered a report that had been produced by KPMG (the Council's External Auditors) that summarised the key findings arising from their audit work.

At this point, the Mayor invited Mr Darren Gilbert (KPMG Partner) to introduce the report. In so doing, Mr Gilbert advised that the report was particularly positive and KPMG had been content with both the final accounts and the value for money conclusions.

In the ensuing debate, the following points were raised:

- (a) The Chairman of the Audit Committee stated that the report had already been considered by the Audit Committee at its meeting on 27 September 2016 (Minute *AC 15 refers). Such was the positive nature of this report, that the Committee had concluded that it would be beneficial to share it with the wider membership;
- (b) A number of Members welcomed the report and wished to extend their thanks to the Section 151 Officer and her finance colleagues for all of their hard work.

It was then moved by Cllr M Davies and seconded by Cllr C R Musgrave and upon being submitted to the Meeting declared to be **CARRIED** and **"RESOLVED** that the report be noted and the Section 151 Officer and her finance colleagues be thanked for all their hard work."

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

CM 45

It was moved by Cllr P R Sanders and seconded by Cllr D K A Sellis that:

"The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination

in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

In introducing the motion, the proposer highlighted that:

- the motion raised an important issue that affected a large number of residents living in West Devon;
- the rules had been changed at the eleventh hour, which he felt to be particularly unfair;
- similar motions had already received the unanimous support of a number of other local authorities in Devon.

In the ensuing debate, widespread support was expressed for the motion and, upon being put to the vote, the motion was then declared **CARRIED**.

46. **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:**

CM 46

a. Overview and Scrutiny (Internal) Committee – 6 September 2016 and 8 November 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 6 September 2016 and 8 November 2016 meetings be received and noted".

b. Overview and Scrutiny (External) Committee – 26 September 2016 and 11 October 2016

It was moved by Cllr D K A Sellis, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 26 September 2016 and 11 October 2016 meetings be received and noted".

c. Audit Committee – 27 September 2016

It was moved by Cllr M Davies, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 27 September 2016 meeting be received and noted".

d. Planning and Licensing Committee – 18 October 2016 and 15 November 2016

It was moved by Cllr P R Sanders, seconded by Cllr G Parker and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 18 October 2016 and 15 November 2016 meetings be received and noted, with the exception of Unstarred Minutes P&L 38 and P&L 39".

In respect of the Unstarred Minutes:

i. P&L 38 To Consider Changes to the Constitution of the Council in relation to the Delegation of Powers for Determination of Certain Licensing Functions

It was moved by Cllr P R Sanders, seconded by Cllr G Parker and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions be adopted, as attached at Appendix A to the published Committee meeting minutes."

ii. P&L 39 Approval of Policy in Relation to the Licensing of Taxi Drivers

It was moved by Cllr P R Sanders, seconded by Cllr G Parker and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Taxi Driver Licensing Policy be adopted to take effect from 1 January 2017."

e. Hub Committee – 1 November 2016 and 29 November 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 1 November 2016 and 29 November 2016 meetings be received and noted, with the exception of Unstarred Minutes HC 29, HC 31, HC 32, HC 36, HC 38 and HC 40".

In respect of the Unstarred Minutes:

i. HC 29 Annual Review of Health and Safety

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 policy be adopted and signed by the Head of Paid Service and the Leader of Council; and

2. authority to approve the final version be delegated to the Head of Paid Service in consultation with the Leader of Council”.

ii HC 31 Reports of Other Bodies: Overview and Scrutiny (Internal) Committee: 19 July 2016

O&S(I) 18 Member Development Steering Group – Progress Update and Induction Review

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 future Member Induction Programme (as attached at Appendix A of the agenda report presented to the Overview and Scrutiny (Internal) Committee) be approved, 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;
2. the principle of a Member Learning and Development Plan be approved, with responsibility for its content and monitoring being delegated to the Senior Specialist – Democratic Services, in consultation with the Member Development Steering Group; and
3. the pursuing of the South West Charter Status for Member Development accreditation be supported.

HC 31 Reports of Other Bodies: Overview and Scrutiny (External) Committee: 2 August 2016

O&S(E) 18 Task and Finish Groups

(a) Partnership Review

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 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 as set out in Appendix 4 of the presented agenda report and a final decision being made on the CAB and CVS;
5. 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

6. 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.

HC 31 Reports of Other Bodies: Overview and Scrutiny (External) Committee: 26 September 2016

O&S(E) 27 Conclusions of the Partnership Task and Finish Group on Submitted Business Plans from the West Devon Citizens Advice Bureau and Council for Voluntary Service

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 funding allocated by the Council to the CAB and CVS for 2017/18 should be retained at the same level as it was for 2016/17 (£32,900 and £8,500 respectively)."

ii. **HC 32 Devon Building Control Partnership (DBCP) Hosting Arrangements**

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. an operating model be moved to for Devon Building Control Partnership that is fully hosted by Teignbridge District Council (TDC);
2. West Devon Borough Council staff currently seconded to TDC be transferred to the host authority TDC; and
3. the necessary amendments be made to the current DBCP agreement to reflect the changes as discussed in section 3.2 of the agenda report presented to the Hub Committee.

iii. **HC 36 Adoption of a UAV/Drone 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 a decision on the formal adoption of a UAV/Drone Policy be deferred until the New Year."

iv. **HC 38 Council Tax Reduction Scheme**

In introducing this unstarred minute, the Leader informed that he had been in communication with his colleagues across the county and the general consensus was that similar recommendations to retain the current Scheme for a further twelve months would be agreed. Should the Council decide to retain the Scheme for 2017/18, then the Leader recognised the need for an extensive review to take place during that year.

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 results of the public consultation for the Council Tax Reduction Scheme be noted; and
2. the 2016/17 Council Tax Reduction Scheme be retained for 2017/18.

v. **HC 40 Economy Working Group Recommendations**

Having been moved by Cllr P R Sanders and seconded by Cllr R E Baldwin, the Mayor agreed to a request for parts 1, 2, 5, 6, 7, 8 and 9 of the recommendation to be voted upon separately.

Therefore, upon being submitted to the Meeting, it was declared to be **CARRIED** and **"RESOLVED** that:

1. the proposed WDBC Our Plan Annual Delivery Plan, as shown in Appendix 1 of the agenda report presented to the Hub Committee, be adopted for the period to March 2018;
2. the funding be increased to Business Information Point for business support services from £8,340 in 2015/16 to £15,100 in 2016/17 (pro-rata) and maintain this funding level for 2017/18;
5. the Council ceases to offer economy grants in WDBC with immediate effect;
6. the Youth Markets initiative be supported from 2016/17 with funding of £1,000;
7. the Head of Paid Service be tasked with utilising the staffing establishment to deliver the activities detailed in paragraph 3.6 of the agenda report presented to the Hub Committee, identifying a lead officer of a suitable grade;
8. a West Devon Economy Working Group (WDEWG) consisting of 4 Members be established, with Group Leaders being invited to submit their nominations to serve on this Group outside of this meeting; and
9. the WDEWG be requested to submit periodic reports to the Hub Committee.

To instigate the debate on part 3 of the recommendation, it was moved by Cllr P R Sanders and seconded by Cllr R E Baldwin that:

3. *funding to Villages in Action be reduced from £8,000 in 2015/16 to £4,000 in 2016/17 and 2017/18.*

In discussion on this part, reference was made to:-

- (a) the £4,000 reduction potentially being offset by the savings generated by the new Leisure contract. In

reply to this view, a Member advised that the Leisure contract savings had already been factored in to the revenue budget and there still remained a budget gap to be closed;

- (b) the impact of a £4,000 grant reduction. The point was raised on a number of occasions that the organisation could not quantify the actual impact of this proposed reduction. However, as part of the Working Group's review, it was recognised that there had been a downward trend in events being held (from 26 in 2014/15 to 16 in 2016/17) in the borough. In reply, a Member countered that this trend was attributed to a reduction in funding from Devon County Council;
- (c) opposition to the motion. Some Members expressed their deep concerns at the proposed £4,000 reduction and felt that it would have a particularly detrimental impact on rural communities, low income families and the elderly population;
- (d) the need for Members to make a choice between supporting the rural economy and the arts. Whilst recognising that the arts was important, a number of Members were of the view that the £4,000 would have far greater benefits if it was used to support rural economy measures. As a general point, there was wide recognition that any arts related budgets should not fall within the auspices of the Economy Budget.

Taking that viewpoint a step further, some Members also felt that there was the potential need for a task and finish group review to be undertaken into all aspects of the Council's commitment and future approach to the Arts agenda. The request was therefore made to refer this matter to Overview and Scrutiny for its consideration;

- (e) the recommendations being effectively cost neutral. Some Members welcomed the responsible approach undertaken by the Working Group to ensure that the recommendations were cost neutral.

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

For the motion (17): Cllrs Baldwin, Ball, Benson, Davies, Edmonds, Evans, Kimber, McInnes, Mott, Oxborough, Parker, Ridgers, Sampson, Samuel, Sanders, Sellis and Yelland;

Against the motion (10): Cllrs Cann OBE, Cloke, Hockridge,

Leech, Moody, Moyse, Musgrave, Pearce, Roberts and Sheldon.

Abstentions (0):

Absent (4): Cllrs Cheadle, Jory, Stephens and Watts.

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

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:

4. funding to South West Museum Development be reduced from £2,000 in 2015/16 to £1,000 in 2016/17."

47. **Member Allowance Review**

CM 47

A report was considered that presented some suggested revisions to the Scheme of Members Allowances.

To instigate the debate on the recommendation, it was moved by Cllr P R Sanders and seconded by Cllr R E Baldwin that:

'the recommendations of the Independent Panel on Members' Allowances (as outlined at paragraph 3 of the presented agenda report) be agreed and that the revised draft Scheme of Members' Allowances (as shown at Appendix A of the presented agenda report) be adopted with immediate effect, with any consequent increases in Allowances being backdated to 1 May 2016.'

In discussion, reference was made to:-

- (i) the cost implications and the public perception. A number of Members felt that, the proposed increase in the Special Responsibility Allowance that Hub Committee Members would be entitled to claim, would convey the wrong message to the public and the cost implications would be difficult to justify in the current climate;
- (ii) the Basic Allowance. Some Members lamented the fact that the Basic Allowance was the lowest in the county and were disappointed that the Panel had not recommended an increase that would benefit all Members and not just those who served on the Hub Committee. In response, other Members advised that there was the opportunity for any Member to either attend the Panel meeting or make their representations before the meeting had been held on all aspects of the Scheme. Whilst having this opportunity, there had been no representations made to the Panel

requesting an increase in the Basic Allowance. In light of this lack of representations, the Panel had not received any convincing arguments to recommend an increase in the Basic Allowance;

- (iii) support for the recommended increase. In contrast to earlier comments, other Members were supportive of the Panel recommendations and, when considering the levels of responsibility being undertaken by Hub Committee Members, were of the view that the recommended increase was a more accurate reflection of the role;
- (iv) the previous recommendations of the Panel. Having previously overlooked the recommendations of the Panel, the comment was made that the Council would be ill-advised to do so again;
- (v) comparisons with the role of Chairmen of the Overview and Scrutiny and Audit Committees. In making its recommendations, the Panel had drawn direct comparisons between these roles and the role of a Hub Committee Member. As a consequence, Members were asked to consider, in reaching a decision, whether or not Hub Committee Members were being treated fairly.

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 (14): Cllrs Baldwin, Benson, Davies, Evans, Hockridge, Jory, Kimber, McInnes, Oxborough, Parker, Sampson, Samuel, Sanders and Sellis;

Against the motion (9): Cllrs Ball, Cann OBE, Cloke, Leech, Moyse, Musgrave, Pearce, Roberts and Sheldon;

Abstentions (3): Cllrs Edmonds, Moody and Yelland;

Absent (5): Cllrs Cheadle, Mott, Ridgers, Stephens and Watts.

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

The Meeting concluded at 6.40 pm

Signed by:

Chairman
