

West Devon Council



West Devon
Borough
Council

Title:	Summons																																													
Date:	Tuesday, 6th December, 2016																																													
Time:	4.30 pm																																													
Venue:	Chamber - Kilworthy Park																																													
Full Members:	<p style="text-align: center;">Mayor Cllr Sheldon Deputy Mayor 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> <td style="width: 33%;"></td> </tr> <tr> <td>Cllr Ball</td> <td>Cllr Oxborough</td> <td></td> </tr> <tr> <td>Cllr Benson</td> <td>Cllr Pearce</td> <td></td> </tr> <tr> <td>Cllr Cann OBE</td> <td>Cllr Ridgers</td> <td></td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Roberts</td> <td></td> </tr> <tr> <td>Cllr Cloke</td> <td>Cllr Sampson</td> <td></td> </tr> <tr> <td>Cllr Davies</td> <td>Cllr Samuel</td> <td></td> </tr> <tr> <td>Cllr Edmonds</td> <td>Cllr Sanders</td> <td></td> </tr> <tr> <td>Cllr Evans</td> <td>Cllr Sellis</td> <td></td> </tr> <tr> <td>Cllr Hockridge</td> <td>Cllr Stephens</td> <td></td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Watts</td> <td></td> </tr> <tr> <td>Cllr Kimber</td> <td>Cllr Yelland</td> <td></td> </tr> <tr> <td>Cllr Leech</td> <td>Cllr Musgrave</td> <td></td> </tr> <tr> <td>Cllr McInnes</td> <td>Cllr Parker</td> <td></td> </tr> <tr> <td>Cllr Mott</td> <td></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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Interests – Declaration and Restriction on Participation:	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.																																													
Committee administrator:	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

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To approve and adopt as a correct 4 October 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. External Audit Report 2015/16

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Report of KPMG (NB. this report was also considered by the Audit Committee at its meeting on 27 September 2016 (agenda item 5 refers)

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

(a) Motion received from Cllr P R Sanders:

"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."

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

10. 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:

35 - 80

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:

(i) Overview and Scrutiny (Internal) Committee
Meeting held on 6 September 2016

Meeting held on 8 November 2016 - To follow

(ii) Overview and Scrutiny (External) Committee
Meeting held on 26 September 2016

Meeting held on 11 October 2016

(iii) Audit Committee

Meeting held on 27 September 2016

(iv) Planning and Licensing Committee

Meeting held on 18 October 2016

Meeting held on 15 November 2016

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

RESOLVED to RECOMMEND:

That Council be **RECOMMENDED** to adopt the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions, as attached at Appendix A to the published minutes.

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

RESOLVED to RECOMMEND:

That Council be **RECOMMENDED** to adopt the Taxi Driver Licensing Policy at the meeting on 6 December 2016 to take effect from 1 January 2017.

(v) Hub Committee

Meeting held on 1 November 2016

Unstarred Minute to agree

Members are recommended to agree:

HC 29 Annual Review of Health and Safety

RESOLVED to RECOMMEND:

- i. to adopt the revised policy and that it be signed by the Head of Paid Service and the Leader of Council; and
- ii. that authority to approve the final version be delegated to the Head of Paid Service in consultation with the Leader of Council.

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

RESOLVED to RECOMMEND to:-

1. approve the future Member Induction Programme (as attached at Appendix A of the agenda report presented to the Overview and Scrutiny (Internal) Committee), 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. 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
3. support the pursuing of the South West Charter Status for Member Development accreditation.

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**

RESOLVED to RECOMMENDED 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.

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

RESOLVED to RECOMMEND:-

That the Hub Committee **RECOMMEND** to Council 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).

HC 32 Devon Building Control Partnership (DBCP) Hosting Arrangements

RESOLVED to RECOMMENDED to:

1. Move to an operating model for Devon Building Control Partnership that is fully hosted by Teignbridge District Council (TDC);
2. Transfer West Devon Borough Council staff currently seconded to TDC, to the host TDC; and
3. Make the necessary amendments to the current DBCP agreement to reflect the changes as discussed in section

3.2 of the presented report.

Meeting held on 29 November 2016 – to follow

11. Member Allowance Review

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Report of the Senior Specialist – Democratic Services

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Agenda Item 3

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the 4th day of **OCTOBER 2016** at **4.30pm** pursuant to Notice given and Summons duly served.

Present

Cllr J Sheldon – The Mayor (In the Chair)

Cllr R E Baldwin	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 P Kimber
Cllr A F Leech	Cllr J R McInnes
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr G Parker
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)
Senior Specialist – Legal
Senior Specialist – Democratic Services
Group Manager – Commercial Services
Lead Specialist – Waste Strategy (Strategy and Commissioning)

CM 32 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from K Ball, L J G Hockridge, J B Moody and R J Oxborough.

CM 33 **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 34 **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 Annual Meeting held on 10 May 2016 and the Special Meetings held on 28 June 2016 and 26 July 2016 as a true record.”

CM 35 COMMUNICATIONS FROM THE MAYOR

The Mayor made reference to:

- his upcoming Civic Service. The Mayor reminded the Council that his Civic Service was to take place at Milton Abbot on Sunday, 9 October 2016. Any Members who wished to attend the Service, but had not let officers know, were asked to confirm their intention to the office before the end of 4 October 2016;
- the events he had already attended. The Mayor advised that he had attended numerous excellent events recently. In particular, the Mayor wished to highlight the following events:
 - o the Tamar Valley Choir event;
 - o the Fish Feast at Burrator; and
 - o the South Zeal Folk Festival.

CM 36 FEDERATION OF SMALL BUSINESSES AWARD

The Mayor advised that the Council, as a partner authority in the Better Business for All scheme, had recently won an award from the Federation of Small Businesses.

The Mayor proceeded to invite the Deputy Leader of Council to step forward and formally present him with this Award.

CM 37 NOTICE OF MOTION

It was moved by Cllr M Davies and seconded by Cllr A F Leech that:

“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 includes the retention of the 16 beds in Okehampton Hospital as an additional option during the consultation exercise.”

In introducing the motion, the proposer highlighted that:

- the NEW Devon CCG had decided at a meeting on 28 September 2016 to consult on proposed changes to the way elderly and frail people were cared for in their locality;
- the consultation document did not include the option to retain the 16 beds in Okehampton Hospital. As a consequence, the residents of Okehampton and its neighbouring parishes were being excluded and sold short;
- there was an acceptance of the need for budget cuts, but not before a solution had been identified;

- he had set up a Facebook page entitled: 'Save Our Beds – Okehampton Hospital';
- the CCG representatives that had attended the recent Overview and Scrutiny (External) Committee meeting had confirmed that there had been no West Devon Borough residents involved in the process of drawing up the proposals for consultation;
- in the event of his motion being approved, he would request that copies of the decision be sent to the local MPs; the Health and Wellbeing Board and the Secretary of State for Health.

In the ensuing debate, reference was made to:

- (a) the views of the seconder. The seconder commented that the whole process that had been followed to date was a cause for concern. As a consequence, he felt that there was a need to test the criteria that had been followed by the CCG to ensure that it was both correct and fair. In addition, the seconder was of the view that the Okehampton area was also being penalised for being recently moved into the NEW Devon CCG area;
- (b) the impact on the wider area. In calling for a concerted effort from the Council, Okehampton Town Council and the neighbouring parish councils, a Member stressed that this issue should not be considered as solely a matter for the town of Okehampton. For clarity, a Member confirmed that the neighbouring parish councils had already been contacted on this matter by the Mayor of Okehampton Town Council;
- (c) the growth earmarked for the Okehampton area. Some Members expressed their surprise at the apparent lack of consideration by the CCG of the extensive growth that was earmarked for the Okehampton area. Indeed, a Member made the point that there was the actual potential to aid the viability of the hospital by increasing the number of beds from 16 to 24;
- (d) the 'care in the community' agenda. In expressing the view that the pendulum had swung too far towards care being managed in the community, some Members stated that it was not always possible to move patients straight from acute care beds back into their homes;
- (e) the travel distance from Okehampton to Exeter. In outlining the apparent inconsistencies in the process, some Members advised that it was quicker to travel from Tiverton to Exeter than it was from Okehampton to Exeter, yet the consultation exercise emphasised the importance of maintaining the number of beds at Tiverton Hospital;
- (f) the future of the relatively new building. If the 16 beds were lost from the hospital, some Members highlighted the other services that were located in the building and questioned the consequent uncertainties that would result;

- (g) the lack of consultation. A number of Members stated their disappointment at the lack of consultation and engagement that had been instigated between the CCG and local Members.

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

CM 38

MINUTES OF COMMITTEES

a. Audit Committee – 19 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 19 July 2016 meeting be received and noted”.

b. Overview and Scrutiny (Internal) Committee – 19 July 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 19 July 2016 meeting be received and noted”.

c. Planning and Licensing Committee – 26 July 2016, 23 August 2016 and 20 September 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 26 July 2016, 23 August 2016 and 20 September 2016 meetings be received and noted, with the exception of Unstarred Minute P&L 14”.

In respect of the Unstarred Minute:

i. P&L 14 Planning Peer Challenge Action Plan 2016/17

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 Planning and Licensing Committee receive on a monthly basis key performance data relevant to the Action Plan and the Committee Terms of Reference be updated to reflect this additional responsibility.”

d. Overview and Scrutiny (External) Committee – 2 August 2016

It was moved by Cllr D K A Sellis, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 2 August 2016 meeting be received and noted”.

e. Hub Committee – 20 September 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 20 September 2016 meeting be received and noted, with the exception of Unstarred Minute HC 18”.

In respect of the Unstarred Minute:

i. HC 18 Medium Term Financial Strategy

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 four year financial settlement being offered by the Government (as set out in Section 2 of the agenda report presented to the Hub Committee) be accepted;
2. 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 of Council, the Lead Hub Committee Member for Support Services and the Section 151 Officer (Finance Community Of Practice Lead); and
3. town and parish councils be advised of an annual grant reduction of 8.6% for the next three years in the Local Council Tax Support Grant (as outlined in Appendix E to the report presented to the Hub Committee).

CM 39

OPTIONS FOR THE PROCUREMENT OF THE TWO YEAR MANAGED SERVICE FOR WASTE AND CLEANSING

(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).

An exempt report was presented that sought a Council decision on the waste and cleansing options in order to ensure that the Council could continue to deliver these services post 1 April 2017.

In his introduction, the lead Hub Committee Member for Commercial Services informed that he would be proposing a minor amendment to recommendation 1. Furthermore, the lead Member also stated that the first paragraph contained within exempt Appendix 2 should be deleted from the record.

In support of the recommendations, a number of Members recognised that there were risks associated with the recommended course of action.

However, these Members also did not believe there to be any viable alternative options.

Having been moved by Cllr R F D Sampson and seconded by Cllr C R Musgrave, it was then submitted to the Meeting and declared to be **CARRIED** and **“RESOLVED:**

1. That a two year managed service contract for waste and cleansing be negotiated with the incumbent contractor, directly awarded and signed, in response to the mitigation outlined at amended Appendix 2 of the presented agenda report, subject to an agreed price being achieved and an external value for money test being applied; and
2. That 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.

(The Meeting terminated at 5.25 pm)

Mayor



External Audit Report 2015/16

West Devon Borough Council

—
19 September 2016



Agenda Item 7

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The contacts at KPMG in connection with this report are:

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This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. Public Sector Audit Appointments issued a document entitled Statement of Responsibilities of Auditors and Audited Bodies summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website (www.psa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact Darren Gilbert, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers (on 0207 694 8981, or by email to andrew.sayers@kpmg.co.uk). After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3H.



Section one: Introduction



This document summarises:

- The key issues identified during our audit of the financial statements for the year ended 31 March 2016 for the Authority; and
- Our assessment of the Authority's arrangements to secure value for money.

Scope of this report

This report summarises the key findings arising from:

- Our audit work at West Devon Borough Council ('the Authority') in relation to the Authority's 2015/16 financial statements; and
- The work to support our 2015/16 conclusion on the Authority's arrangements to secure economy, efficiency and effectiveness in its use of resources ('VFM conclusion').

Financial statements

Our *External Audit Plan 2015/16*, presented to you in March 2016, set out the four stages of our financial statements audit process.



We previously reported on our work on the first two stages in our Interim Audit Report/Letter 2015/16 issued in June 2016.

This report focuses on the third stage of the process: substantive procedures. Our on site work for this took place during July 2016.

We are now in the final phase of the audit, the completion stage. Some aspects of this stage are also discharged through this report.

VFM Conclusion

Our External Audit Plan 2015/16 explained our risk-based approach to VFM work and we included early findings in our Interim Audit Report 2015/16. We have now completed the work to support our 2015/16 VFM conclusion. This included:

- Considering the results of any relevant work by the Authority and other inspectorates and review agencies in relation to these risk areas; and
- Carrying out additional risk-based work.

Structure of this report

This report is structured as follows:

- Section 2 summarises the headline messages.
- Section 3 sets out our key findings from our audit work in relation to the 2015/16 financial statements of the Authority and the fund.
- Section 4 outlines our key findings from our work on the VFM conclusion.

Acknowledgements

We would like to take this opportunity to thank officers and Members for their continuing help and co-operation throughout our audit work. We would particularly like to thank officers for the assistance that they have provided in helping us to familiarise ourselves with the Authority and its processes given that this is our first year as your auditors.



Section two: Headlines



This table summarises the headline messages for the Authority. Sections three and four of this report provide further details on each area.

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Proposed audit opinion	We anticipate issuing an unqualified audit opinion on the Authority's financial statements by 30 September 2016. We will also report that your Annual Governance Statement complies with guidance issued by CIPFA/SOLACE in June 2007.
Audit adjustments	We are pleased to report that we did not identify any material misstatements to the Authority's accounts. We have agreed a number of minor presentational and disclosure changes to supporting notes to the accounts to ensure that the accounts are compliant with the Code of Practice on Local Authority Accounting in the United Kingdom 2015/16 ('the Code').
Key financial statements audit risks	We identified the following key financial statements audit risk in our 15/16 External audit plan issued in March 2016: — Allocation of Shared Costs. We have worked with officers throughout the year to discuss these key risks and our detail findings are reported in section 3 of this report. No significant issues arose as a result of our work in the above areas.
Accounts production and audit process	We received complete draft accounts on 30 June 2016 in accordance with the DCLG deadline. The accounting policies, accounting estimates and financial statement disclosures are in line with the requirements of the Code. The Authority has good processes in place for the production of the accounts and good quality supporting working papers. Officers dealt efficiently with audit queries and the audit process has been completed within the planned timescales. During the accounts production process officers identified a limited number of corrections required to the prior year accounts in relation to the non-domestic (business) rates appeals provision. We are satisfied that the Authority has made appropriate adjustments in relation to this matter. We will debrief with the finance team to share views on the final accounts audit. In particular we would like to thank Authority Officers who were available throughout the audit visit to answer our queries.



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This table summarises the headline messages for the Authority. Sections three and four of this report provide further details on each area.

VFM conclusion and risk areas	<p>We identified the following VFM risks in our External audit plan 2015/16 issued in March 2016.</p> <ul style="list-style-type: none"> — Achievement of Savings Plans; and — Delivery of the T18 Transformation Programme. <p>We have worked with officers throughout the year to discuss these VFM risks and our detailed findings are reported in section 4 of this report. There are no matters of any significance arising as result of our audit work in these VFM risk areas.</p> <p>We have concluded that the Authority has made proper arrangements to secure economy, efficiency and effectiveness in its use of resources.</p> <p>We therefore anticipate issuing an unqualified VFM conclusion by 30 September 2016.</p>
Completion	<p>At the date of this report our audit of the financial statements is substantially complete subject to completion of the following areas:</p> <ul style="list-style-type: none"> — Final elements of work in relation to payroll reconciliations and pensions; — Final review of IT policies and procedure documents; — Final review of full schedule of shared costs; and — Agreement of bank letters (awaiting letters from the Council's banks). <p>You are required to provide us with representations on specific matters such as your going concern assertion and whether the transactions in the accounts are legal and unaffected by fraud. We provided a draft of this representation letter to the Section 151 Officer. We draw your attention to the requirement in our representation letter for you to confirm to us that you have disclosed all relevant related parties to us. We are asking management to provide specific representations on the following appropriateness of the allocation of shared costs.</p> <p>We confirm that we have complied with requirements on objectivity and independence in relation to this year's audit of the Authority's financial statements.</p>



Section three: Financial Statements

Proposed opinion and audit differences



We have not identified any issues in the course of the audit that are considered to be material.

We anticipate issuing an unqualified audit opinion in relation to the Authority's financial statements by 30 September 2016.

The wording of your Annual Governance Statement complies with guidance issued by CIPFA/SOLACE in June 2007.

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Proposed audit opinion

Subject to all outstanding queries being resolved to our satisfaction, we anticipate issuing an unqualified audit opinion on the Authority's financial statements following approval of the Statement of Accounts by the Audit Committee on 27 September 2016.

Audit differences

In accordance with ISA 260 we are required to report uncorrected audit differences to you. We also report any material misstatements which have been corrected and which we believe should be communicated to you to help you meet your governance responsibilities.

The final materiality (see Appendix two for more information on materiality) level for this year's audit was set at £0.5 million which is reduced slightly from that reported to you in our 15/16 External Audit Plan in order to reflect the actual total expenditure per the financial statements. Audit differences below £25,000 are not considered significant.

We did not identify any material misstatements.

The tables on the right illustrate the Authority's movements on the General Fund for the year and balance sheet as at 31 March 2016.

We identified a number of minor presentational and disclosure adjustments required to ensure that the accounts are compliant with the Code of Practice on Local Authority Accounting in the United Kingdom 2015/16 ('the Code'). The Authority has addressed where agreed. Any not agreed were immaterial and were presentational changes.

Annual governance statement

We have reviewed the Annual Governance Statement and confirmed that:

- It complies with *Delivering Good Governance in Local Government: A Framework* published by CIPFA/SOLACE; and
- It is not misleading or inconsistent with other information we are aware of from our audit of the financial statements.

We have made a number of minor comments in respect of its content which the Authority amended.

Movements on the general fund 2015/16	
£m	£m
Deficit on the provision of services	(1,241)
Adjustments between accounting basis and funding basis under Regulations	2,645
Transfers to earmarked reserves	(1,372)
Increase in General Fund	32
Balance sheet as at 31 March 2016	
£m	£m
Property, plant and equipment	19,660
Other long term assets	234
Current assets	10,549
Current liabilities	(5,977)
Long term liabilities	(23,027)
Net worth	1,439
General Fund	(1,055)
Other usable reserves	(2,868)
Unusable reserves	2,484
Total reserves	(1,439)



We have worked with the Authority throughout the year to discuss significant risks and key areas of audit focus.

This section sets out our detailed findings on those risks.

In our *External Audit Plan 2015/16* and *Interim Report 2015/16*, presented to you in March and June 2016 respectively, we identified the significant risks affecting the Authority's 2015/16 financial statements. We have now completed our testing of these areas and set out our evaluation following our substantive work.

The table below sets out our detailed findings for the risk that is specific to the Authority.

Significant Risk 1 – Allocation of Shared Costs

— Risk

The Authority operates shared management structures, systems and services with its neighbour, South Hams District Council. As a result of this arrangement, costs are initially borne by each council individually, and then an exercise is undertaken to ensure that these are shared on an appropriate and consistent basis. This is essential to ensuring that the Authority recognises its full costs and to prevent cross subsidy between the two councils. In order to operate effectively, the allocation of costs must be undertaken on an appropriate basis which reflects the nature of the underlying activities and the way in which the resources are consumed.

— Findings

In our *Interim Report 2015/16* we confirmed that we had reviewed the proposed methodology for the allocation of shared costs.

As part of our final audit visit we reviewed the way in which significant elements of shared costs had been allocated to the Authority and confirmed that this had been undertaken in a manner consistent with both prior year and the proposed methodology. No issues were identified as a result of this.

At the time of issuing this report we are still completing our final review of the full shared cost allocation.

Significant audit risks



We have worked with the Authority throughout the year to discuss significant risks and key areas of audit focus.

This section sets out our detailed findings on those risks.

In our *External Audit Plan 2015/16* we reported that we would consider two risk areas that are specifically required by professional standards and report our findings to you. These risk areas were Management override of controls and the Fraud risk of revenue recognition.

The table below sets out the outcome of our audit procedures and assessment on these risk areas.

Fraud risk of revenue recognition

Professional standards require us to make a rebuttable presumption that the fraud risk from revenue recognition is a significant risk.

In our *External Audit Plan 2015/16* we reported that we do not consider this to be a significant risk for Local Authorities as there is unlikely to be an incentive to fraudulently recognise revenue.

This is still the case. Since we have rebutted this presumed risk, there has been no impact on our audit work.

Management override of controls

Professional standards require us to communicate the fraud risk from management override of controls as significant because management is typically in a unique position to perpetrate fraud because of its ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively.

Our audit methodology incorporates the risk of management override as a default significant risk. We have not identified any specific additional risks of management override relating to this audit.

In line with our methodology, we carried out appropriate controls testing and substantive procedures, including over journal entries, accounting estimates and significant transactions that are outside the normal course of business, or are otherwise unusual. In addition, we gave particular consideration to the allocation of shared costs as set out on Page 10 of this report.

There are no matters arising from this work that we need to bring to your attention.

Other areas of focus



In our External Audit Plan 2015/16, presented to you in March 2016, we identified one area of audit focus. This is not considered as a significant risk but an area of importance where we would carry out some substantive audit procedures to ensure there is no risk of material misstatement.

We have now completed our testing. The table sets out our detailed findings for this area of audit focus.

Area of focus 1 – Change in revenue accruals de-minimis policy

— Issue

During 2015/16 the Authority has amended its policy in relation to the recognition of revenue accruals. Whereas in prior years a de-minimis of £1,000 was applied, this will be set at £2,500 for 2015/16 onwards.

— Findings

We considered the impact that such a change would have had had it been applied to the 2014/15 financial statements and are satisfied that the new threshold should not result in the accounts being unfairly stated. The analysis undertaken to support this assessment indicated that the changed threshold would have reduced debit accruals by £30,251 and credit accruals by £9,119. These amounts are below our triviality reporting thresholds (see Appendix 2)

As part of our final audit work we further considered the change in accruals levels between 2014/15 and 2015/16 and confirmed that the policy change has been accounted for appropriately. As a result of the change in accounting policy, and general movement in balances, the 2015/16 accruals balance was a net debtor of £3.0m compared to a net creditor of £3.3m. Further details are provided on Page 13.



We always consider the level of prudence within key judgements in your financial statements. We have summarised our view below using the following range of judgement:



Assessment of subjective areas				
Asset/liability class	15/16	14/15	Balance (£m)	KPMG comment
Provisions	3	3	£0.7 million <i>(PY: £0.2 million)</i>	The Authority's provisions have increased significantly as a result of the changes to the non-domestic rates appeals provision. We identified no issues in relation to the appropriateness of this provision.
Revenue Accruals	3	2	Revenue Debtors: £2.4 million <i>(PY: £2.8 million)</i> Revenue Creditors: £5.3 million <i>(PY: £6.1 million)</i>	The Authority has revised its approach to calculating revenue accruals during the year and has increased its de-minimis threshold. We have compared the new threshold to that applied at other authorities and have confirmed that it is in line with the general approach adopted.
Property, Plant and Equipment (valuations / asset lives)	3	3	£19.7 million <i>(PY: £21.1 million)</i>	We identified no issues in relation to the way in which the Authority calculates the carrying value of its Property, Plant and Equipment assets. The useful lives are in line with expectation and appropriately qualified experts are used in order to provide valuations.
Pensions	3	3	£20.1 million <i>(PY: £22.1 million)</i>	We identified no issues in relation to the way in which the Authority calculates its pensions liability. The Authority has engaged an appropriately qualified actuarial expert in order to perform the pensions calculations and provide required assumptions. We have reviewed the assumptions and found them to be within our expected ranges.

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Accounts production and audit process



We note that the quality of the accounts and the supporting working papers was of a high standard.

Officers dealt efficiently with audit queries and the audit process could be completed within the planned timescales.

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Accounts production and audit process

ISA 260 requires us to communicate to you our views about the significant qualitative aspects of the Authority's accounting practices and financial reporting. We also assessed the Authority's process for preparing the accounts and its support for an efficient audit.

We considered the following criteria:

Element	Commentary
Accounting practices and financial reporting	The Authority has a strong financial reporting process. We consider that accounting practices are appropriate.
Completeness of draft accounts	We received a complete set of draft accounts on 30 June 2016.
Quality of supporting working papers	Our <i>Accounts Audit Protocol</i> , which we issued in May 2016 and discussed with the finance team, set out our working paper requirements for the audit. The quality of working papers provided met the standards specified in our <i>Accounts Audit Protocol</i> .
Response to audit queries	Officers resolved audit queries in a reasonable time.

Narrative statement

The production of a narrative statement was a new requirement for 2015/16 (as opposed to the explanatory foreword produced in prior years). Whilst the content of the narrative foreword is not covered by our opinion, we review it for consistency with the financial statements and consider it in the context of the new Audit & Accountability Regulation requirements.

The Authority provided a draft narrative statement on 30 June 2016 and we note that it was a good draft which included a range of non-financial information in line with the applicable content requirements.

Prior period adjustments

In preparing the draft financial statements, the Authority identified a number of areas where corrections were required to the figures reported in the 2014/15 financial statements. These related to non-domestic rates appeal provision being held in creditors.

We reviewed the accounting adjustments being made in relation to each of the above errors and are satisfied that they are appropriate.



We confirm that we have complied with requirements on objectivity and independence in relation to this year's audit of the Authority's financial statements.

Before we can issue our opinion we require a signed management representation letter.

Once we have finalised our opinions and conclusions we will prepare our Annual Audit letter and close our audit.

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Declaration of independence and objectivity

As part of the finalisation process we are required to provide you with representations concerning our independence.

In relation to the audit of the financial statements of West Devon Borough Council for the year ending 31 March 2016, we confirm that there were no relationships between KPMG LLP and West Devon Borough Council, its directors and senior management and its affiliates that we consider may reasonably be thought to bear on the objectivity and independence of the audit engagement lead and audit staff. We also confirm that we have complied with Ethical Standards and the Public Sector Audit Appointments Ltd requirements in relation to independence and objectivity.

We have provided a detailed declaration in Appendix three in accordance with ISA 260.

Management representations

You are required to provide us with representations on specific matters such as your financial standing and whether the transactions within the accounts are legal and unaffected by fraud. We have provided a template to the Finance Community of Practice Lead for presentation to the Audit Committee. We require a signed copy of your management representations before we issue our audit opinion.

We have requested specific representations in relation to:

- The appropriateness of the allocation of shared costs; and
- The appropriateness of the non-domestic rates provision.

Other matters

ISA 260 requires us to communicate to you by exception 'audit matters of governance interest that arise from the audit of the financial statements' which include:

- Significant difficulties encountered during the audit;
- Significant matters arising from the audit that were discussed, or subject to correspondence with management;
- Other matters, if arising from the audit that, in the auditor's professional judgment, are significant to the oversight of the financial reporting process; and
- Matters specifically required by other auditing standards to be communicated to those charged with governance (e.g. significant deficiencies in internal control; issues relating to fraud, compliance with laws and regulations, subsequent events, non disclosure, related party, public interest reporting, questions/objections, opening balances etc.).

There are no others matters which we wish to draw to your attention in addition to those highlighted in this report or our previous reports relating to the audit of the Authority's 2015/16 financial statements.



Section four: Value for Money



Our VFM conclusion considers whether the Authority had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people. We follow a risk based approach to target audit effort on the areas of greatest audit risk.

We have concluded that the Authority has made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

Page 23

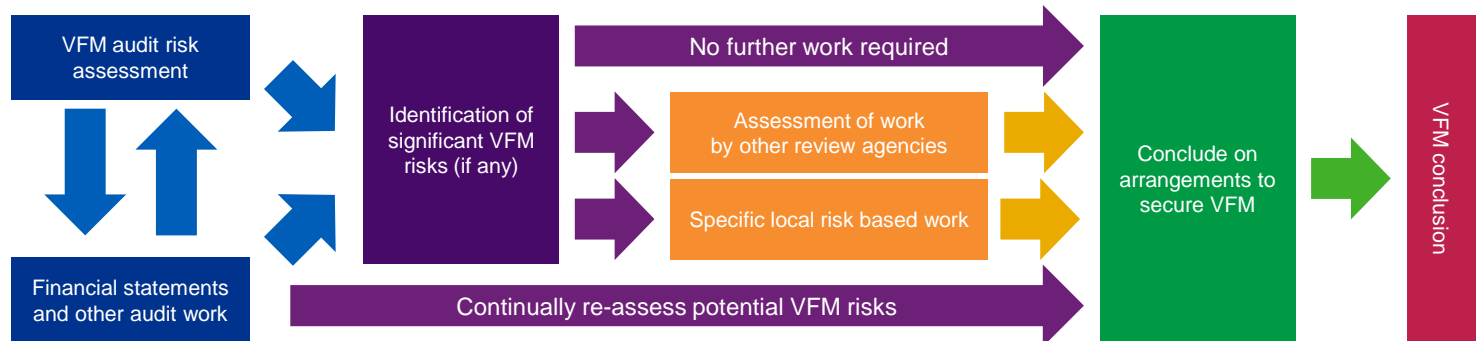
Background

The Local Audit and Accountability Act 2014 requires auditors of local government bodies to be satisfied that the authority 'has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources'.

This is supported by the Code of Audit Practice, published by the NAO in April 2015, which requires auditors to 'take into account their knowledge of the relevant local sector as a whole, and the audited body specifically, to identify any risks that, in the auditor's judgement, have the potential to cause the auditor to reach an inappropriate conclusion on the audited body's arrangements.'

The VFM approach is fundamentally unchanged from that adopted in 2014/2015 and the process is shown in the diagram below. However, the previous two specified reporting criteria (financial resilience and economy, efficiency and effectiveness) have been replaced with a single criteria supported by three sub-criteria.

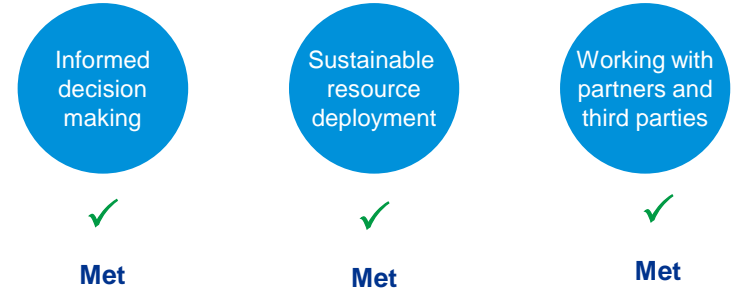
These sub-criteria provide a focus to our VFM work at the Authority.



Conclusion

We have concluded that the Authority has made proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

Overall criterion
 In all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.



Specific VFM Risks



We have identified a number of specific VFM risks.

In all cases we are satisfied that external or internal scrutiny provides sufficient assurance that the Authority's current arrangements in relation to these risk areas are adequate.

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Work completed

In line with the risk-based approach set out on the previous page, and in our *External Audit Plan* we have:

- Assessed the Authority's key business risks which are relevant to our VFM conclusion;
- Identified the residual audit risks for our VFM conclusion, taking account of work undertaken in previous years or as part of our financial statements audit;
- Considered the results of relevant work by the Authority, inspectorates and review agencies in relation to these risk areas; and
- Completed specific local risk based work.

Key findings

Below we set out the findings in respect of those areas where we have identified a residual audit risk for our VFM conclusion.

We concluded that we needed to carry out additional work for some of these risks. This work is now complete and we also report on this on the following pages.


Specific VFM Risks (cont.)



We have identified a number of specific VFM risks.

In all cases we are satisfied that external or internal scrutiny provides sufficient assurance that the Authority's current arrangements in relation to these risk areas are adequate.

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Key VFM risk	Risk description and link to VFM conclusion	Assessment
<p style="text-align: center;">  </p>	<p>The Authority identified the need to make savings of £1m in 2015/16. When we undertook our planning work the forecast (as contained in the December 2015 Budget Monitoring Report) showed that the Authority would deliver an underspend of approximately £70,000. The March 2016 budget monitoring report updated this to an underspend of £60,000.</p> <p>The Authority's budget for 2016/17 forecast a budget surplus of £669,292 as a result of the full savings being realised in relation to the ongoing transformation plan and due to the additional Rural Services Delivery Grant that the Council has been allocated in 2016-17 by Central Government. Subsequent years show further funding gaps however, resulting in a total net budget gap of £1,068,674 for the period to 2020/21 being identified in the February 2016 Budget Report. Further significant savings will be required in 2017/18 onwards to address future reductions to local authority funding alongside service cost and demand pressures. The need for savings will continue to have a significant impact on the Authority's financial resilience.</p> <p>This is relevant to the informed decision making and sustainable resource deployment sub-criteria of the VFM conclusion.</p>	<p>Specific risk based work required: Yes</p> <p>The Authority has delivered an outturn of £32k underspend against the approved budget for 2015/16 as a result of:</p> <ul style="list-style-type: none"> — Additional net savings and additional income in relation to delivery of services (£18k); and — Additional interest and investment income generated during the year (£14k). <p>The Authority identified savings throughout its operations and monitored the delivery of these through its regular financial monitoring processes. Whilst overspends were identified in relation to a number of specific services, these were offset by additional savings identified during the year.</p>


Specific VFM Risks (cont.)



We have identified a number of specific VFM risks.

In all cases we are satisfied that external or internal scrutiny provides sufficient assurance that the Authority's current arrangements in relation to these risk areas are adequate.

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Key VFM risk	Risk description and link to VFM conclusion	Assessment
	<p>As part of its response to the central government funding reductions, and in order to improve the efficiency of its operations, the Authority has initiated a major transformation programme ("T18"). This programme results in significant changes to the way in which services are delivered and back office functions undertaken. As part of the transformation programme, all staff roles and responsibilities have been redefined and a more unified model has been developed whereby staff act as key points of contact for service users and work across services rather than operating as separate teams.</p> <p>The establishment of this new working model has resulted in significant one-off investment costs, both in terms of redundancy costs and those relating to the establishment of new processes and delivery structures. The Authority expects that such costs will be exceeded by the ongoing recurrent annual savings that will be achieved by way of the programme. The predicted payback period of the programme is 2.75 years.</p> <p>This is relevant to the informed decision making, sustainable resource deployment and working with partners and third parties sub-criteria of the VFM conclusion.</p>	<p>The Authority's internal audit service undertook a review of the processes relating to the management of the T18 Transformation Programme. Whilst this identified a number of recommendations for improvement, no significant issues were reported.</p> <p>Specific risk based work required: Yes</p> <p>We reviewed the various committee reports relating to the T18 Transformation and confirmed that Members had been appropriately informed of the progress of the programme throughout the year.</p> <p>The implementation of the T18 programme has not been without challenges, particularly in relation to the implementation of appropriate IT solutions to support the new working arrangements. The Authority is continuing to make progress in relation to this.</p> <p>We note, that there has been a need to make additional investments in relation to the programme above those initially set out in the business plan. This was in the form of additional fixed term temporary transitional staffing resources of £216,000. As a result of this, the benefits of the programme have not been realised as early as hoped and this additional cost has slightly increased the payback period of 2.75 years. This investment was subject to appropriate approval within the Authority.</p>



Appendices

Appendix 1: Audit differences

Appendix 2: Materiality

Appendix 3: Independence and objectivity

Audit differences

This appendix sets out the audit differences.

The financial statements have been amended for all of the errors identified through the audit process.

We are required by ISA 260 to report all uncorrected misstatements, other than those that we believe are clearly trivial, to those charged with governance (which in your case is the Audit Committee). We are also required to report all material misstatements that have been corrected but that we believe should be communicated to you to assist you in fulfilling your governance responsibilities.

Uncorrected audit differences

We are pleased to report that there are no uncorrected audit differences.

Corrected audit differences

We are pleased to report that there are no corrected audit differences.

A number of minor amendments focused on presentational improvements have been made to the draft financial statements of the Authority.

Materiality and reporting of audit differences

For 2015/16 our materiality is £1.2 million for the Authority's accounts.
We have reported all audit differences over £60,000 for the Authority's accounts.

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Materiality

The assessment of what is material is a matter of professional judgment and includes consideration of three aspects: materiality by value, nature and context.

- Material errors by value are those which are simply of significant numerical size to distort the reader's perception of the financial statements. Our assessment of the threshold for this depends upon the size of key figures in the financial statements, as well as other factors such as the level of public interest in the financial statements.
- Errors which are material by nature may not be large in value, but may concern accounting disclosures of key importance and sensitivity, for example the salaries of senior staff.
- Errors that are material by context are those that would alter key figures in the financial statements from one result to another – for example, errors that change successful performance against a target to failure.

We used the same planning materiality reported in our External Audit Plan 2015/16, presented to you in March 2015.

Materiality for the Authority's accounts was set at £0.5 million which equates to around 1.5 percent of gross expenditure. We design our procedures to detect errors in specific accounts at a lower level of precision.

Reporting to the Audit Committee

Whilst our audit procedures are designed to identify misstatements which are material to our opinion on the financial statements as a whole, we nevertheless report to the Audit Committee any misstatements of lesser amounts to the extent that these are identified by our audit work.

Under ISA 260, we are obliged to report omissions or misstatements other than those which are 'clearly trivial' to those charged with governance. ISA 260 defines 'clearly trivial' as matters that are clearly inconsequential, whether taken individually or in aggregate and whether judged by any quantitative or qualitative criteria.

ISA 450 requires us to request that uncorrected misstatements are corrected.

In the context of the Authority, we propose that an individual difference could normally be considered to be clearly trivial if it is less than £25,000 for the Authority.

Where management have corrected material misstatements identified during the course of the audit, we will consider whether those corrections should be communicated to the Audit Committee to assist it in fulfilling its governance responsibilities.

Declaration of independence and objectivity

Auditors appointed by Public Sector Audit Appointments Ltd must comply with the Code of Audit Practice.

Requirements

Auditors appointed by Public Sector Audit Appointments Ltd must comply with the Code of Audit Practice (the 'Code') which states that:

"The auditor should carry out their work with integrity, objectivity and independence, and in accordance with the ethical framework applicable to auditors, including the ethical standards for auditors set by the Financial Reporting Council, and any additional requirements set out by the auditor's recognised supervisory body, or any other body charged with oversight of the auditor's independence. The auditor should be, and should be seen to be, impartial and independent. Accordingly, the auditor should not carry out any other work for an audited body if that work would impair their independence in carrying out any of their statutory duties, or might reasonably be perceived as doing so."

In considering issues of independence and objectivity we consider relevant professional, regulatory and legal requirements and guidance, including the provisions of the Code, the detailed provisions of the Statement of Independence included within the Public Sector Audit Appointments Ltd *Terms of Appointment* ('Public Sector Audit Appointments Ltd Guidance') and the requirements of APB Ethical Standard 1 *Integrity, Objectivity and Independence* ('Ethical Standards').

The Code states that, in carrying out their audit of the financial statements, auditors should comply with auditing standards currently in force, and as may be amended from time to time. Public Sector Audit Appointments Ltd guidance requires appointed auditors to follow the provisions of ISA (UK&I) 260 *Communication of Audit Matters with Those Charged with Governance* that are applicable to the audit of listed companies. This means that the appointed auditor must disclose in writing:

- Details of all relationships between the auditor and the client, its directors and senior management and its affiliates, including all services provided by the audit firm and its network to the client, its directors and senior management and its affiliates, that the auditor considers may reasonably be thought to bear on the auditor's objectivity and independence.
- The related safeguards that are in place.
- The total amount of fees that the auditor and the auditor's network firms have charged to the client and its affiliates for the provision of services during the reporting period, analysed into appropriate categories, for example, statutory audit services, further audit services, tax advisory services and other non-audit services. For each category, the amounts of any future services which have been contracted or where a written proposal has been submitted are separately disclosed. We do this in our *Annual Audit Letter*.

Appointed auditors are also required to confirm in writing that they have complied with Ethical Standards and that, in the auditor's professional judgement, the auditor is independent and the auditor's objectivity is not compromised, or otherwise declare that the auditor has concerns that the auditor's objectivity and independence may be compromised and explaining the actions which necessarily follow from his. These matters should be discussed with the Audit Committee.

Ethical Standards require us to communicate to those charged with governance in writing at least annually all significant facts and matters, including those related to the provision of non-audit services and the safeguards put in place that, in our professional judgement, may reasonably be thought to bear on our independence and the objectivity of the Engagement Lead and the audit team.

Declaration of independence and objectivity (cont.)

We confirm that we have complied with requirements on objectivity and independence in relation to this year's audit of the Authority's financial statements.

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General procedures to safeguard independence and objectivity

KPMG's reputation is built, in great part, upon the conduct of our professionals and their ability to deliver objective and independent advice and opinions. That integrity and objectivity underpins the work that KPMG performs and is important to the regulatory environments in which we operate. All partners and staff have an obligation to maintain the relevant level of required independence and to identify and evaluate circumstances and relationships that may impair that independence.

Acting as an auditor places specific obligations on the firm, partners and staff in order to demonstrate the firm's required independence. KPMG's policies and procedures regarding independence matters are detailed in the *Ethics and Independence Manual* ('the Manual'). The Manual sets out the overriding principles and summarises the policies and regulations which all partners and staff must adhere to in the area of professional conduct and in dealings with clients and others.

KPMG is committed to ensuring that all partners and staff are aware of these principles. To facilitate this, a hard copy of the Manual is provided to everyone annually. The Manual is divided into two parts. Part 1 sets out KPMG's ethics and independence policies which partners and staff must observe both in relation to their personal dealings and in relation to the professional services they provide. Part 2 of the Manual summarises the key risk management policies which partners and staff are required to follow when providing such services.

All partners and staff must understand the personal responsibilities they have towards complying with the policies outlined in the Manual and follow them at all times. To acknowledge understanding of and adherence to the policies set out in the Manual, all partners and staff are required to submit an annual ethics and independence confirmation. Failure to follow these policies can result in disciplinary action.

Auditor declaration

In relation to the audit of the financial statements of West Devon Borough Council for the financial year ending 31 March 2016, we confirm that there were no relationships between KPMG LLP and West Devon Borough Council, its directors and senior management and its affiliates that we consider may reasonably be thought to bear on the objectivity and independence of the audit engagement lead and audit staff. We also confirm that we have complied with Ethical Standards and the Public Sector Audit Appointments Ltd requirements in relation to independence and objectivity.

Audit Independence

Audit Fees

Our scale fee for the audit was £39,396 plus VAT (£52,528 charged in 2014/15 by Grant Thornton). This fee was in line with that highlighted within our audit plan agreed by the Audit Committee in March 2016. Our planned scale fee for certification for the HBCOUNT is £5,630 plus VAT and will be confirmed in our *Grant Certification Report*.

Non-audit services

We have summarised below the non-audit services that we have been engaged to provide, the estimated fee, the potential threats to auditor independence and the associated safeguards we have put in place to manage these.

Description of non-audit service	Estimated fee	Potential threat to auditor independence and associated safeguards in place
Page 32 Provision of Audit Committee training seminar in relating to budget monitoring and financial planning. (to be delivered in October 2016)	£1,500	<p>Self interest – This engagement is separate from the audit through a separate contract. In addition, the audit fee scale rates were set independently to KPMG by the PSAA (previously Audit Commission). Therefore, the proposed engagement will have no perceived or actual impact on the audit team and the audit team resources that have been deployed to perform a robust and thorough audit.</p> <p>Self review – The nature of this work is to provide training to Members in order to enable them to make decisions in a fully informed manner. Therefore, it does not impact on our opinion and we do not consider that the outcome of this work will be a threat to our role as external auditors.</p> <p>Management threat – This work will be training only, all decisions will continue to be made by the Authority.</p> <p>Familiarity – This threat is limited given the scale, nature and timing of the work.</p> <p>Advocacy – not applicable</p> <p>Intimidation – not applicable</p>
Total estimated fees	£1,500	
Total estimated fees as a percentage of the external audit fees	3%	



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The information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

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Agenda Item 10

At a Meeting of the **OVERVIEW & SCRUTINY (INTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **6th** day of **SEPTEMBER 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 Director – Service Delivery and
Commercial Development
Locality Manager
Specialists Manager
COP Lead Development Management
Specialist – Performance and Intelligence
Senior Specialist – Democratic Services
Senior Case Manager – Democratic Services

Also in Attendance:

Cllrs M J R Benson, D W Cloke, C Edmonds, A
F Leech, J B Moody, G Parker and D K A Sellis

***O&S(I) 21 APOLOGIES FOR ABSENCE**

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

***O&S(I) 22 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 19 July 2016 were confirmed and signed by the Chairman as a correct record.

***O&S(I) 23 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) 24 PUBLIC FORUM**

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

***O&S(I) 25 HUB COMMITTEE FORWARD PLAN**

The most recent (published September 2016) Hub Committee Forward Plan was presented for consideration.

In the ensuing discussion, reference was made to:-

- (a) the Devolution agenda. It was currently anticipated that an agenda item relating to the Devolution bid would be added to the Hub Committee Forward Plan for a meeting during the late Autumn;
- (b) the draft policy on Flying Drones from Public Open Space. In addition to ensuring compliance with national legislation, it was noted that the draft policy would give consideration to preventing people from being put at unnecessary risk.

***O&S(I) 26 LOCALITY MODEL REVIEW**

A report was presented that detailed how the locality service was currently operating and included related performance information. Furthermore, the report also detailed future plans to develop the locality service to continue to meet Council needs.

In discussion, the following points were raised:-

- (a) For clarity, whilst it was confirmed that the task of testing private water supplies used to be a function of Environmental Health Officers, this had now been transferred to the responsibility of Mobile Locality Officers;
- (b) A number of Members wished to pay tribute to the value and effectiveness of the service that was being provided by the locality Team;
- (c) A Member questioned whether there was potential income streams that could be generated through the locality service. In response, the Head of Paid Service advised that this potential would continue to be explored as part of the Council's growth agenda;
- (d) With regard to the team workload, the Locality Manager confirmed that, whilst there were a number of conflicting priorities, there was sufficient current capacity within the service. However, this matter was closely monitored on an ongoing basis;
- (e) It was noted that 560 dog patrols had been undertaken by the service, with the subsequent intelligence and feedback gleaned then being given to Environmental Protection colleagues. As a general point, a debate took place on the current disparity in respect of some town and parish councils paying into the Dog Warden Scheme whilst others did not. In light of the perception being that contributing town and parish councils were subsidising the remaining authorities, the Head of Paid Service gave a commitment that he would look into this matter outside of the meeting;

- (f) In terms of measuring customer feedback, Members were invited to give consideration to the most appropriate means of gauging feedback on the service.

It was then **RESOLVED** that the locality model continue to operate pending ongoing monitoring and a further report in twelve months' time.

***O&S(I) 27 PLANNING PEER CHALLENGE REVIEW 2016/17**

Consideration was given to report that presented the Peer Challenge report and 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:-

- (i) The recent upward trend in service improvements were acknowledged by the meeting and were also reflective of the recent meeting of Agents and Developers. In particular, officers advised that the designated contact number that had been established for Agents and Developers had been particularly well received;
- (ii) It was anticipated that the performance information would begin to be presented with effect from the next scheduled Planning and Licensing Committee meeting;
- (iii) A Member did reiterate his previously raised concerns that there were still examples of officers who were not replying to calls or emails received from town and parish councils and members of the public. In reply, the Head of Paid Service gave a strong assurance that this issue was being addressed;
- (iv) It was noted that some town and parish council clerk sessions had been arranged to take place in the next month and a planning service update would be included on the agenda for discussion at these events;
- (v) With regard to planning enforcement, Members were informed that Mobile Locality Officers were being utilised to issue notices and take photographs. In terms of the process followed for enforcement cases, the Committee was assured that, once a matter was closed, a letter was sent to the local town and parish council and Ward Member(s) that explained the reason for the closure. Moreover, whilst there was not direct dialogue on every enforcement case, the Committee was assured that none were closed without a site visit first taking place.

It was then **RESOLVED** that:

1. it be noted that the Planning and Licensing Committee has accepted the Planning Peer Challenge report (as outlined in Appendix 2 of the presented agenda report);
2. it be noted that the content of the revised Action Plan 2016/17 (as outlined in Appendix 3 of the presented agenda report) be noted; and
3. the Committee receive, on a quarterly basis, key performance data as part of the Performance Indicator report.

***O&S(I) 28 PERFORMANCE MEASURES**

The Committee considered a report that presented the performance measures for Quarter 1. In summary, the report noted that performance had stayed relatively consistent with the previous quarter.

In discussion, reference was made to:-

- (a) the average end to end time for Benefits New Claims. When questioned, officers advised that the downward trend for this quarter was attributed to a number of staff departures as part of the T18 recruitment process that had been undertaken during this period;
- (b) how channel shift was resulting in savings by releasing resources. For example, it was noted that 50% of Housing Benefit claims were now made online which saved officer time in processing;
- (c) issues arising. In the future, it was requested that any issues that arose should be brought to the Committee in a more timely manner.

It was then **RESOLVED** that the performance levels against target communicated in the Balanced Scorecard and the performance figures supplied in the background and the exception report be noted.

***O&S(I) 29 TASK AND FINISH GROUP UPDATES**

(a) T18 Programme – Interim Review

The Committee was advised that the first meeting of the Task and Finish Group had taken place earlier that day. The Group was working to a specific Terms of Reference and would be compiling a list of questions and looking to identify what had worked well and areas that could be improved.

***O&S(I) 30 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) 31 EXCLUSION OF PRESS AND PUBLIC**

It was then:

RESOLVED

That, in accordance with 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.

***O&S(I) 32 FIVE YEAR LAND SUPPLY – VERBAL REPORT**

The Lead Hub Committee Member for the Local Plan and Strategic Housing presented a verbal update to Members on the position of the authority in relation to having a five year land supply. The Lead Member and COP Lead Development Management responded to a number of specific questions and concerns from Members of the Committee as well as the wider membership.

***O&S(I) 33 RE-ADMITTANCE OF PRESS AND PUBLIC**

It was then:

RESOLVED

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

***O&S(I) 34 DRAFT WORK PROGRAMME 2016/17**

The Committee took the opportunity to express its views in relation to its 2016/17 Work Programme.

(The meeting terminated at 4.30 pm)

Chairman

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At a Special Meeting of the **OVERVIEW & SCRUTINY (EXTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **MONDAY** the **26th** day of **SEPTEMBER 2016** at **2.00 pm**.

Present:

Cllr D K A Sellis – Chairman	
Cllr K Ball	Cllr R Cheadle
Cllr N Jory	Cllr T G Pearce
Cllr A Roberts	Cllr B Stephens

Head of Paid Service
Environmental Health Community Of Practice
Lead
Specialist – Community Safety, Safeguarding
and Partnerships
Senior Specialist – Democratic Services

Also in Attendance: Cllrs R E Baldwin, M J R Benson, M Davies,
L Samuel, P R Sanders and J Yelland

***O&S(E) 21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs D W Cloke, A F Leech, J Sheldon and L Watts.

***O&S(E) 22 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 2 August 2016 were confirmed and signed by the Chairman as a true and correct record.

***O&S(E) 23 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) 24 PUBLIC FORUM**

The Chairman informed that since the issue that had been raised by Mr Kevin Eady at the previous Committee meeting had not been addressed at that time (Minute *O&S(E) 14 refers), it had been deferred for consideration at this meeting (as below).

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 he had organised a petition that had seen 1,500 signatories put their name to it urging for the out of hours clinic to be retained. The petition had been submitted to the Northern, Eastern and Western (NEW) Devon Clinical Commissioning Group (CCG) and, at the time of this meeting, he was still awaiting a response.

At this point, the Chairman informed that Ms Elaine Fitzsimmons (Associate: Northern Locality, NEW Devon CCG) and Mr Jerry Clough (Chief Operating Officer, NEW Devon CCG) were in attendance at this meeting in accordance with agenda item 7 below (Minute *O&S(E) 26 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) 25 HUB COMMITTEE FORWARD PLAN**

The most recent (published August 2016) Hub Committee Forward Plan was presented for consideration. Whilst not directly linked to the Forward Plan, the Head of Paid Service informed the Committee of the intention for a Special Council meeting to be convened on 26 January 2017 to consider an agenda item relating to the Joint Local Plan.

***O&S(E) 26 NEW DEVON CCG REPRESENTATIVES**

As highlighted in the Public Forum session (Minute *O&S(E) 24 above refers), Ms Fitzsimmons and Mr Clough were in attendance at this meeting to address the Committee and respond to Member questions.

In her introduction, the Chairman informed of her intention to divide this agenda item into two separate discussions. The first item would be led by Ms Fitzsimmons and would relate to the out of hours and 111 services and the second item would be introduced by Mr Clough and would specifically focus on the CCG's Sustainability Transformation Programme

(a) The Out Of Hours and 111 Services

In her address, Ms Fitzsimmons raised the following points:-

- The 111 telephony service had been introduced with the ability of being able to offer a range of services (e.g. from calling an ambulance on behalf of the patient to offering self-care advice) whilst streamlining and simplifying the system;
- The Devon Doctors service had been commissioned to work in partnership with a national organisation called 'Vocare' who would provide the 111 service. Whilst the two services were working together in partnership, Ms Fitzsimmons acknowledged that there were still further improvements that could be made in this respect;
- Specifically regarding the out of hours service, approximately 60% of the contacts made were resolved through an initial telephone consultation. In the remaining instances, the Committee was informed that the GP would determine (when speaking to the patient) whether or not they believed that they would need to complete their consultation with a face to face assessment;
- Assurances were given to Members that, from the perspective of the patient, they would see no difference to the out of hours service;
- It was felt that the 111 service would result in improvements by way of advice still being given to patients whilst there would be additional Doctors and nurses involved in the process, who would be available to provide and offer faster solutions;
- Whilst there was a perception that the changes had been implemented to save money, it was in fact confirmed that the contract value was the same as before;
- The development of an integrated 111 and out of hours service was attempting to reduce the confusion around the urgent care model;
- There was now clarity around the specification for the out of hours service. This specification had been developed with the involvement of Healthwatch, with 13 GPs and 6 volunteers involved in the process. Whilst there was representation from rural areas during this process, it was acknowledged that no individuals from the West Devon area were involved. One of the conclusions

- reached by Healthwatch was that a reasonable travel distance to access an out of hours service was 30 minutes by car;
- It was noted that Devon Doctors had won the bid to provide the service following a competitive dialogue process. In its submission, Devon Doctors had concluded that, due to the relatively close proximity to Derriford Hospital, it could withdraw the out of hours medical cover from Tavistock. In addition, there was also the potential for patients to use the provision in both Launceston and Okehampton;
 - With regard to the numbers using the Tavistock out of hours service, Members were advised that evidence suggested that, on average, less than one patient per evening was using the service during the week, with 7.3 patients utilising the service on a Saturday night and 6.6 patients on a Sunday night. As a consequence, the numbers who were impacted were not felt to be extensive and those in attendance were reminded that the Minor Injuries Unit would remain at Tavistock;
 - Having sought legal advice, the CCG had concluded that there was no need for a formal consultation exercise to have been undertaken prior to this decision being made;
 - It was confirmed that the CCG would monitor the changes closely and would make sure that other services were not adversely affected through these proposals;
 - With regard to future challenges, Ms Fitzsimmons recognised the importance of ongoing community engagement and the need to improve understanding and communications in relation to the differences between treatment centres and minor injuries units. Finally, Devon Doctors had recognised that, on this occasion, the organisation had not adequately considered the impact of the proposed changes on their own members of staff.

In the ensuing discussion, reference was made to:-

- (i) involving elected Members in the consultation process. A number of Members expressed their deep regret that Members had not been made aware of the proposals at an earlier stage. In reply, Ms Fitzsimmons accepted this point and confirmed that this had been a key lesson learned when reflecting upon this change in service provision;
- (ii) the assurances received, Some Members advised that they had been comforted in the address given by Ms Fitzsimmons and wished to thank her for her informative and honest comments;
- (iii) the 30 minute travel criteria. In recognising the very rural nature of West Devon and the fact that approximately 15-20% of residents did not have access to a car, Ms Fitzsimmons acknowledged that careful consideration would need to be given to these members of the community;

- (iv) the cost of taxi fares. Members were advised that, in instances where a resident could not afford an expensive taxi fare, a GP home visit was likely to be prompted;
- (v) the qualifications of Vocare staff. When questioned, Ms Fitzsimmons confirmed that Vocare was a national organisation, which was run to a high standard, with its pathways advisors being subject to an extensive training programme (and being regularly audited);
- (vi) the use of Devon Doctors. The Committee was advised that not all GPs were happy with the changes in service provision, however Devon Doctors had now been able to fill 95% of its GP's rotas. In addition, the main safeguard for dealing with the most vulnerable members of society was by using Devon Doctors, who knew the local community so well;
- (vii) the Minor Injuries Units in Tavistock and Okehampton. In reply to a question, Ms Fitzsimmons informed that the CCG recognised that these units remained an important part of the emergency care system across the West Devon area;
- (viii) the further views of Mr Eady. At her discretion, the Chairman allowed Mr Eady the opportunity to make further comments. In so doing, he stated that:
 - o the consultation exercise in this regard had been really poor;
 - o to ascertain the actual usage of the facility, there was a need to evaluate trends over a five year period;
 - o there was extensive future housing development proposed to be built in Tavistock; and
 - o on a normal day, it was often likely to take longer than 30 minutes to travel from Tavistock to Derriford.

(b) The Sustainability Transformation Programme

Following the press release during the evening of 21 September 2016 regarding the potential loss of 16 beds at the Okehampton Hospital, Mr Clough proceeded to highlight that:

- the CCG Governing Body was to determine whether or not to embark on a consultation exercise in this respect on Wednesday, 28 September 2016. The consultation would relate to future care provision in the Eastern locality of Devon and could result in a reduction of inpatient beds at some locations;

- the proposals were part of the 'Success Regime: Case for Change' that was published in February 2016. It was noted that the document aimed to improve health and care services for patients in response to the financial challenges that the local health and care system faced;
- subject to the outcome of the meeting on Wednesday, 28 September 2016, it was currently being recommended that four options would be presented for consultation, with the document indicating one of these as a preferred option. In terms of the format of the consultation exercise, Mr Clough advised that it was being recommended that it would run for 13 weeks from Friday, 7 October 2016, with a number of roadshows and public events being held during this period.

In discussion, the following points were raised:

- (i) A number of Members expressed their deep concerns that the potential options did not currently include the retention of the beds at Okehampton Hospital as an option. Retention of the beds at Okehampton Hospital was felt to be critical for reasons including:
 - o there being no provision to the west of Exeter in the current range of options;
 - o the proposals not being developed by anyone who appreciated the local geography of the area;
 - o the extent of future development proposed in the Okehampton area and the current medical provision in the town already being under pressure;
 - o the level of local opposition that was already apparent to this proposal.

In light of the depth of feeling raised, Mr Clough gave an assurance that he would report these concerns to the meeting of the Governing Body on Wednesday, 28 September 2016.

- (ii) In this instance, the Committee again reiterated that it would have been useful for local Members to have been made aware of these proposals before they had appeared in the local press and media;
- (iii) There was an acceptance of the need to improve collaborative working between all relevant stakeholders and across the different CCG areas;
- (iv) It was noted that the new model of care promoted greater care at home rather than patients remaining in community hospital beds;

- (v) Out of courtesy to the CCG, the Leader of Council advised that a formal motion had been submitted for the upcoming Council meeting (to be held on 4 October) that was calling for the CCG to include the retention of the 16 beds as an additional option during the consultation exercise. Furthermore, it was his expectation that this motion would be supported by the Council.

In concluding the agenda item, the Chairman thanked Ms Fitzsimmons and Mr Clough for their attendance and responses to Member questions. On behalf of the Committee, the Chairman also requested that the Committee receive a further update from CCG representatives at its meeting on 7 March 2017.

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

The Chairman of the Partnership Task and Finish Group introduced this item and made specific reference to the extensive and comprehensive business plans that had been received by both the Citizens Advice Bureau and the Council for Voluntary Service.

In particular, the Chairman highlighted evidence in both business plans that illustrated the extent of the value for money that the Council was obtaining from these partnerships. It was therefore his strong recommendation to the Committee that the levels of funding allocated by the Council to both partners for 2017/18 should be retained at the same level as they were for 2016/17.

In the ensuing debate, reference was made to:-

- (a) the submitted business plans. In wishing to thank both partners, a number of Members echoed the view that the business plans had provided an insight into the work that they undertook;
- (b) working more closely together. Officers advised that there was a recognition that, in certain instances, there was an identified duplication of work that was being undertaken by the Council and both partners. As a result, all parties were committed to working more closely together in the future in an attempt to reduce this duplication.

It was then

RECOMMENDED

That the Hub Committee **RECOMMEND** to Council 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).

***O&S(E) 28 COMMITTEE DECISIONS LOG**

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

With no debate or questions being raised on the log, it was then:

RESOLVED

That the published Decisions Log be noted.

***O&S(E) 29 DRAFT ANNUAL WORK PROGRAMME**

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

Following the discussions under agenda item 7 (Minute O&S(E) 26 above refers), the Chairman reminded the Committee that a progress update had now been requested from the CCG and Devon Doctors at the meeting on 7 March 2017.

(The meeting terminated at 4.10 pm)

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 **11th** day of **OCTOBER 2016** at **2.00 pm**.

Present:

Cllr D K A Sellis – Chairman
Cllr D W Cloke – Vice-Chairman
Cllr K Ball
Cllr N Jory
Cllr T G Pearce
Cllr J Sheldon
Cllr L Watts

Cllr R Cheadle
Cllr A F Leech
Cllr A Roberts
Cllr B Stephens

Head of Paid Service
Group Manager – Business Development
Environmental Health Community Of Practice
Lead
Specialist – Community Safety, Safeguarding
and Partnerships
Senior Specialist – Democratic Services

Also in Attendance:

Cllrs M J R Benson, J Evans, D E Moyse and
C R Musgrave

***O&S(E) 30 APOLOGIES FOR ABSENCE**

There were no apologies for absence received for this meeting.

***O&S(E) 31 CONFIRMATION OF MINUTES**

The minutes of the Meeting held on 26 September 2016 were confirmed and signed by the Chairman as a true and correct record.

***O&S(E) 32 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) 33 PUBLIC FORUM**

There were no issues raised during the Public Forum session at this meeting.

***O&S(E) 34 HUB COMMITTEE FORWARD PLAN**

The most recent (published October 2016) Hub Committee Forward Plan was presented for consideration. With no specific issues being raised, the Committee subsequently noted the contents of the Plan.

***O&S(E) 35 POLICE AND CRIME COMMISSIONER**

The Chairman introduced Alison Hernandez (the Police and Crime Commissioner for Devon and Cornwall) and Sgt Dave Anning (Devon and

Cornwall Police) to the meeting and invited the Commissioner to undertake a brief presentation. In so doing, the Committee was advised that:-

- she fully appreciated the importance of building up good working relationships with local authorities and elected Members. In wishing to develop these relations, the Commissioner urged Members to regularly communicate with her. As an example of this commitment, the Commissioner confirmed that she was in the process of developing a 'Councillor Advocacy Scheme' that would see Members being able to be increasingly involved in policing related matters and greater partnership working in order to keep local communities safe;
- her key functions included: setting the priorities for policing and having responsibility for a £280 million budget and the Devon and Cornwall Police estate. As a general point, the Commissioner summarised her role as being there to represent the general public in policing matters; and
- following a public consultation exercise during the summer, she was imminently to publish her Police and Crime Plan. It was intended that the final version would be presented to the Police and Crime Panel at its meeting on 9 December 2016. Assuming that the Panel endorsed the Plan, the Commissioner's focus would then be on its delivery.

In the subsequent discussion, reference was made to:-

- (a) the impact of central government budget cuts. The Commissioner outlined some of the impacts of the budget reductions and the consequent measures that were being undertaken by her office to plug some of the gaps in service provision. Looking to the future, the Commissioner stressed the importance of all relevant stakeholders working more closely in partnership to prevent crime;
- (b) the National Crime Agency (NCA). The Commissioner highlighted the benefits of the NCA and her belief that the proposed powers that they were to receive would present an excellent opportunity for policing in Devon and Cornwall;
- (c) the Government's Prevent Strategy for tackling radicalisation. In welcoming the question, the Commissioner stated that this Strategy was very much on her radar, but she did recognise that the rural geography of Devon and Cornwall presented a real challenge to tackling radicalisation. In expanding upon this point, Sgt Anning advised that terrorism was now very much a part of the everyday function of the Police service;
- (d) the political aspect of the role. In reply to a question, the Commissioner confirmed that, to date, she had not experienced any party political related issues arising from her role and reiterated that she did not follow the political line of her central government party. Nonetheless, the Commissioner did advise that she had good working relations with local MPs and she was working tirelessly to ensure that increased resources were made available to the Devon and Cornwall area;

- (e) policing in rural areas. The Commissioner recognised the differences between rural and urban policing and advised of her intention for an increased number of front line police officers to be recruited in the area. Sgt Anning also made the point to the Committee that, in the event of any residents observing incidents of crime or anti-social behaviour, then they should record these incidents because video evidence remained very important to the Police;
- (f) incidents of speeding. The Committee was informed that the Commissioner received a great deal of correspondence relating to incidents of speeding. Since speeding was a particularly resource intensive matter, the Commissioner advised that she would like to see greater delegated powers being granted to Community Speedwatch groups and she was currently discussing this concept with the Chief Constable. Moreover, the Commissioner also hoped that the process to become a Community Speedwatch representative could be less bureaucratic and time consuming in the future;
- (g) IT systems. Members were informed by the Commissioner that she accepted that there would be a need to invest monies into upgrading the IT systems. In particular, mobile data devices were still being rolled out to officers and there was a major project being undertaken to ensure that the supporting systems were fully functioning to be able to adequately support them;
- (h) office resources. When questioned, the Commissioner advised that the current budget for her office amounted to £1.25 million and directly employed 27 members of staff;
- (i) the creation of a 'local policing promise'. To ensure that public expectations could be managed, the Commissioner was developing a 'local policing promise';
- (j) some specific parochial issues. In response to some specific Member issues, the Commissioner asked that these (and any others not raised at the meeting) be forwarded on to her email address (Alison.Hernandez@devonandcornwall.pnn.police.uk) outside of this meeting;
- (k) public perception. The Commissioner acknowledged the clear message that she had received when canvassing before her election that the Police were not accessible to the general public. To improve public perception in this respect, she was considering mechanisms such as police front desks being shared with public libraries and town and borough council offices. Moreover, if any Members had their own suggestions to improve upon this public perception, they were encouraged to let the Commissioner know;

- (l) cyber security. It was widely recognised that cyber security related crime was on the increase and was insufficiently resourced at present. As a consequence, cyber security was a key component of the Commissioner's Police and Crime Plan;
- (m) the implications of the badger cull. The Panel was informed that the cull was being funded by DEFRA and was being policed by officers on their non-working days, who were being paid overtime for this duty.

In concluding the agenda item, the Chairman thanked the Commissioner and Sgt Anning for their attendance and very informative responses to Member questions.

*** O&S(E) 36 COMMUNITY SAFETY PARTNERSHIP**

The Committee considered a report that provided Members with the opportunity to scrutinise the work of the Community Safety Partnership (CSP) as defined by Sections 19 and 20 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

In the ensuing debate, reference was made to:-

- (a) instances of modern slavery. Unfortunately, the Committee was informed that instances of modern slavery were more prevalent in the Borough than would be naturally assumed;
- (b) value for money to the Council. When questioned, officers were confident that the Council contribution towards the CSP (£38,547 per annum) constituted good value for money to the Council. In addition, this view had been endorsed by Members of the Partnership Task and Finish Group during their recent review;
- (c) the £20,000 grant funded from the Commissioner. Members noted that the Commissioner greatly valued the work undertaken by CSP's. The Committee also learned that it was the hope of the Commissioner that the annual contribution made to CSPs from her office would either be maintained at the existing level or increased. However, such decisions would be made pending discussions between the Commissioner and the Safer Devon Partnership;

It was then

RESOLVED

That the report be noted.

*** O&S(E) 37 TAVISTOCK TOWNSCAPE HERITAGE INITIATIVE – BRIEFING NOTE**

A briefing note was considered by the Committee that provided an update on the Tavistock Townscape Heritage Initiative (TTHI) Scheme. In particular, the note reminded the Committee that the purpose of the Scheme was as follows:

- To bring new uses to, and sustain existing/bring new jobs to heritage buildings and the communities they served;
- To repair and regenerate the historic environment;
- To provide enhancements to the public realm making the town a better place to live in, work and visit; and
- To provide information and education associated with historic buildings. In particular, to increase local resilience through supporting and promoting the historic skills/crafts needed to keep such in good and authentic repair.

The meeting was joined by the Chairman of the TTHI Management Board and the Project Manager, who introduced the Briefing Note and responded to Member questions.

For clarity, the Committee Chairman advised that she attended meetings of the TTHI Partnership and the Grants Policy. However, since she was not directly involved in the decision-making process, she did not consider it necessary to declare an interest in this agenda item.

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

- (a) The representatives assured the Committee that the Initiative was particularly mindful of the need to utilise apprentices and the general need to upskill workers on the repair and maintenance of historic buildings. Furthermore, representatives from local schools were invited to a recent skills workshop and a craft and skills day was also being proposed in the future;
- (b) With regard to the financial stability of the scheme, Members were advised that the main associated financial risks related to private owner applications and the need to encourage progress of such schemes was recognised by the Committee;
- (c) Members were given comfort that there were clawback mechanisms in place to prevent private owners from making a quick profit through the Initiative.

In noting the update, the Committee wished to thank the representatives for their attendance and contributions to this meeting.

*** O&S(E) 38 JOINT LOCAL PLAN UPDATE**

The Head of Paid Service introduced the standing agenda item on the Joint Local Plan (JLP) and made particular reference to:-

- the JLP now being an internal policy. As a consequence of the JLP now being an internal policy, the Committee was advised that this standing agenda item was in fact within the remit of the Overview and Scrutiny (Internal) Committee and should therefore be included on its future work programme instead. On balance, the Committee was supportive of this approach, but did wish to retain the provision to receive periodic updates;
- the JLP Steering Group continuing to work its way through the consultation responses;
- two Member Workshops being arranged in the next few months to consider the draft policies that would underpin the JLP and specific site allocations;
- the five year land supply. In light of the apparent ambiguity concerning the Council's five year land supply, it was intended that a more detailed position report would be considered by the Hub Committee at its meeting on 29 November 2016.

It was then:

RESOLVED

That the Overview and Scrutiny (Internal) Committee be asked to consider updating its work programme to include 'Joint Local Plan Updates' as a standing agenda item, with the Overview and Scrutiny (External) Committee also being in receipt of periodic updates on the Joint Local Plan.

*** O&S(E) 39 TASK AND FINISH GROUP UPDATES**

(a) DCH Rent Review

The Task and Finish Group Members advised that, rather unsatisfactorily, it had proven particularly difficult to receive any responses from Devon and Cornwall Housing (DCH) regarding this issue.

In conclusion, as a way forward, the Committee agreed that the Task and Finish Group should conclude its review. However, the Committee also requested that representatives from DCH be invited to attend its meeting on 7 March 2017 for three main reasons:

1. How rental figures for social housing were calculated in West Devon;
2. To provide a general update on DCH's approach to property maintenance; and
3. To look at methods of improving DCH's working relationship with the Council.

The Committee also expressed its support for the working practice whereby Members be encouraged to submit questions in advance for the consideration of invited external attendee(s).

***O&S(E) 40 COMMITTEE DECISIONS LOG**

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

With no debate or questions being raised on the log, it was then:

RESOLVED

That the published Decisions Log be noted.

***O&S(E) 41 DRAFT ANNUAL WORK PROGRAMME**

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

- It was noted that the final recommendations of the Economy Working Group would be presented to the Overview and Scrutiny (Internal) Committee at its meeting on 8 November 2016;
- With regard to County Highways, some concerns were expressed at the nature of the recommendations that were being presented to the Planning and Licensing Committee and it was therefore felt that relevant representatives should be invited to attend a future Overview and Scrutiny (External) Committee. Having been informed of the intention for County Highways Officers to be invited to provide an informal briefing to Planning and Licensing Committee Members in the upcoming months, it was suggested that all Members of this Committee should also be invited to attend this session;
- Some examples were cited regarding poor instances of service being received by Airband customers in the borough. As a consequence, the Committee requested that a senior representative from Airband should be invited to attend a future meeting to respond to these concerns.

(The meeting terminated at 4.15 pm)

Chairman

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At a Meeting of the **AUDIT COMMITTEE** held in the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 27th day of **September 2016** at **2.00 pm**

Present: Cllr M Davies (Chairman)

Cllr B Stephens
Cllr J Yelland

Cllr N Jory

Officers in attendance: Finance Community of Practice Lead (S151 Officer
Accountant Business Partner
Case Manager, Strategy & Commissioning
Brenda Davies, Devon Internal Audit Partnership
Darren Gilbert and Adam Bunting, KPMG

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

***AC 13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs L Watts & J B Moody. The meeting proceeded to note that Cllr Yelland (for Cllr Watts).

***AC 14 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 19 July 2016 were confirmed and signed by the Chairman as a correct record.

***AC 15 EXTERNAL AUDIT REPORT**

A report was presented that summarised the key findings arising from KPMG's audit work. In his introduction Mr Bunting outlined the key points stating the unqualified opinion was a positive review. Shared costs were highlighted, KPMG was supportive in the methodology used for apportionment between West Devon and South Hams. Good reporting arrangements were in place.

In response to a Member question Mr Bunting said the agile working arrangements were not causing any issues as forward planning was implemented in regard to accessing staff.

The Chairman thanked the auditors and the finance team for their hard work.

It was then:

RESOLVED

That the External Audit Report be noted.

***AC16 ANNUAL STATEMENT OF ACCOUNTS 2015/16**

Cllr Edmonds introduced the Annual Statement of Accounts to the Committee. Without further questions it was then:

RESOLVED

That Members **APPROVED** the following:

1. The wording of the Letter of Representation (Appendix A);
2. The audited Statement of Accounts and Technical Appendix for the financial year ended 31 March 2016 (Appendix B);
3. The revised Annual Governance Statement

***AC17 ANNUAL TREASURY MANAGEMENT REPORT 2015/16**

The Committee were presented a report by the S151 Officer. Members were advised that a future report would be presented to Members to consider opportunities to invest for 5 years to obtain a better interest rate. After a short discussion it was then:

RESOLVED

That Members **APPROVED**

The actual 2015/16 prudential and treasury indicators in this report; and

That Members **NOTED**

The Annual Treasury Management Report 2015/16

***AC18 STRATEGIC RISK ASSESSMENT – REGULAR UPDATE**

The Business Development Group Manager took Members through the Strategic Risk Assessment Report. In discussions it was recommended that the risk scoring for Land Charges and Local Plan delivery be moved down from a 5 to a 4.

It was then **RESOLVED**

That the Committee review the strategic risks and make recommendations to Council on any further action the Committee concludes should be considered.

***AC19 INTERNAL AUDIT CHARTER & STRATEGY 2016/17**

Members considered a report on the Internal Audit Charter & Strategy 2016/17. Discussions took place including the arrangements of audit services and the possible transfer of elements of the audit function with the setup of a local authority controlled company. KPMG responded that in their view the internal auditing was strong and robust on being questioned on their views by a Member.

It was then **RESOLVED**

That the Audit Committee **APPROVED** the Internal Audit Charter & Strategy 2016/17

***AC20 UPDATE ON PROGRESS ON THE 2016/17 INTERNAL AUDIT PLAN**

A report was presented on the progress on the 2016/17 Internal Audit Plan. Members were advised that due to long term sick leave within the team and with the approval of the S151 Officer and the Senior Leadership Team the plan was reduced down by doing less work on VAT. HMRC had given the Council a clean bill of health in a recent VAT inspection, therefore it was low risk. A VAT specialist would be engaged to cover various aspects. Members allowances and how they are administered was deferred to 2017/18. Members acknowledged the high quality of work produced by Officers.

It was then **RESOLVED**

That the progress made against the 2016/17 internal audit plan was noted.

(The Meeting terminated at 2.47 pm)

Dated this

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 **18th** day of **OCTOBER 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	Cllr A Roberts

COP Lead Development Management (PW)
Solicitor (SN)
Senior Specialist Environmental Health (JK)
Specialist Licensing (NW)
Senior Case Manager – Strategy and
Commissioning (KT)

In attendance: Cllrs D Cloke, A F Leech and J Yelland

***P&L 25 URGENT BUSINESS**

The Chairman asked that an explanation be given as to the reason for the deferral of application 00938/2015. The COP Lead Development Management advised that, since the agenda had been published, concerns had arisen relating to the Public Right of Way that dissected the application site and until further information was forthcoming, Members would not be in a position to make a decision on the application.

***P&L 26 DECLARATION OF INTEREST**

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

Cllr C Mott declared a personal interest in Agenda Item 9 (Minute *P&L 32 below refers) by virtue of knowing the applicant. She remained in the meeting and took part in the debate but abstained from the vote.

Cllr G Parker also declared a personal interest in Agenda Item 9 (Minute *P&L 32 below refers) by virtue of knowing one of the referees. He remained in the meeting and took part in the debate and vote.

***P&L 27 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 20th September 2016 were confirmed and signed by the Chairman as a correct record.

***P&L 28 PLANNING APPEALS UPDATE**

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

***P&L 29 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration.

The Chairman confirmed that this information would be included on each Committee meeting agenda in the future.

***P&L 30 EXCLUSION OF PUBLIC AND PRESS**

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Act is involved.

***P&L 31 DETERMINATION OF WHETHER TO GRANT A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER THE APPLICANT CAN BE DEEMED A FIT AND PROPER PERSON IN LIGHT OF PREVIOUS CRIMINAL CONVICTIONS AND OTHER RELEVANT MOTORING OFFENCES.**

Consideration was given to an exempt report which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Driver Licence with this Authority in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report. The Applicant and a representative were in attendance at the meeting and were given the opportunity to address the Committee. Some Members asked questions of the Applicant, his representative and the Licensing Specialist.

(At this point, the Chairman adjourned the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting in an advisory capacity).

The Decision

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the details on the Disclosure and Barring certificate, and DVLA record taking into consideration the nature of the offences and when these were committed.
- We have listened very carefully to what you have told today and read the references provided.

- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to refuse the renewal of your Joint Hackney Carriage and Private Hire Driver Licence.

***P&L 32**

DETERMINATION OF WHETHER TO GRANT A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE, IN EFFECT TO DETERMINE WHETHER THE APPLICANT CAN BE DEEMED A FIT AND PROPER PERSON IN LIGHT OF PREVIOUS CRIMINAL CONVICTIONS AND OTHER RELEVANT MOTORING OFFENCES.

Consideration was given to an exempt report which sought to determine whether an applicant was a 'fit and proper' person to hold a Hackney Carriage Driver Licence with this Authority in accordance with section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Specialist introduced the report. The Applicant was in attendance at the meeting and was given the opportunity to address the Committee. The Applicant provided a number of references for consideration by the Committee. Some Members asked questions of the Applicant and the Licensing Specialist.

(At this point, the Chairman adjourned the meeting to enable the Committee to make a decision. The Solicitor remained in the meeting in an advisory capacity).

The Decision

The Chairman then proceeded to announce the decision as follows:

Members of the Licensing Committee have considered very carefully your application for a Hackney Carriage and Private Hire Driver Licence.

- We have read the Licensing Officer's report, which you have had sight of.
- We have read the details on the Disclosure and Barring certificate, and DVLA record taking into consideration the nature of the offences and when these were committed.
- We have listened very carefully to what you have told today and read the references provided.
- The main priority of the licensing regime is to ensure public safety. As this is a civil matter, the evidence of proof is based on the balance of probabilities, the onus being on yourself to satisfy the Authority that you are a 'fit and proper person' to continue to drive a Hackney Carriage or Private Hire Vehicle.

The Committee has decided to refuse the renewal of your Joint Hackney Carriage and Private Hire Driver Licence.

(The Meeting terminated at 12.55 pm)

Dated this

Chairman

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **15th** day of **NOVEMBER 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	Cllr A Roberts

COP Lead Development Management (PW)
COP Lead Environmental Health (IL)
Solicitor (SN)
Senior Specialist Environmental Health (JK)
Specialist Licensing (NW)
Senior Case Manager – Strategy and
Commissioning (KT)

In attendance: Cllrs R Cheadle, A F Leech, D K A Sellis and J Yelland

***P&L 33 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.

Cllr P R Sanders declared a personal interest in application 2173/16/FUL: Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance – Bay Tree House, The Crescent, Crapstone by virtue of knowing the applicants. He remained in the meeting and took part in the debate and vote.

***P&L 34 CONFIRMATION OF MINUTES**

The Minutes of the Planning and Licensing Committee Meeting held on 18th October 2016 were confirmed and signed by the Chairman as a correct record.

***P&L 35 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: 2173/16/FUL Ward: Buckland
Monachorum**

Site Address: Bay Tree House, The Crescent, Crapstone PL20 7PS

Proposed two storey detached dwelling, demolition of existing garage, alterations to existing utility and garden room, new detached double garage and reinstatement of original vehicle entrance

Speakers included: Parish Council Representative – Cllr Cheadle

RECOMMENDATION: Conditional Approval

COMMITTEE DECISION: Defer for Site Inspection (confirmed by Chairman's casting vote)

(b) Application No: 3001/16/VAR Ward: Okehampton

**Site Address: Land adjacent to 25, 26, 27, 28 & 29 Hillside Drive,
Hillside Drive, Okehampton**

Variation of condition number 2 of planning consent 01324/2014 to allow revisions to approved drawings

Speakers included: Local Ward Member – Cllr Leech

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

During discussion, Members noted that the application broadly resolved issues that had been raised whilst they were on site viewing an adjacent proposal.

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

(c) Application No: 2544/16/FUL Ward: Okehampton North

**Site Address: Land to rear of 65 Exeter Road, Okehampton, Devon
EX20 1QF**

Alternative proposal for construction of dwelling

Speakers included: Supporter – Mr Steve Blakeman: Parish Council Representative - Cllr Leech

RECOMMENDATION: Conditional Approval

In presenting the application, the Case Officer advised that Condition 4 as shown in the presented report was no longer required. In discussion, the height of the proposal was noted by Members, particularly in relation to the surrounding properties. However, that the upstairs windows were skylights was also noted so there would be no consequent overlooking issues.

COMMITTEE DECISION: Conditional Approval

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

- Standard time limit
- Build in accordance with plans
- Removal of PD
- Boundary treatments
- Drainage details to be submitted/approved
- Parking to be provided and retained
- Landscape Scheme
- Environmental Health condition relating to unsuspected contaminated land

***P&L 36 PLANNING APPEALS UPDATE**

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

***P&L 37 PLANNING PERFORMANCE INDICATORS**

The COP Lead Development Management presented the Performance Indicators and outlined the key information for Members consideration.

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

Consideration was given to a report that sought to recommend to Council amendments to the delegation of powers so that the Committee only made decisions on licences that had minimal technical input and where the basis of the determination should be quasi-judicial.

The COP Lead Environmental Health presented the report and gave a number of practical examples of the proposed amendments. He and the Senior Specialist Environmental Health responded to questions of clarity. Members asked that any future proposed amendments be presented as a tracked change document so that the differences between the current position and the proposed position were clear. Some Members felt that the discussion should be postponed until such information was forthcoming and a motion was **PROPOSED** and **SECONDED** that any decision was deferred until a document was provided showing the before and after position, however, on being put to the vote this motion was **LOST**.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the amendments proposed to the Constitution in relation to the delegation of powers for the determination of licensing decisions, as attached at Appendix A.

P&L 39 APPROVAL OF POLICY IN RELATION TO THE LICENSING OF TAXI DRIVERS

Consideration was given to a report that recommended to Council that the draft Taxi Driver Licensing Policy be adopted at the meeting on 6 December 2016.

The Senior Specialist Environmental Health presented the report and reminded Members of the background and consultation. He then responded to a number of questions of clarity. In proposing the recommendation, the Chairman added that the policy was to take effect from 1 January 2017.

It was then **RESOLVED**:

That Council be **RECOMMENDED** to adopt the Taxi Driver Licensing Policy at the meeting on 6 December 2016 to take effect from 1 January 2017.

(The Meeting terminated at 11.55 am)

Dated this

Chairman

Licensing: Current vs. Proposed constitution arrangements

Responsibilities

To be responsible for all of the Council's licensing functions

Current	Proposed	Reason
<ul style="list-style-type: none"> • To review and recommend to Council: <ul style="list-style-type: none"> ○ the Licensing Statement of Policy ○ the Gambling Statement of Principles ○ the Policy not to permit casinos • To determine the revocation of any licence 	<ul style="list-style-type: none"> • To review and recommend to Council: <ul style="list-style-type: none"> ○ the Licensing Statement of Policy ○ the Gambling Statement of Principles ○ the Policy not to permit casinos 	No change
<ul style="list-style-type: none"> • To review and be responsible for all other Licensing Policies 	<ul style="list-style-type: none"> • To review and be responsible for all other Licensing Policies 	No change
<ul style="list-style-type: none"> To determine the revocation and suspension of Hackney Carriage / Private Hire Driver or Vehicle Licenses 	<ul style="list-style-type: none"> • To determine to revoke or suspend a Hackney Carriage/Private Hire Driver or Private Hire Operator Licence. 	Slight wording change and removed mention of vehicles as this is proposed to be dealt with by officers.
<ul style="list-style-type: none"> • To determine all licensing applications for all licensing functions (except in relation to the licensing functions under the Licensing Act 2003 and the Gambling Act 2005 see below) to which an objection has been received and not withdrawn or satisfactorily addressed by the applicant; 	<ul style="list-style-type: none"> • To determine whether to refuse to grant a licence for the following licensing functions ; <ul style="list-style-type: none"> • Street Trading Licence (South Hams) • Zoo Licensing • Sex Establishments • Houses in Multiple Occupation 	Removes ambiguity about applications where there is no remit for a member of the public to object but may need to be refused based on failing to meet specified criteria. These types of applications are listed due to their political, financial and social impact.
	<ul style="list-style-type: none"> • To determine such other applications as referred to the P&L Committee by the Community of Practice Lead for Environmental Health 	Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee.

Licensing sub-committee

Current	Proposed	Reason
<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <u>Licensing Act 2003:</u></p> <ul style="list-style-type: none"> • Applications for personal licences - if there is a police objection • Applications for personal licences with unspent convictions – all cases • Review of personal licences – if there is a police objection • Applications for premises licence/club premises certificate – if a relevant representation is made • Applications for provisional statement – if a relevant representation is made • Application to vary premises licence/club premises certificate - if a relevant representation is made • Applications to vary designated premises supervisor – if police objection made • Applications for transfer of premises licence – if police objection • Applications for interim authorities – if a police objection • Applications to review premises licence/club premises certificate – all cases • Decision to object when Council is a consultee and not relevant authority - all cases • Determination of a police or Environmental Health objection to a temporary event notice - all cases 	<p>a) Licensing sub-committees have the following responsibilities in relation to functions under the <u>Licensing Act 2003:</u></p> <ul style="list-style-type: none"> • Applications for personal licences - if there is a police objection • Applications for personal licences with unspent convictions – all cases • Review of personal licences – if there is a police objection • Applications for premises licence/club premises certificate – if a relevant representation is made • Applications for provisional statement – if a relevant representation is made • Application to vary premises licence/club premises certificate - if a relevant representation is made • Applications to vary designated premises supervisor – if police objection made • Applications for transfer of premises licence – if police objection • Applications for interim authorities – if a police objection • Applications to review premises licence/club premises certificate – all cases • Decision to object when Council is a consultee and not relevant authority - all cases • Determination of a police or Environmental Health objection to a temporary event notice - all cases 	<p>No changes proposed</p>

<p>b) Licensing sub-committees have the following responsibilities in relation to the <u>Gambling Act 2005</u>:</p> <ul style="list-style-type: none"> • Application for premises licence: if a relevant representation has been made and not withdrawn • Application for a variation to a licence: if a representation has been made and not withdrawn • Application for a transfer of a licence: where representations have been received from the Gambling Commission • Application for a provisional statement: if a representation has been made and not withdrawn • Review of a premises licence • Application for club gaming/club machine permits: where objections have been made and not withdrawn, or where refusal proposed • Temporary use notice: Decision to give a counter notice, or where objection notice received • Fees 	<p>b) Licensing sub-committees have the following responsibilities in relation to the <u>Gambling Act 2005</u>:</p> <ul style="list-style-type: none"> • Application for premises licence: if a relevant representation has been made and not withdrawn • Application for a variation to a licence: if a representation has been made and not withdrawn • Application for a transfer of a licence: where representations have been received from the Gambling Commission • Application for a provisional statement: if a representation has been made and not withdrawn • Review of a premises licence • Application for club gaming/club machine permits: where objections have been made and not withdrawn, or where refusal proposed • Temporary use notice: Decision to give a counter notice, or where objection notice received • Fees 	<p>No changes proposed</p>
<p>c) Licensing sub-committees have the following responsibilities in relation to the Hackney Carriage / Private Hire Driver or Vehicle Licences:</p> <ul style="list-style-type: none"> • Review, revocation or suspension of licences • Refusal to renew licences 		<p>Deleted as replicates provisions in Licensing Committee and CoP responsibilities</p>
<p>d) To determine appeals from officers' decisions where required.</p>		<p>Deleted as this is not appropriate, appeals by officers should be to the magistrates or other court as specified by the legislation.</p>

e) Officers shall have delegated authority to suspend licences in situations of urgency where there are reasonable grounds to do so		This has now been moved to the new paragraphs in relation to delegation to CoP lead.
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Community of Practice Lead for Environmental Health

Current	Proposed	Reason
This is the responsibility of Licensing Committee	Shall have the delegated authority: <ul style="list-style-type: none"> To determine whether to refuse to grant an application for Hackney Carriage or Private Hire Vehicle Licence. 	Determinations of whether a vehicle meets our policy are technical in nature and do not require a quasi-judicial process to assess the acceptability.
Not in current constitution. All revocations must go through committee.	<ul style="list-style-type: none"> To determine in consultation with the Chair and Vice-chair of the P&L Committee whether to revoke a Hackney Carriage or Driver licence in situations of urgency ('urgency' to be determined by the Community of Practice Lead for Environmental Health). 	Recently we had to revoke a licence in urgency due to concerns over the safety of the public. This had to be done by the Head of Paid Service using his emergency powers, otherwise the driver would have had to be brought in front of committee, possibly many weeks after the concerns were first raised.
Not in current constitution	<ul style="list-style-type: none"> To refer such applications which, in the opinion of the Community of Practice Lead for Environmental Health, should be determined by the Licensing Committee. 	Due to the delegation of powers to CoP Lead it was felt appropriate to introduce this measure to allow applications which become contentious to be brought to the committee

<p>Not in current constitution</p>	<ul style="list-style-type: none"> • To determine applications for Licences under the following areas of work not previously delegated to other committees or individuals; <ul style="list-style-type: none"> ○ Public Health (e.g. Animal Boarding Establishments, Dangerous Wild Animals, Pet Shop, Riding Establishments, Skin Piercing and other special treatments). ○ Public Safety (e.g. Alcohol and entertainment licences, personal licences, club premises certificates, Hypnotism licences, Gambling licences etc.) ○ Housing (e.g. Selective licensing of residential accommodation, Licensing of houses in multiple occupation, Licensing of camping sites, Licensing of caravan sites) ○ Environmental (e.g. Environmental Permits, Licensing of scrap metal dealers) 	<p>These changes are necessary to clarify which applications can be determined by the CoP lead without referring to Committee. The current constitution is not clear on whether an officer can refuse an application where no objection has been received but it would be contrary to policy.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> • To investigate complaints relating to licensed and licensable activities with the relevant powers of entry in order to undertake these investigation 	<p>Sets service standards expected of the Environmental Health Community of Practice.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> • To instigate informal or formal action in order to resolve complaints or unlicensed activities and take appropriate action or remedy 	<p>Not explicitly shown in the current constitution.</p>
<p>Contained in next section of constitution on delegation to Senior Officers</p>	<ul style="list-style-type: none"> • To undertake formal consultations on amendments to policy, (or fares in accordance with the Maximum Chargeable Fare setting policy South Hams only) 	<p>Not explicitly shown in the current constitution.</p>
<p>Taken from Licensing Sub-Committee section above: “e) Officers shall have delegated authority to suspend licences in situations of urgency where there are reasonable grounds to do so”</p>	<ul style="list-style-type: none"> • Authority to suspend licences in situations of urgency where there are reasonable grounds to do so (where urgency is determined by the Community of Practice Lead for Environmental Health 	<p>Moved from Committee delegation section to delegation to Community of Practice Lead, with slight rewording.</p>

At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **1ST** day of **NOVEMBER, 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 R J Oxborough Cllr G Parker
Cllr R F D Sampson

Apologies: Cllr J B Moody and Cllr L Samuel

In attendance: Executive Director (Strategy and Commissioning)
Executive Director (Service Delivery and Commercial Development)
Group Manager Commercial Services
Group Manager Business Development
Locality Manager
S151 Officer
COP Lead Environmental Health
Senior Case Manager – Strategy & Commissioning

Head of Devon Building Control Partnership

Other Members in attendance:

Cllrs Leech, Moyse, Musgrave, Pearce, Roberts, Sellis and Yelland

- *HC 23 DECLARATIONS OF INTEREST**
Members were invited to declare any interests in the items of business to be discussed but none were made.
- *HC 24 MINUTES**
The Minutes of the Hub Committee Meeting held on 20th September, 2016 were confirmed and signed by the Chairman as a correct record.
- *HC 25 URGENT BUSINESS**
The Chairman agreed to allow a Member to raise the issue of whether it would be appropriate for Lead Members to present an update of matters within their area at the beginning of each Hub Committee meeting. It was agreed that future agendas would be adapted to enable Lead Member updates to be presented.

***HC 26**

BT PAYPHONE REMOVAL CONSULTATION

The Lead Member for Environment introduced a report that advised Members that British Telecom (BT) proposed to remove 28 public payphones within the West Devon Borough and in line with Ofcom guidelines had asked the Borough Council to initiate a consultation to canvas the views of the local community. The Localities team were facilitating the process in line with BT's timeframe and Ofcom guidelines. The Locality Manager responded to a number of questions and agreed to circulate the full list of affected payphones to all Members. It was confirmed that the list did not include any payphones within the Dartmoor National Park area.

It was then **RESOLVED** that:

- i) The Borough Council did not adopt any of the affected payphones, leaving the adoption to local communities if they so wish; and
- ii) The draft and final decision for each payphone be delegated to the Chief Planning Officer (COP Lead Development Management), who will consider community feedback in consultation with the relevant Ward Members.

***HC 27**

QUARTER 2 REVENUE BUDGET MONITORING 2016/2017

The Lead Member for Support Services presented a report that enabled Members to monitor income and expenditure variations against the approved budget for 2016/17, and provided a forecast for the year end position. He outlined to Members how the projected overspend figure had arisen.

The s151 Officer provided clarification and answered a number of questions relating to the detail within the report.

It was then **RESOLVED** that the forecast income and expenditure variations for the 2016/17 financial year and the overall projected overspend of £25,000 be noted.

***HC 28**

CAPITAL BUDGET MONITORING 2016/2017

The Lead Member for Support Services presented a report that advised Members of the financial position as at 30 September 2016 for the purposes of budget monitoring. All capital projects were within individual capital budgets approved by Members and therefore capital schemes were within budget.

It was then **RESOLVED** that the report be noted.

HC 29

ANNUAL REVIEW OF HEALTH AND SAFETY POLICY

The Leader presented a report that considered a review of the written health and safety policy statement that the Council was required to prepare by the Health and Safety at Work Act 1974. The policy was required to be reviewed annually and where appropriate, revised to reflect any significant changes within the organisation.

During discussion, a number of Members queried a particular paragraph within the Policy that related to smoking and vaping. The COP Lead Environmental Health agreed to reword the paragraph for clarity.

It was then **RESOLVED** that Council be **RECOMMENDED**:

- i. to adopt the revised policy and that it be signed by the Head of Paid Service and the Leader of Council; and
- ii. that authority to approve the final version be delegated to the Head of Paid Service in consultation with the Leader of Council.

***HC 30**

WRITE OFF REPORT

The Lead Member for Support Services presented 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.

The Lead Member for Support Services provided further detail on how the debts to be written off had arisen. The s151 Officer explained the detail of the presented appendix that set out the cost to the Council of Housing Benefit overpayments which are subsequently written off.

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 £14,102.82 as detailed in Tables 1 and 2 be noted; and
2. The write off of individual debts in excess of £5,000 totalling £16,800.03 as detailed in Table 3 be authorised.

HC 31

REPORTS OF OTHER BODIES

The following unstarred minutes which were recommendations from recent meetings of the Overview and Scrutiny Committees were discussed and subsequently agreed.

- (i) **Overview and Scrutiny (Internal) Committee**
Meeting held on 19 July 2016

Unstarred Minute to agree

Members are recommended to agree:

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

RESOLVED to RECOMMEND to:-

1. approve the future Member Induction Programme (as attached at Appendix A of the agenda report presented to the Overview and Scrutiny (Internal) Committee), 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. 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
3. support the pursuing of the South West Charter Status for Member Development accreditation.

(ii) Overview and Scrutiny (External) Committee

Meeting held on 2 August 2016

Unstarred Minute to agree

Members are recommended to agree:

O&S(E) 18 Task and Finish Group Updates

(a) Partnership Review

RESOLVED to RECOMMEND 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:
 - o What they would spend the funding on;
 - o How it will benefit residents;
 - o Links to Council's Strategic Priorities;
 - o What value for money it will provide; and
 - o 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.

(ii) **Overview and Scrutiny (External) Committee**

Meeting held on 26 September 2016

Unstarred Minute to agree

Members are recommended to agree:

**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
RESOLVED to RECOMMEND:-**

That the Hub Committee **RECOMMEND** to Council 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).

HC 31

DEVON BUILDING CONTROL PARTNERSHIP (DBCP) HOSTING ARRANGEMENTS

(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 Paragraphs 1 and 3 of Schedule 12(A) to the Act).

The Deputy Leader presented an exempt report that set out future arrangements as proposed by the Devon Building Control Partnership. In order to proceed, the proposals had to be agreed by all three Councils being West Devon Borough Council, South Hams District Council and Teignbridge District Council.

It was then **RESOLVED** that Council be **RECOMMENDED** to approve the following recommendations made by the Devon Building Control Partnership Committee:

1. Move to an operating model for Devon Building Control Partnership that is fully hosted by Teignbridge District Council (TDC);
2. Transfer West Devon Borough Council staff currently seconded to TDC, to the host TDC; and
3. Make the necessary amendments to the current DBCP agreement to reflect the changes as discussed in section 3.2 of the presented report.

(The Meeting terminated at 3.50 pm)

Chairman

Report to: **Council**
Date: **6 December 2016**
Title: **MEMBERS' ALLOWANCES REVIEW**
Portfolio Area: **Strategy and Commissioning**
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

Immediately following this meeting, with any changes taking retrospective effect from 1 May 2016

Author: **Darryl White**
Senior Specialist – Democratic Services

Contact: darryl.white@swdevon.gov.uk

RECOMMENDATIONS

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

- 1. Executive summary**
 - 1.1 The Council's Independent Panel on Members' Allowances was convened on Wednesday, 23 November 2016 and made a series of recommendations on a revised Scheme of Members' Allowances.
- 2. Background**

- 2.1 In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is a requirement that any changes to a Council's Scheme of Members' Allowances are considered initially by an Independent Panel appointed for that purpose which in turn then makes recommendations to the Council;
- 2.2 The Council last considered its Scheme of Members' Allowances at its meeting on 26 July 2016. In so doing, Members took the following decision (Minute CM 31 refers):

"The Council RESOLVES that the Council's Independent Remuneration Panel be reconvened to consider and make recommendations to the Council on a revised Scheme of Members' Allowances, with the new Scheme taking retrospective effect from 1 May 2016."

- 2.3 Prior to the Panel meeting taking place, all Members were given the opportunity to make representations on the current Scheme of Members' Allowances, with submissions subsequently being received from Cllrs Benson, Oxborough and Parker
- 2.4 The Council's Independent Remuneration Panel met on Wednesday, 23 November 2016 and was attended by all four Panel Members:
- Don Latham (Independent Chairman);
 - Hilary Boot-Handford (Parish Council Representative);
 - Simon Earland (Business Sector Representative); and
 - Karen Nolan (Community and Voluntary Sector Representative).

As a basis for its deliberations, the Panel considered a report (which was circulated to all Members) and was joined at its meeting by Cllrs Baldwin, Benson, Parker and Sanders.

3. Panel Recommendations

3.1 Basic Allowance

- 3.1.1 The Panel acknowledged that the current Basic Allowance (£4,242 per annum) was the lowest in the county. However, there was also a recognition that the Council had in effect penalised itself by historically not always accepting the Panel's recommended increase to the Basic Allowance;
- 3.1.2 The Panel noted that, during the consultation exercise, there had been no Member responses to this specific aspect of the Scheme and therefore **RECOMMENDED** that:

'the Basic Allowance remain at £4,242.'

- 3.1.3 Unless a belt and braces review was deemed necessary, the Panel reaffirmed its previously held view that the Basic Allowance should be aligned to a prescribed index and **RECOMMENDED** that:

'the Basic Allowance should continue to be aligned to the Staff Pay Award and automatically adjusted each year.'

3.2 **Special Responsibility Allowances**

- 3.2.1 The Council will recall that one of the main drivers that prompted this review was the comments expressed by a number of Members that the Special Responsibility Allowance (SRA) multiplier currently being applied to the role of Hub Committee Member (33% of the Basic Allowance) was too low;

- 3.2.2 This view was expanded upon by the three Hub Committee Members during the consultation exercise and by those Members in attendance at the Panel meeting;

- 3.2.3 Having given the matter detailed consideration, the Panel was sympathetic to the views expressed and **RECOMMENDED** that:

'the multiplier applied to the SRA for the role of Hub Committee Member be increased from the current level of 33% of the Basic Allowance to a new level of 90%.'

- 3.2.4 In making this recommendation, the Panel felt that there was a convincing argument for Hub Committee Members to be entitled to receive a higher SRA that was at the same level as that received by the Chairmen of the Overview and Scrutiny and Audit Committees;

- 3.2.5 With regard to the formula applied to the Leaders of Other Political Groups, the Panel was of the view this was good practice. However, in the event of any Groups being established that comprised of only two Members, it was **RECOMMENDED** that:

'to be entitled to claim the 'Leaders of Other Political Groups' SRA, a group must consist of a minimum size threshold of 3 Members.'

- 3.2.6 Since no requests were made to revisit any of the other roles entitled to claim an SRA, the Panel did not make any further recommended changes to this aspect of the Scheme;

3.3 **Travelling Allowances**

- 3.3.1 The Panel felt it was unusual for a Scheme to include provision for two alternative means of claiming for car travel. In line with the overwhelming majority of other local authorities, the Panel therefore **RECOMMENDED** that:

‘Scheme 1 be deleted from Schedule B (Travelling Allowances) and that, in line with HMRC rates (i.e. that no taxable element is included), the one method for Members to claim for car travel be as follows:

<i>Mileage Allowance:</i>	<i>Pence Per Mile:</i>
<i>For the first 10,000 miles</i>	<i>45p</i>
<i>Per mile after 10,000 miles</i>	<i>25p</i>

3.4 Carers Allowance

3.4.1 Simply as a tidying up exercise, the Panel also **RECOMMENDED** that:

‘the Scheme be updated whereby the rules applied to Carers Allowances should be included within Schedule C: Subsistence Allowances.’

3.5 Revised Draft Scheme of Members Allowances

3.5.1 Each of the above Panel recommendations have been included in a revised draft Scheme of Members Allowances (as attached at Appendix A).

4. Options available and consideration of risk

4.1 In ultimately making a decision, the Council must pay due regard to the recommendations of the Independent Remuneration Panel. However, the Council does have the discretion to reach an alternative view on some (or all) of the Panel’s recommendations if it so wishes.

5. Implications

Legal/Governance		The Local Authorities (Members’ Allowances) (England) Regulations 2003. The Council has a statutory requirement to adopt a Scheme of Members Allowances and to consider the recommendations of its Independent Panel in doing so.
Financial		If all of the Panel recommendations are endorsed by the Council, there will be an overall cost to the Council of £16,926.
Risk		There is a reputational risk if the Council does not have regard to the recommendations of its Independent Panel before approving its revised

		Scheme of Members' Allowances.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime and Disorder		There are no community safety or crime and disorder implications directly related to this report.
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

- A. The revised draft Scheme of Members' Allowances

Background Papers:

The Scheme of Members' Allowances: 2015/16;
 Reports and minutes arising from the Special Council meeting held on 31 March 2015 and 26 July 2016; and
 The report and appendices submitted to the meeting of the Independent Panel held on 23 November 2016.

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Part 6

Members' Allowances Scheme West Devon Borough Council

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West Devon Borough Council

Contents

Members' Allowances Scheme

Schedule A: Basic and Special Responsibility Allowance

Schedule B: Travelling Allowances

Schedule C: Subsistence Allowances

Schedule D: Approved Duties

Members' Allowances Scheme

This Scheme has been made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

1. Basic Allowance

- 1.1 The Basic Allowance is payable to every Member of the Council at the rate specified in Schedule A below, and will be paid by equal monthly instalments in arrears. The allowance is intended to recognise the time devoted by Members to their work as well as to cover incidental costs such as the use of their homes and private telephones.

2. Special Responsibility Allowances (SRAs)

- 2.1 An SRA is paid to those Members who have significant responsibilities such as committee chairmen or political group leaders etc. Each 'post of responsibility' is identified by the Independent Remuneration Panel and attracts an appropriate level of payment as shown in Schedule A, which is paid monthly in arrears.
- 2.2 Payment to any Member who did not hold the position for which the allowance is paid for the whole year will be adjusted pro rata according to the number of months for which it was held.
- 2.3 A Member holding the office of Chairman will normally be expected to agree to the re-allocation of the relevant proportion of the SRA to their Vice-Chairman in circumstances where the latter has to provide cover for a continuous period of absence of their Chairman of at least one month.
- 2.4 No Councillor shall receive more than one SRA.

3. Travelling Allowances

- 3.1 Members may claim mileage allowances at the rates specified in Schedule B.
- 3.2 Travelling Allowances will normally be payable in respect of attendance at any Approved Duty, except that they may not be claimed where the Body attended pays them.
- 3.3 Approved Duties in respect of which Travelling Allowances may be paid are set out in Appendix D.

4. **Subsistence Allowances**

- 4.1 Subsistence allowances will be paid on the scales and under the conditions set out in Schedule C below. The allowance is for actual expenditure, and payment will normally only be made where receipts are supplied.
- 4.2 Approved Duties in respect of which Subsistence Allowances may be paid are set out in Appendix D.

5. **Carer's Allowance**

- 5.1 Carer's Allowance will be paid in accordance with the conditions set out in Schedule C below.

6. **Service on Outside Bodies**

- 6.1 Members are appointed to represent the Council on specific outside bodies by the appropriate committee or by Council. In these specific instances, Members are entitled to claim travel and subsistence **unless** the outside body already provides reimbursement.
- 6.2 If a Member is unable to attend a meeting as a representative of the Council, they are able to make arrangements for another Member to attend in their place. This arrangement is irrespective of any political or party allegiances. The Member attending as a substitute must clearly show this on their claim form.
- 6.3 Representatives appointed to serve on outside bodies are conditional upon them remaining Members of the Council during that period. The Council approves from time to time a list of Outside Bodies to which Members have been appointed.

7. **Withholding Allowances**

- 7.1 Where the Standards Committee determine at a Hearing that a Member should be fully suspended from his/her duties, then the Member's Allowances (save for Dependant Carers' allowance) will be withheld for the period of suspension.

8. **Official Civic Duties**

- 8.1 The Mayor and Deputy Mayor and any other Member deputising for them or invited by them to attend, shall be entitled to receive travelling and subsistence allowance for the performance of official duties and courtesy visits.
- 8.2 The Mayor and Deputy Mayor both receive an annual lump sum allowance as set out in the table in Schedule A.

9. **Renunciation**

- 9.1 Any Member may (by giving notice in writing to the Head of Paid Service) choose to forgo any part of the allowances paid under this Scheme.

10. **Administrative Rules**

- 10.1 No payment can be made of any travel and subsistence claim made more than three months after the meeting for which the claim is made, without the authority of Council in every case.
- 10.2 The responsibility for the correctness of claims is that of the Member concerned. Where in the opinion of administrative staff, a claim cannot for some reason be met within the rules of this Scheme, the travel and subsistence claim will not be paid, and the Member will be informed in writing of the reason.
- 10.3 All claims for expenses should, as far as possible, be submitted according to the timetable (provided by the Finance Community of Practice) and passed to Democratic Services for verification. All claims will be checked against the relevant attendance sheets, list of approved duties and approved appointments to outside bodies, prior to payment being made. Members may be contacted if some claims require further clarification. Any unresolved problems arising out of claims for expenses will be referred to the Standards Committee for determination.
- 10.4 Subsistence allowance rates are all maximum amounts and reimbursement will be for actual expenditure (up to these limits), wherever possible supported by a receipt. This will enable the Council to reclaim the VAT element. Claims should not be made if a meal is provided free of charge.
- 10.5 Every Member will be issued with a copy of this Scheme on its approval by Council and the Scheme will be an element of the Constitution. As part of the Constitution the Scheme will be available on the Council's website.
- 10.6 Claims must be made on the claim forms provided, fully completed in accordance with the guidance notes on the form, signed and dated by the Member.
- 10.7 It is the responsibility of the Member to notify the Council of any material changes to the information held on file, e.g. change of vehicle or address etc.

11. **Records and Publication**

- 11.1 Records will be kept as necessary to satisfy the requirement for public access.
- 11.2 This Scheme and any amendment subsequently made to it will be published in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

11.3 As soon as practical after the end of each year the amounts paid to each Member in respect of each of Basic Allowances and SRA's will be published as required by the 2003 Regulations.

12. **Review**

The Independent Remuneration Panel reviewed the Members' Allowance Scheme in November 2016. A further review will take place before 2020 (unless any significant issues arise before then).

13. **Definitions**

13.1 Member

An elected Member or co-opted Member of West Devon Borough Council.

13.2 Year

The 12 months ending 31 March.

Schedule A

Basic and Special Responsibility Allowances 2016/17

Role	Multiple of Basic Allowance	Basic Allowance per annum	Special Responsibility Allowance per annum	Total
Basic Allowance (all elected Members)		£4,242		£4,242
Special Responsibility Allowances:				
Leader of the Council (Chairman of the Hub Committee)	Basic x 200%	£4,242	£8,484	£12,726
Deputy Leader (Vice Chairman of the Hub Committee)	Basic x 150%	£4,242	£6,363	£10,605
Hub Committee Members (x 7)	Basic x 90%	£4,242	£3,818	£8,060 (each)
Leaders of other political groups (NB. subject to minimum group size threshold of 3 Members)	2 x Basic / 31 x No. of Group Members			
Chairman of Audit Committee	Basic x 90%	£4,242	£3,818	£8,060
Chairman of Planning and Licensing	Basic x 120%	£4,242	£5,090	£9,332
Chairmen of Overview and Scrutiny (x 2)	Basic x 90%	£4,242	£3,818	£8,060 (each)

Civic allowances (see paragraph 7 of the Scheme)

Civic Duty	£ Allowance
Mayor	3,000
Deputy Mayor	825

Schedule B

Travelling Allowances

The scheme to allow Members to claim for car travel is as follows:

SCHEME:

The rates are set by the Inland Revenue and are such that no taxable element is included.

Mileage allowance	
Per mile for the first 10,000 miles	45.0p
Per mile after 10,000 miles	25.0p

There are additional allowances available for transporting passengers, bicycles and motorcycles as follows:

For each passenger	5p per mile
Bicycle rate	20p per mile
Motorcycle rate	24p per mile

Longer journey rate – in the case of any one return journey exceeding 150 miles, excess mileage will be paid at a rate of 11.7p per mile (however, second class rail travel – if cheaper – is the preferred method for long distance travel).

EXPLANATORY NOTE:

It is the responsibility of each Member to notify any material change in the details of the car used to the Officer responsible for the payment of Members' allowances.

SCHEDULE C

Subsistence and Carers' Allowances

Subsistence Allowances (from 1 May 2016)		
Breakfast allowance	A rate of up to £5.00 may be paid where a Member has been away from home on Council business for a period of at least five hours and has incurred the cost of a meal	
One meal rate (five-hour rate)	A rate of up to £5.00 may be paid where a Member has been away from home on Council business for a period of at least five hours and has incurred the cost of a meal	
Two meal rate (ten-hour rate)	A rate of up to £10.00 may be paid where a Member has been away from home on Council business for a period of at least ten hours and has incurred the cost of a meal or meals	
Late evening meal rate	A rate of up to £15.00 may be paid where a Member has to work later than 8.00pm having been on Council business during the day and has to buy a meal which they would usually have at home.	
Overnight/Conference subsistence allowances	London	£91.04 per night.
	Other locations	£79.82 per night

Carer's Allowance:

- 5.1 Carer's Allowance will be paid for the reimbursement of actual expenditure incurred by Members up to a maximum equivalent to the national minimum wage current at that time for the care of dependents whilst the Member is on Council business. For this purpose, "dependents" include children, elderly people or people with disabilities.
- 5.2 The allowance will not be paid to a member of a claimant's own household, except where that person would otherwise be in existing paid employment during the hours of caring.

- 5.3 The allowance will not be paid to a Councillor who is already in receipt of an allowance or other assistance from any other source for the same purpose on the occasion for which the allowance is being claimed.

Explanatory notes

- i) These allowances may be claimed only where incurred, and supported wherever possible with a receipt, so that where appropriate the Council may reclaim any VAT included.

SCHEDULE D

Approved duties for Travelling and Subsistence

(Local Authorities (Members' Allowances)(England) Regulations 2003)

Allowances for travelling and subsistence may be paid to the Council's members (including co-opted members) for the following approved duties:

- Attendance at meetings of the Council
- Attendance at meetings of the Council's committees or sub-committees
- Attendance at meetings of some other body (including that body's core committees or sub-committees discharging that body's core functions) to which the Council makes appointments or nominations by the Council's appointed nominee(s)
- Attendance at any other meeting which has both been authorised by the Council, and to which representatives of more than one political group have been invited (including training sessions and briefings)
- Attendance at meetings of a local authority association of which the Council is a member by the Council's appointed nominee
- Duties undertaken in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises
- Duties undertaken on behalf of the Council in accordance with any procedural rule requiring a member or members to be present while tender documents are opened
- Any other duty approved by the Council, or any duty of a class so approved by the Council or by the Head of Paid Service (or in his absence his nominee) (in consultation with the Group Leaders) for the purpose of, or in connection with, discharging the duties of the Council, its committees or sub-committees (for example (but not limited to) Task and Finish Groups, working groups and Group Leaders' meetings).
- Attendance at a meeting at which it is necessary for Group Leaders or Chairmen to attend to represent or protect the Council's interests.
- Mileage for attendance at Parish and Town Council meetings within a Member's local ward of which they are not already a member and which is within the West Devon Boundary.

The above Approved Duties (where appropriate) shall also be Approved Duties for the purpose of any Town or Parish Council within the Borough of West Devon where the Town/Parish Council has resolved to pay travel and subsistence allowances.