

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 7th February, 2017** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Sheldon
Vice Chairman

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|---------------|----------------|
| Cllr Baldwin | Cllr Ball |
| Cllr Benson | Cllr Cann OBE |
| Cllr Cheadle | Cllr Cloke |
| Cllr Edmonds | Cllr Hockridge |
| Cllr Jory | Cllr Kimber |
| Cllr Leech | Cllr McInnes |
| Cllr Mott | Cllr Moyse |
| Cllr Pearce | Cllr Ridgers |
| Cllr Roberts | Cllr Sampson |
| Cllr Samuel | Cllr Sanders |
| Cllr Sellis | Cllr Stephens |
| Cllr Watts | Cllr Yelland |
| Cllr Musgrave | Cllr Parker |

In attendance:

Councillors:

Officers:

| | |
|-----------------|---|
| Catherine Bowen | Monitoring Officer |
| Lisa Buckle | Section 151 Officer |
| Sophie Hosking | Executive Director |
| Steve Jordan | Executive Director Head of Paid Service |
| Andy Wilson | COP Lead Human Resources |

48. **Christine Grills**

CM 48

Since this was the first Council meeting since Christine Grills (Borough Council Mayor in 2000/01 and 2004/05) sadly passed away, Members proceeded, as a mark of respect, to observe a moment's reflection in her memory.

49. **Apologies for Absence**

CM 49

Apologies for absence were received from Cllrs M Davies, J Evans, J B Moody and R J Oxborough

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50. **Declarations of Interest**

CM 50

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

Cllrs K Ball, T G Pearce and P R Sanders each declared a Personal Interest in Item 7(a): 'Notice Of Motion' (Minute CM 53 below refers). Cllr Ball declared his interest by virtue of being a Board member of the Dartmoor Co-operative Learning Trust. Cllr Pearce declared his interest by virtue of being a Governor of Mary Tavy and Brentor Primary School and Cllr Sanders declared his interest by virtue of being a member of the Governing Body of Tavistock College and the Chairman of its Resources Committee. Each Member remained in the meeting and took part in the debate. Whilst Cllrs Ball and Pearce took part in the vote, Cllr Sanders abstained.

51. **Confirmation of Minutes**

CM 51

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Council agree the Minutes of the Meeting held on 6 December 2016 as a true record."

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

CM 52

The Mayor made reference to:

- his Civic Dinner. The Mayor reminded the Council that his Civic Dinner was to be held on Friday, 10 March 2017;
- the success of the respective Christmas Carol singing events at Okehampton and Tavistock; and

- the Royal Visit on 17 January 2017. The Mayor highlighted that the Princess Royal had opened the Mount Kelly Olympic Legacy Swimming Pool on 17 January 2017 and the event had gone particularly well.

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

CM 53

It was moved by Cllr C R Musgrave and seconded by Cllr T G Pearce that:

"This Council urges the Secretary of State for Education to urgently address the unfair funding arrangements of Devon Schools and to implement a "new and fairer national funding formula" as promised in the Chancellor's 2015 Autumn Spending Review.

The proposals for the latest national funding settlement provide a worsening situation for our schools and colleges in West Devon. This is particularly affected by rising expenditure demands, noticeably staffing costs, arising from the latest national policy decisions.

The council calls on the Secretary of State to address the current allocation of education funding to provide a fairer national allocation and to recognise the general inadequacy of funding of our local schools."

In introducing the motion, the proposer highlighted that:

- all Members had been in receipt of correspondence on this matter from the Principals of Okehampton and Tavistock Colleges; and
- the funding arrangements were particularly unfair to Devon and the West Devon Borough area.

In the ensuing debate, reference was made to:

- (a) the views of the Devon County Council (DCC) lead Member for Children, Schools and Skills. In welcoming the motion, the lead Member highlighted that DCC had prepared a Parliamentary Briefing Note that outlined the likely impact of the proposals. The Member proceeded to agree to circulate the Briefing Note to officers to ensure that it was taken into account during the drafting of the letter to the Secretary of State. In re-emphasising the importance of the motion, the Member stated that schools in Devon were £290 per child worse off than the national average. The Member also requested that the proposer and seconder consider including the following addition in their motion:

'The Council also asks the Schools Minister to look again at the unfair funding proposals.'

The proposer and seconder confirmed their willingness to accept this addition and it was therefore included in the substantive motion;

- (b) the overriding wish that the Secretary of State would act upon the contents of this motion. In addition, Members also made the request that responses that were received by the Council to this motion should be circulated to Members and the wider public.

When put to the vote, it was then declared **CARRIED** that:-

"This Council urges the Secretary of State for Education to urgently address the unfair funding arrangements of Devon Schools and to implement a "new and fairer national funding formula" as promised in the Chancellor's 2015 Autumn Spending Review.

The proposals for the latest national funding settlement provide a worsening situation for our schools and colleges in West Devon. This is particularly affected by rising expenditure demands, noticeably staffing costs, arising from the latest national policy decisions.

The council calls on the Secretary of State to address the current allocation of education funding to provide a fairer national allocation and to recognise the general inadequacy of funding of our local schools.

The Council also asks the Schools Minister to look again at the unfair funding proposals."

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

CM 54

- a. **Planning and Licensing Committee – 13 December 2016 and 10 January 2017**

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 13 December 2016 and 10 January 2017 meetings be received and noted, with the exception of Unstarred Minutes P&L 45 and P&L 46".

In respect of the Unstarred Minutes:

- i. **P&L 45 Proposed Changes to the Constitution in respect of the Planning and Licensing Committee**

Before the recommendation was moved and seconded, a Member wished to thank the Committee Chairman for enabling the Committee every opportunity to debate this matter. In so doing, he wished to put on record his support for the proposed way forward.

It was then 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 Council Constitution be amended as set out below to reflect the recommendations of the Political Structures Working Group and to take effect from the Annual Council meeting in May 2017:

1. That West Devon Borough Council continue to have a Planning and Licensing Committee of ten Members; who will determine both planning and licensing applications;
2. That the Constitution be amended to allow for a sub-committee of five Members (drawn from the ten appointed Planning and Licensing Committee Members) to be convened to determine taxi driver licence applications and other miscellaneous licences, in addition to the current existing sub-committee of three Members that was convened to determine alcohol and gambling licences; and
3. That the Planning and Licensing Committee be renamed with effect from the Annual Council meeting in May 2017, to the 'Development Management and Licensing Committee'.

ii P&L 46 Review of Site Inspection Protocol

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 revised Site Inspection Protocol (as presented at Appendix A to the Planning and Licensing Committee minutes) be adopted".

b. Hub Committee – 19 December 2016 and 24 January 2017

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 1 November 2016 and 29 November 2016 meetings be received and noted, with the exception of Unstarred Minutes HC 50 and HC 51".

In respect of the Unstarred Minutes:

i HC 50 Investment Options

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 sum of £500,000 from the earmarked 'Invest to Earn' reserve be used to invest in CCLA's (CCLA Investment Management Limited's) Local Authorities Property Fund as detailed in section 5 of the presented agenda report, with the investment being placed at the beginning of the 2017/18 financial year; and

2. a Member Working Group be set up to work with officers to evaluate other invest to earn, income and efficiency opportunities for future consideration by the Council, with appointments to this Group being delegated to the two Group Leaders.

i. **HC 51 ICT Strategy 2017-2019**

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 ICT Strategy Document be approved."

c. **Audit Committee – 10 January 2017**

It was moved by Cllr N Jory, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 10 January 2017 meeting be received and noted, with the exception of Unstarred Minute AC 25".

In respect of the Unstarred Minute:

i. **AC 25 Appointment of External Auditors**

It was moved by Cllr N Jory, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that West Devon Borough Council opts into the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors."

d. **Joint Overview and Scrutiny Committees – 17 January 2017**

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 17 January 2017 meeting be received and noted".

55. **Revenue and Capital Budget Proposals for 2017/18**

CM 55

A report was considered that updated Members on the revenue and capital budget position for the year 2017/18.

In the ensuing discussion, reference was made to the proposal for an opt-in charged garden waste service. Some reservations were expressed over the proposals effectively amounting to double taxation and the lack of any concessionary scheme that took into account a property's Council Tax band. However, the majority of Members were so swayed by the potential loss of this discretionary service, that they confirmed their support for this proposal.

In accordance with statutory legislation, three recorded votes were then called for. The first recorded vote was called for on part 1 only of the recommendation, with the second recorded vote being called for on part 4 only and the third recorded vote being called for on parts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the recommendation.

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

For the motion (26): Cllrs Baldwin, Ball, Benson, Cheadle, Cloke, Edmonds, Hockridge, Jory, Kimber, Leech, McInnes, Mott, Moyse, Musgrave, Parker, Pearce, Ridgers, Roberts, Sampson, Samuel, Sanders, Sellis, Sheldon, Stephens, Watts and Yelland

Against the motion (1): Cllr Cann OBE

Absent (4): Cllrs Davies, Evans, Moody and Oxborough

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

The voting on part 4 of the recommendation (i.e. that the proposal for an opt-in charged garden waste service be approved) was recorded as follows:-

For the motion (24): Cllrs Baldwin, Ball, Benson, Cheadle, Cloke, Edmonds, Hockridge, Jory, Kimber, Leech, McInnes, Moyse, Musgrave, Parker, Pearce, Ridgers, Roberts, Sampson, Samuel, Sanders, Sellis, Stephens, Watts and Yelland

Against the motion (1): Cllr Cann OBE

Abstentions (2): Cllrs Mott and Sheldon

Absent (4): Cllrs Davies, Evans, Moody and Oxborough

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

The voting on parts 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the recommendation was recorded as follows:-

For the motion (26): Cllrs Baldwin, Ball, Benson, Cheadle, Cloke, Edmonds, Hockridge, Jory, Kimber, Leech, McInnes, Mott, Moyse, Musgrave, Parker, Pearce, Ridgers, Roberts, Sampson, Samuel, Sanders, Sellis, Sheldon, Stephens, Watts and Yelland

Against the motion (1): Cllr Cann OBE

Absent (4): Cllrs Davies, Evans, Moody and Oxborough

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

It was consequently **RESOLVED** that:

- (i) Council Tax be increased by £5 (which equates to a Band D council tax of £218.39 for 2017/18, an increase of £5 per year or 10 pence per week). This equates to a Council Tax requirement of £4,356,612 (as shown in Appendix B of the presented agenda report));
- (ii) the financial pressures in Appendix A of £735,571 be approved;
- (iii) the contributions to Earmarked Reserves of £277,000 be approved;
- (iv) the proposal for an opt-in charged garden waste service with no concessions (as set out in Exempt Appendix F of the presented agenda report) be adopted, with a targeted net saving of £67,500 for the 2017/18 financial year. (NB. a further report detailing the operational changes required and implementation timing will be brought to the March meeting of the Hub Committee);
- (v) the other savings of £498,171 (as set out in Appendix A of the presented agenda report) be approved;
- (vi) the Collection Fund surplus of £178,000 be agreed;
- (vii) an ICT Earmarked Reserve be created consisting of £42,000 (as set out in paragraph 6.15 of the presented agenda report);
- (viii) £860,000 of New Homes Bonus funding is used to balance the 2017/18 Revenue Budget;
- (ix) £100,000 of the Budget Surplus Contingency Earmarked Reserve be used to fund £50,000 for the Joint Local Plan and £50,000 for five additional case managers within Development Management for a period of one year (paragraph 10.6 of the presented agenda report refers);
- (x) the Total Net Expenditure of the Council for 2017/18 be £7,423,225 (Appendix B of the presented agenda report refers);
- (xi) the 2017/18 Capital Programme projects totalling £570,000 be approved (as outlined at paragraph 9.1 of the presented agenda report);
- (xii) approval be given to the financing of the 2017/18 Capital Programme of £570,000 by using £88,000 of New Homes Bonus funding, £402,000 of Better Care Funding and £80,000 from the Budget Surplus Contingency Earmarked Reserve (as per paragraph 9.1 of the presented agenda report);
- (xiii) the Council transfers £9,880 of its allocation of New Homes Bonus for 2017/18 to an Earmarked Reserve called: 'Community Investment Fund – Dartmoor National Park', to be applied for and drawn down by Dartmoor National Park as and when

required. (NB. this amount is a one-off payment and the position will be considered annually by the Council as part of the budget process. The condition is that this is for use within the boundaries of the Borough Council only);

- (xiv) the Council Tax Support Grant paid to Town and Parish Councils be reduced by 8.6% for 2017/18, 2018/19 and 2019/20. (NB. this equates to a payment of £70,841 for 2017/18);
- (xv) the minimum level of the Unearmarked Revenue Reserves be maintained at £750,000 (as outlined at Section 10 of the presented agenda report);
- (xvi) the level of reserves (as set out within the presented agenda report) and the assessment of their adequacy and the robustness of budget estimates be noted. (NB. this is a requirement of Part 2 of the Local Government Act 2003);
- (xvii) car parking charges for 2017/18 be frozen and the charges be reviewed by the Car Parking Strategy Group; and
- (xviii) the 2017/18 Budget be balanced by using £140,002 from the Budget Surplus Contingency Earmarked Reserve (as set out at paragraph 10.6 of the presented agenda report)."

56. **Local Authority Controlled Company Business Case**

CM 56

Consideration was given to a report that sought a decision of the Council regarding whether or not a Local Authority Controlled Company (LACC) should be established jointly with South Hams District Council.

In his introduction, the Leader informed that:-

- it was his intention to propose a slightly amended recommendation to that which was outlined in the presented agenda report. The Leader advised that the purpose of his amendments was two-fold:
 1. To provide a clear direction of travel whereby the Council would not be proceeding with the LACC in its current proposed form; and
 2. To ensure that the Council kept every one of its potential options open, whilst not precluding the shared working agenda with South Hams District Council.
- any issues that were outside of the revised (and approved) terms of reference for the Joint Steering Group (JSG) would require the approval of full Council;
- the JSG being an excellent example of the two local authorities working together. In the future, it was envisaged that the role of

the JSG would be to look in-depth at all possible future options before ultimately presenting its recommendations to the Council. To keep all Members informed, the Leader gave a commitment for regular progress updates to be given to the wider membership from the JSG.

In discussion, reference was made to:-

- (a) the project timescales. In reply to a question regarding the pension matter only being identified as a 'red line' to South Hams District Council Members at the very last minute of the project, the Leader acknowledged that, in hindsight, the JSG could have resolved this matter initially. That being said, the Leader reminded the Council that the project timescales were incredibly tight and it had therefore been deemed necessary to undertake a number of elements in parallel;
- (b) notes arising from JSG meetings. In the future, it was agreed that the JSG meeting notes would be made available to the wider membership on the Council's Modern.Gov portal;
- (c) sharing best practice. The Leader gave assurances that the Executive Directors were continually making him aware of the approaches that were being taken by local authorities across the country to address their respective budget pressures;
- (d) the work of the JSG. Some Members recorded their gratitude for the extensive work that had been undertaken by the JSG in making these evidence based recommendations.

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

1. the Council should not proceed with the Local Authority Controlled Company in its current proposed form;
2. the recommendations of the Joint Steering Group (as at presented Appendix 1 of the agenda report) be noted;
3. the Joint Steering Group continue to meet with revised terms of reference being put into place to consider other options;
4. the first priority from West Devon Borough Council is for the Joint Steering Group to consider options for establishing a reduced scope LACC, with the priority on delivering Waste and associated savings;
5. the revised terms of reference for the Joint Steering Group be delegated to the Executive Director (Strategy and Commissioning), in consultation with the Leader of the Council and the Leader of the Independent Group; and

6. the remaining funding for the LACC project be earmarked to fund further work by the Joint Steering Group within their revised terms of reference.

57. **Pay Policy Statement, Review of Group Managers Salary and Pay and Reward Strategy 2017**

CM 57

Members considered a report that proposed that:

- the draft Pay Policy Statement be adopted;
- the new salary levels for the Group Managers for Commercial Services and Support Services be agreed; and
- the Pay and Reward Strategy be adopted.

In the subsequent discussion, reference was made to:-

- (a) the role of the lead Hub Committee Member. A number of Members expressed their disappointment that the report had been published without the prior knowledge of the lead Hub Committee Member for Support Services. Indeed, such was the displeasure of some Members that a proposal was put to the meeting whereby this report should be deferred to a future Council meeting. Whilst regrettable, the majority of Members could not see any benefit in deferral of this matter at this time and the proposal was subsequently withdrawn;
- (b) the new salary levels. In reply to a question, it was noted that the work previously undertaken by the Group Manager – Customer Services had been re-allocated to the Group Managers for Commercial Services and Support Services and there were no salary adjustments being proposed for any other officers. Furthermore, this proposal was only seeking to make permanent the current interim arrangements;
- (c) the current senior management structure. Whilst supportive of the recommendations, some concerns were expressed over the organisational structure of the current senior management team. In stressing that these concerns were nothing personal against the calibre and professionalism of the current senior management team, the request was nonetheless made for a broader debate in this regard to take place with Members.

Having been moved by Cllr C Edmonds and seconded by Cllr G Parker, it was then submitted to the Meeting and declared to be **CARRIED** and **RESOLVED** that:

1. the Pay Policy Statement (as attached at Appendix A of the presented agenda report) be adopted;
2. approval be given to the new salary levels for the Group Managers for Commercial Services and Support Services on terms as outlined at paragraph 5.2 of the presented agenda report; and

3. the Pay and Reward Strategy 2017/18 (as attached at Appendix B of the presented agenda report) be adopted.

The Meeting concluded at 6.40 pm

Signed by:

Chairman
