

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 25th July, 2017** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Moody
Vice Chairman Cllr Davies

Cllr Baldwin	Cllr Ball
Cllr Cann OBE	Cllr Cheadle
Cllr Cloke	Cllr Edmonds
Cllr Evans	Cllr Jory
Cllr Kimber	Cllr Leech
Cllr McInnes	Cllr Mott
Cllr Moyse	Cllr Musgrave
Cllr Oxborough	Cllr Parker
Cllr Ridgers	Cllr Sampson
Cllr Samuel	Cllr Sanders
Cllr Sellis	Cllr Sheldon
Cllr Stephens	Cllr Watts
Cllr Yelland	

In attendance:

Councillors:

Officers:
Head of Paid Service
Executive Director – Service Delivery & Commercial Development
Deputy Monitoring Officer
Section 151 Officer
Commissioning Manager

19. **Apologies for Absence**

CM 19

Apologies for absence were received from Cllrs L J G Hockridge, B Lamb, T G Pearce and A Roberts.

20. **Confirmation of Minutes**

CM 20

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel 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 23 May 2017 as a true record, subject to Cllr D E Moyse being added to the list of Members who had given their apologies for absence to this meeting."

21. **Declarations of Interest**

CM 21

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.

22. **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 22

a. Development Management and Licensing Committee – 30 May 2017 and 27 June 2017

It was moved by Cllr P R Sanders, seconded by Cllr D E Moyse and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 30 May 2017 and 27 June 2017 meetings be received and noted".

b. Overview and Scrutiny Committee – 6 June 2017

It was moved by Cllr J Yelland, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 6 June 2017 meeting be received and noted, with the exception of Unstarred Minute O&S 09".

In respect of the Unstarred Minute:

i. O&S 09 Overview and Scrutiny: Annual Report

It was moved by Cllr J Yelland, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Overview and Scrutiny Annual Report for 2016/17 be approved for publication, subject to delegated authority being given to the Senior Specialist (Democratic Services), in consultation with the Chairman of the Overview and Scrutiny Committee, to make any minor amendments."

c. Audit Committee – 20 June 2017

It was moved by Cllr M Davies, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 20 June 2017 meeting be received and noted".

d. Hub Committee – 20 June 2017 and 18 July 2017

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 20 June 2017 and 18 July 2017 meeting be received and noted, with the exception of Unstarred Minutes HC 11, HC 12 and HC 14".

In respect of the Unstarred Minutes:

i. HC 11 Business Rates – Locally Administered Business Rate Relief Policy

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, following consultation with Devon County Council, Devon and Cornwall Police and Devon and Somerset Fire Rescue, the Locally Administered Business Rate Relief Policy be adopted, subject to inclusion of the amendment as detailed in the minutes arising from the Hub Committee meeting".

ii. HC 12 Review of WDBC Community Grant Schemes

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Sports Grant be incorporated into a 'Community Grant' scheme, retaining £2,000 as a revenue line to cover 'training/coaching grants';
2. applications be excluded to the Community Grant from projects within Dartmoor National Park which have already received support from the DNPA Sustainable Communities Fund;
3. production of a one page summary of grant schemes be supported, which officers and Members can use to increase and sustain the level of promotion to local communities; and
4. ongoing officer engagement with Devon County Council be supported to refocus the TAP scheme criteria on its original purpose and to reinstate the process that is outlined at paragraph 7.3 of the presented agenda report to the Hub Committee meeting."

iii. HC 14 Events Policy Adoption

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the proposed policy (as detailed in Appendix 1 of the report presented to the Hub Committee meeting) be approved, subject to minor wording changes being delegated to the Group Manager – Commercial Services, in consultation with the lead Hub Committee Member; and
2. once live, the Policy be reviewed annually and the fees levied be reviewed as part of the regular WDBC fee and charge setting process.”

23. **Single Council Proposal**

CM 23

A comprehensive report was presented that set out a series of recommendations from the SH/WD Joint Steering Group to agree, in principle, to establish a single second tier Council for West Devon and South Hams.

In introducing this agenda item, the Leader made reference to the recent Member event that had been held with representatives from the Department of Communities and Local Government (DCLG) and the Local Government Association (LGA).

In so doing, the Leader highlighted three key details arising from this event that had an impact on the content of the published agenda report. These details were as follows:-

1. The implementation date for a new Council would need to be put back from the initially anticipated 1 April 2019 to 1 April 2020;
2. The Local Government Boundary Commission for England review would need to be concluded before the new Council was formed, with the 2019 Borough and District Council elections being delayed by a year to 2020; and
3. There was the potential to introduce a longer time period to equalise Council Tax.

In light of this information, the Leader advised that he had instructed officers to produce a revised report (with the amendments highlighted) and this had been circulated to Members just before this meeting.

Following the introduction, a Member expressed his concerns at the late circulation of the revised report and made a point of order alleging that Council Procedure Rule 12: ‘Committee Agenda’ had therefore been breached. In expanding on his view, it was felt that Members had not been given sufficient time or opportunity to examine the revised report in proper detail before being asked to make a decision.

Having sought the advice of officers, the Mayor did not accept the alleged breach and made the following statement:

‘Today’s proposed amendments are all points of clarification arising from a meeting with the DCLG and LGA last Friday (21 July 2017).

The original report was published five clear working days in advance of today's meeting as required.

All of the proposed amendments and additional information refers to the proposal which has yet to be consulted on in full by Members, stakeholders and the public. This means that each and every amendment will be considered fully before the Council makes a decision on whether or not to put the proposal to the Secretary of State in due course.

All relevant representations will be considered and published in a transparent fashion as always.'

In light of this ruling, the following motion was then **PROPOSED** by Cllr R J Oxborough and **SECONDED** by Cllr W G Cann OBE:

'That the agenda item be deferred to a future meeting for consideration to enable sufficient time and opportunity to read the updated report and supporting papers.'

(Prior to any debate ensuing on this motion, the Mayor exercised his discretion to adjourn the meeting for a fifteen minute period to enable Members the opportunity to read the updated report.)

Once the meeting reconvened, some Members felt that a deferral at this stage of the debate was somewhat pre-emptive and the proposer was encouraged to withdraw his motion at this time. On the proviso that he may still wish to propose a deferral at a later stage of the debate, the proposer agreed to withdraw his motion at this time.

In the ensuing discussion, reference was made to:-

- (a) the involvement of all Members. Particularly when considering the importance of this issue, some Members expressed their disappointment at the lack of engagement opportunities that had been arranged to date for the wider membership. In response, assurances were given that, in the event that both councils took the decision to consult on the establishment of a single council, a series of Member Workshops would then be arranged that ran parallel to the public consultation;
- (b) the draft consultation document. A number of Members stated their disapproval at the quality of the draft consultation document. These Members felt that, as drafted, the document was disingenuous and unbalanced. As a way forward, it was suggested that delegated authority should be given to the SH/WD Joint Steering Group (JSG) to agree the final contents of the consultation document prior to its publication. As a further assurance, it was agreed that all Members would be invited to make their comments on a revised draft document prior to the JSG taking its final decision;

- (c) the mechanism for consulting with local residents. Such was the significance of this issue, that the view was expressed that, as part of the consultation exercise, some form of communication should be sent to every household in the Borough;
- (d) the size of the Borough Council. As one of the smallest Borough Councils in the country, some Members made the point that the authority would not be financially sustainable in the future and a larger council would provide greater resilience and strength. As a result and, when considering the shared services arrangements with South Hams District Council, this proposal was felt to be the natural conclusion of the partnership working agenda, which would help to maintain and improve front-line services.

It was moved by Cllr L Samuel and seconded by Cllr G Parker and declared **CARRIED** and **"RESOLVED** that the Council:

1. agree to consider establishing a single second-tier Council for West Devon and South Hams from 1 April 2020;
2. proceed to consultation with the public and stakeholders from early August through to the end of September 2017, with delegated authority being given to the SH/WD Joint Steering Group to agree the final contents of the consultation document (as outlined at Appendix B of the presented agenda report) prior to its publication; and
3. agree to bring back to Council for consideration (as soon after the expiry of the consultation period as is practically possible) the outcome of the consultation together with the final Proposal for submission to the Secretary of State.

24.

Delivery of best value for money front line services

CM 24

(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, based on the advice of the SH/WD Joint Steering Group, in relation to the manner in which front-line services were provided and designed.

In introducing the report, the Lead Hub Committee Member made reference to an amended recommendation 2 that had been presented to the meeting. When questioned, the Member advised that the amended wording had been deemed necessary to ensure compliance with both company and procurement legislation.

Following a lengthy debate, it was moved by Cllr R F D Sampson and seconded by Cllr L Samuel and declared **CARRIED** and **"RESOLVED** that action is taken, based upon the advice of the SH/WD Joint Steering Group, to:

1. test the front line services in scope through competitive dialogue processes with combined procurements where the services allow;
2. consider the outcome of the market engagement, benchmark and report back to the next full Council the viability (subject to full compliance with the relevant laws) of a wholly owned company preparing a bid if a competitive and sustainable price for service can be proven against benchmarked current costs with external market place; and
3. continue to test market costs and income opportunities during the summer period to further inform the market position.

It was then moved by Cllr R F D Sampson and seconded by Cllr L Samuel and declared **CARRIED** and "**RESOLVED** that the press and public be re-admitted to the meeting."

25. **Commercial Property Acquisition Strategy**

CM 25

Consideration was given to a report that presented the draft Commercial Property Acquisition Strategy for approval. The report noted that the objective of the draft Strategy was to generate revenue streams to contribute to the financial sustainability of the Council, enabling it to continue to deliver (and where possible improve) frontline services in line with the Council's adopted strategy and objectives.

During discussion, reference was made to:-

- (a) the budget gap. A number of Members highlighted the extent of the future budget gap facing the Council and the need to adopt innovative solutions to close this gap. Approval of this strategy was therefore considered to be an example of an innovative solution;
- (b) the option to invest in residential properties. In response to a query, officers advised that this option had been given detailed consideration. However, it had been concluded that the Right to Buy Scheme had effectively ruled this out as a sustainable option for the Council;
- (c) the risks associated with the Strategy. In caution, some Members felt that the presented agenda report did not adequately address some of the risks related to issues such as a downturn in property value; the market becoming saturated and the consequent impact on yield. As a result, these Members were of the view that the financial margins would be tighter than was being suggested in the agenda papers. In the event of the Strategy being approved, these Members emphasised the importance of the Council proceeding with caution in this regard;

- (d) the proposal to commission property experts to actively manage the acquired properties. Members recognised the importance of appointing the best possible experts to maximise the success of this Strategy.

It was moved by Cllr R E Baldwin and seconded by Cllr N Jory and declared **CARRIED** and **"RESOLVED** that:

1. the proposed Commercial Property Acquisition Strategy (as detailed in Appendix A of the presented agenda report) be approved and implemented;
2. officers conclude an appropriate procurement process to commission specialists to work on behalf of the Council in relation to the Strategy;
3. individual commercial property portfolio purchases and disposal decisions be delegated to the Head of Paid Service, in consultation with the Council's Section 151 Officer, the Leader of the Council and the Chairman of the 'Invest to Earn' Working Group; and
4. funds be borrowed on fixed rate terms from the appropriate source in order to pursue the Strategy. (NOTE. to complete tranche 1, this would require borrowing of up to £26.75 million (£25 million plus acquisition costs of 7%).

26. **2017/18 Treasury Management Strategy**

CM 26

The Council considered a report that sought approval of a revised Treasury Management and Investment Strategies together with their associated prudential indicators. The report stressed that good financial management and administration underpinned the entire Strategy.

It was then moved by Cllr C Edmonds and seconded by Cllr R F D Sampson and declared **CARRIED** and **"RESOLVED** that approval be given to:-

1. the prudential indicators and limits for 2017/18 to 2019/20 (as outlined in Appendix A of the presented agenda report);
2. the Minimum Revenue Provision (MRP) (as outlined in Appendix A of the presented agenda report that sets out the Council's policy on MRP);
3. the revised Treasury Management Strategy for 2017/18 and the treasury prudential indicators 2017/18 to 2019/20 (as outlined in Appendix B of the presented agenda report); and
4. the Investment Strategy 2017/18 (as outlined in Appendix C of the presented agenda report) and the detailed criteria (as outlined in Appendix D of the presented agenda report).

The Meeting concluded at 7.45 pm

Signed by:

Chairman
