

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 26th September, 2017** at **4.30 pm** at the **Chamber** **- Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Moody
Vice Chairman Cllr Davies

Cllr Ball	Cllr Cann OBE
Cllr Cheadle	Cllr Cloke
Cllr Edmonds	Cllr Evans
Cllr Hockridge	Cllr Jory
Cllr Kimber	Cllr Lamb
Cllr Leech	Cllr Mott
Cllr Moyse	Cllr Musgrave
Cllr Oxborough	Cllr Parker
Cllr Pearce	Cllr Samuel
Cllr Sanders	Cllr Sellis
Cllr Stephens	Cllr Watts
Cllr Yelland	

In attendance:

Councillors:

Officers:
Head of Paid Service
Monitoring Officer
Section 151 Officer
Group Manager – Commercial Services

27. **Apologies for Absence** **CM 27**

Apologies for absence were received from Cllrs R E Baldwin, J R McInnes, P J Ridgers, A Roberts, R F D Sampson and J Sheldon.

28. **Confirmation of minutes**
CM 28
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 Meeting held on 25 July 2017 as a true record."
29. **Declarations of Interest**
CM 29
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.
30. **To receive communications from the Mayor or person presiding**
CM 30
As a reminder, the Mayor highlighted that his Civic Service had been arranged to take place on Sunday, 22 October 2017 at 2.00pm. Any Members who wished to attend, but had not let officers know, were asked to confirm their intention to the office as soon as possible.
31. **Business brought forward by or with the consent of the Mayor**
CM 31
The Mayor informed that he had agreed for two urgent items to be raised at this meeting that related to updates in relation to the Heart of the South West Devolution agenda and Torbay Council. He had considered both items to be urgent in light of recent developments that were of importance to the wider membership.

(a) Heart of the South West Devolution Agenda

By way of an update, the Leader made reference to:-

- the Minister having recently confirmed that he now recognised that it was not always appropriate for an elected Mayor to be a prerequisite for any meaningful Devolution deal. Members proceeded to note that a meeting had recently been held between each of the partner local authorities, who had all expressed a wish to build on this shift in emphasis; and
- agreement being made to the establishment of a Joint Committee in a shadow format. In so doing, the Leader advised that the Leader of Somerset County Council had been appointed Chairman of the Shadow Committee, with the Leader of East Devon District Council being appointed his Vice-Chairman.

At this stage, it was hoped that these shadow arrangements could be formalised by each Council before early January 2018. Moreover, it was also confirmed that the intention remained for each local authority to have one serving Member, with each retaining equal voting rights.

(b) Torbay Council

In his update, the Leader raised the following points:-

- Torbay Council had recently commissioned the Local Government Association and local partners to give consideration to the future status and structure of the Council;
- As part of these considerations, one of the potential options was for Torbay Council to transfer responsibility for their upper tier services to Devon County Council, with their district functions then being retained, with the ability for some shared working with the West Devon / South Hams being explored; and
- Whilst the matter would be considered at a meeting of the full Council at Torbay on 27 September 2017, the report recommendation was for the Council to retain its existing service delivery model whilst pursuing its own Transformation Programme in order to achieve the savings that they required. The Leader also confirmed that the agenda papers for the meeting were in the public domain.

32.

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 32

a. Overview and Scrutiny Committee – 11 July 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 11 July 2017 meeting be received and noted".

b. Audit Committee – 18 July 2017

In reply to a question, the Section 151 Officer confirmed that, at the end of August, housing benefit overpayment debt amounted to a much reduced £480,000. In addition, the officer stated that all of these monies were still recoverable.

A Member proceeded to ask a further question in relation to the accumulated absences account. In response, the Section 151 Officer advised that the sum was an accounting procedure only and gave an assurance that no members of staff lost any of their annual leave entitlement.

An Audit Committee Member also wished for his thanks to be extended to the Section 151 Officer, the Finance Community Of Practice and the Chairman of the Committee.

It was then 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 18 July 2017 meeting be received and noted".

c. Development Management and Licensing Committee – 22 August 2017

In addition to the amendments to the minutes that were made during the Committee meeting held on 19 September 2017 (Minute *DM&L 21 refers) , it was also noted that Cllr L J G Hockridge was in attendance during this meeting and had declared a Disclosable Pecuniary Interest in planning application numbers 1433/17/VAR and 2456/16/FUL.

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 22 August 2017 meeting be received and noted".

d. Hub Committee – 12 September 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 12 September 2017 meeting be received and noted, with the exception of Unstarred Minutes HC 20, HC 21, HC 22, HC 24 and HC 28".

In respect of the Unstarred Minutes:

i. HC 20 The Government's Proposed 20% Increase In Planning Fees

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:

1. Planning fees be increased by 20% once primary legislation was confirmed;
2. An appraisal be undertaken of resource and performance levels across the wider planning function to ascertain the best use of the additional resource, to be approved by the Head of Paid Service in consultation with the Section 151 Officer, the Leader of Council and the Lead Hub Committee Members for Customer First and Strategic Planning."

ii. HC 21 Street Naming and Numbering Policy

In discussion, a Member was of the view that the Policy should be amended to ensure that road signs not only gave the name of the street, but also the name(s) of other streets that a road directly led on to.

As a way forward, a commitment was given to review this aspect of the Policy and Members were supportive of the suggestion whereby delegated authority should be given to the Head of Paid Services, in consultation with the Leader of Council, to investigate the merits of this point prior to the Policy being approved.

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 revised joint Street Naming and Numbering Policy (as outlined at Appendix A of the agenda report presented to the Hub Committee) be approved, subject to delegated authority being given to the Head of Paid Service, in consultation with the Leader of Council, to consider whether the Policy should be amended to include the names of subsidiary roads on road signs."

iii. **HC 22 O&S Draft Terms of Reference and Procedure Rules**

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 amended Overview and Scrutiny Committee Terms of Reference and Procedure Rules (as outlined at Appendices A and B of the agenda report presented to the Hub Committee) be approved."

iv. **HC 24 Business Rates Pilot 2018/19**

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:

1. the Council apply to become a business rates pilot for 2018/19 as part of a Devonwide business rates pilot bid to pioneer new pooling and tier-split models; and
2. authority be delegated to the Section 151 Officer, in consultation with the Leader, Deputy Leader and Head of Paid Service, to agree the detail of the business rates pilot bid (in conjunction with Devon Local Authority Section 151 Officer colleagues) with respect to the financial aspects and overall governance of the pilot bid."

v. **HC 28 Purchase of Land**

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 purchase price be funded (as set out in Section 1.1 of the agenda report presented to the Hub Committee) along with legal and associated costs from the Innovation Fund (Invest to Earn) Earmarked Reserve."

33. **Delivery of best value for money front line services EXEMPT Report of the SH/WD Joint Steering Group CM 33**

(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.

For clarity, the Head of Paid Service confirmed that this matter had to be progressed in accordance with a legislative timeframe regardless of the imminent decision on the One Council proposal.

It was then moved by Cllr N Jory and seconded by Cllr P R Sanders and declared **CARRIED** and **RESOLVED** that:

1. waste collection, recycling and cleansing services be tested using the competitive dialogue procurement route to achieve a partnership solution in accordance with the Collaboration Agreement dated 2015;
2. the lead authority for the procurement in Recommendation 1 is West Devon Borough Council for the reasons outlined in paragraph 2.6 of the presented agenda report and in accordance with the Collaboration Agreement 2015;
3. West Devon Borough Council does not proceed with a wholly owned company bid for waste collection, recycling and cleansing services;
4. the Memorandum of Understanding and project board remit attached at Appendix D of the presented agenda report be approved subject to a minor amendment being included to emphasise that significant decisions related to the project would be reported to meetings of the Hub Committee and/or full Council for ultimate approval;
5. the two councils continue to explore the establishment of a wholly owned company or joint venture arrangement for the delivery of grounds maintenance, building and facilities maintenance and other related services considered in the scope of the work stream; and
6. the Waste Options Earmarked Reserve in West Devon be used to meet any additional costs of procurement over and above those available within the base budget, with a payback mechanism being agreed once annual service costs are identified."

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."

The Meeting concluded at 5.20 pm

Signed by:

Chairman
