

# WEST DEVON COUNCIL



West Devon  
Borough  
Council

## **Minutes** of a meeting of the **West Devon Council** held on **Tuesday, 22nd May, 2018** at **11.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

**Chairman** Cllr Moody  
**Vice Chairman** Cllr Davies

Cllr Baldwin  
Cllr Cann OBE  
Cllr Cloke  
Cllr Evans  
Cllr Jory  
Cllr Leech  
Cllr Mott  
Cllr Musgrave  
Cllr Parker  
Cllr Ridgers  
Cllr Sampson  
Cllr Sanders  
Cllr Sheldon  
Cllr Yelland

Cllr Ball  
Cllr Cheadle  
Cllr Edmonds  
Cllr Hockridge  
Cllr Lamb  
Cllr McInnes  
Cllr Moyse  
Cllr Oxborough  
Cllr Pearce  
Cllr Roberts  
Cllr Samuel  
Cllr Sellis  
Cllr Watts

### **In attendance:**

Officers:  
Head of Paid Service  
Monitoring Officer

### 1. **Minute's Silence**

CM 1

Prior to consideration of the formal agenda items at this meeting, the Mayor called on everyone in attendance to observe a minute's silence in remembrance of Mrs Jo Hawkins, who had been a longstanding West Devon Borough Councillor and who had sadly recently passed away.

### 2. **To elect The Mayor of the Borough for the ensuing year**

CM 2

Cllr R Cheadle moved the appointment of Cllr M Davies as Mayor for the ensuing year and Cllr K Ball subsequently seconded the motion.

No other nominations were received and upon the motion being submitted to the meeting, it was declared to be **CARRIED** and **"RESOLVED** that Cllr M Davies be appointed Mayor for the ensuing year".

The retiring Mayor and newly elected Mayor left the Council Chamber so that Cllr M Davies could be invested with the civic regalia. The retiring Mayor also invested Mrs Davies with the Mayoress's Badge of Office.

Upon returning to the Council Chamber, the newly elected Mayor, Cllr M Davies, made the Declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr M Davies then chaired the remainder of the meeting.

Cllr N Jory proposed a vote of thanks to the retiring Mayor. The proposition was seconded by Cllr R F D Sampson.

Cllr M Davies then invested Cllr J B Moody and Mrs Moody with the Past Mayor's and his Consort's Medallions.

The retiring Mayor, Cllr J B Moody proceeded to address the meeting.

3. **To elect the Deputy Mayor for the ensuing year**

CM 3

The Mayor called for nominations for the position of Deputy Mayor.

One nomination was received as follows:

Cllr A F Leech	proposed:	Cllr J Yelland
	seconded:	Cllr L J G Hockridge

There being no other nominations, it was declared to be **CARRIED** and **"RESOLVED** that Cllr A F Leech be appointed as Deputy Mayor for the ensuing year".

The Deputy Mayor then made the Declaration of Acceptance of Office and signed the register and the Mayor invested Cllr A F Leech with the Deputy Mayor's Insignia.

Cllr A F Leech then addressed the Council.

4. **Apologies for Absence**

CM 4

An apology for absence was received from Cllrs P Kimber and B Stephens.

5. **Declarations of Interest**

CM 5

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.

6. **Confirmation of Minutes**

CM 6

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 27 March 2018 meeting as a true record, subject to the following amendment being made to Minute CM 67: *'Minutes of Committees c ii Hub Committee – 13 March 2018 HC 71: West Devon Parking Strategy:*

*"(NOTE: in accordance with Council Procedure Rule 19(6), Cllr D K A Sellis asked that her vote against this recommendation be formally recorded)."*

7. **Report of the Political Structures WG Ref. Hub Committee Size and Meeting Start Times**

CM 7

A report was considered that presented the recommendations of the Political Structures Working Group with regard to:

- the size of the Hub Committee;
- whether or not exploratory work should be undertaken into a potential change of governance structure to a Cabinet/Executive model;
- the individual roles and responsibilities of the Members of the Hub Committee; and
- the start time for future meetings of full Council.

In the ensuing discussion, reference was made to:-

- (a) the work of the lead officers who had supported the review. When questioned, the Working Group Chairman confirmed that detailed consideration had been given to each of the issues that had been raised prior to these recommendations being generated. In emphasising the time taken, the Chairman also thanked those officers who had supported the Group throughout this review;
- (b) the views of the membership on whether to progress a change of governance structure to a Cabinet/Executive model. In the debate, the view of the overwhelming majority of Members was that there was no appetite to explore any such change in governance arrangements at this time. In particular, a number of Members highlighted that the cross party political working on the Hub Committee was of great benefit to the Council and its residents;

- (c) the size of the Hub Committee. Whilst a Member informed that he had presented an alternative proposal to the Working Group that would see a reduction in the Hub Committee membership to 7, he accepted that the rest of the Group had supported a retention of the status quo. That being said, he did wish to make the point that, in recent years, the Council had undergone extensive change, however the membership had been almost untouched during this period;
- (d) performance appraisals. Several Members endorsed the comments of the Working Group in the presented agenda report whereby Lead Members and Committee Chairs should be in receipt of a performance appraisal. It was agreed that this point would be followed up with the Devon and Somerset Shared Member Development Service;
- (e) feedback from Hub Committee Members. Whilst it was acknowledged that some Members did provide regular feedback to the wider membership, the view was expressed that this was not the case for all Hub Committee Members.

In emphasising the importance of communication, it was felt that means of providing regular feedback (suggestions included at Informal Council sessions; prior to a formal Council meeting starting; at Overview and Scrutiny Committee meetings; and via the Members' Bulletin) should be further explored;

- (f) attracting prospective candidates for the upcoming Borough Council elections. A Member stated her hope that innovative ideas would come forward as part of the pre-election process to ensure that those candidates who stood for election in May 2019 were more reflective of the demographics of the West Devon area.

It was then moved by Cllr J R McInnes, seconded by Cllr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the existing number of Members on the Hub Committee (9) should be retained;
2. having sought the views of the membership, the Council is not minded to explore a change of governance structure to a Cabinet/Executive model at this time;
3. the individual roles and responsibilities of Hub Committee Members be amended as set out in Appendix A of the presented agenda report; and
4. the start time of full Council meetings be changed to 4.00pm (from 4.30pm) to take effect after the Annual Meeting in May 2018.

## 8. **To consider a report and then formally sign the Council's Constitution**

CM 8

The Council considered a report that sought to approve formal adoption of Parts 1, 2 and 3 of its Constitution.

In the ensuing debate, particular reference was made to:-

- (a) the draft Members Code of Planning Practice. Whilst appreciating the wishes of the Audit Committee for a draft version of the Code to be '*presented for approval as soon as is practically possible*' (Minute AC 40 refers) had been achieved, some Members felt that greater consideration should be given to its contents. As a consequence, the following alternative recommendation was moved and seconded to read as follows:-

'That the draft 'Members' Code of Planning Practice (as outlined at Appendix A of the presented agenda report) be deferred to the Council Meeting on 24 July 2018 for further consideration.'

When put to the vote, it was declared **CARRIED**.

- (b) 'Permission in Principle' (PiP) applications. The need to update the Planning Scheme of Delegation to reflect the fact that the 'PiP Regulations came into effect on 1 June 2018 was noted. In light of these Regulations only allowing five weeks to determine a PiP application, officers were recommending that, whilst Members could refer the Technical Details Consent aspect to the Development Management and Licensing Committee, they would not be able to refer a PiP application.

A number of Members were not willing to support this proposal and considered it important that, initially on a temporary basis, they retained the ability to call PiP applications to Committee. Whilst fully aware of the challenging timeframe within which PiP applications must be determined, these Members were hopeful that government guidance would be forthcoming to underpin the Regulations.

As a consequence of the strength of views expressed, a revised draft Planning Scheme of Delegation was tabled to the meeting that proposed that PiP applications could be called to Committee. On the basis that the impact of this tabled version would be reviewed within the next six months, approval of this document was moved and seconded and when put to the vote was declared **CARRIED**.

It was then moved by Cllr C Edmonds, seconded by Cllr C Mott and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that:

1. the amendments to Parts 1, 2 and 3 of the West Devon Borough Council Constitution (as summarised in paragraph 2.8 of the presented agenda report and fully outlined on the Council website) be approved and formally adopted, subject to the Planning Scheme of Delegation being amended (as tabled to the meeting) and reviewed again within the next six months; and

2. the draft 'Members' Code of Planning Practice' (as outlined at Appendix A of the presented agenda report) be deferred to the Council Meeting on 24 July 2018 for further consideration."

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

CM 9

**a. Overview and Scrutiny Committee – 27 February 2018**

It was moved by Cllr J Yelland, seconded by Cllr P Ridgers and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 27 February 2018 meeting be received and noted".

**b. Development Management and Licensing Committee – 20 March 2018 and 17 April 2018**

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 March 2018 and 17 April 2018 meetings be received and noted".

**c. Audit Committee – 20 March 2018**

It was moved by Cllr M Davies, seconded by Cllr B Lamb and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 20 March 2018 meeting be received and noted".

**d. Hub Committee – 24 April 2018**

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 24 April 2018 meeting be received and noted, with the exception of Unstarred Minutes HC 80, HC 81 and HC 82".

In respect of the Unstarred Minutes:

**i. HC 80 – Corporate Strategy Review**

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 West Devon Corporate Strategy be formally adopted and published."

**ii. HC 81 – Annual Report**

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 progress and achievements made by the Council be noted; and

2. the West Devon Annual Report for the 2017/18 Financial Year (as presented at Appendix A to the published Hub Committee minutes) be formally adopted and published."

- iii. **HC 82 – Devon Wide Housing Assistance 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 the existing Homes Assistance Policy be updated and then adopted in line with the Devon Housing Assistance Policy."

10. **To appoint a Leader and Deputy Leader of the Council for the ensuing year**

CM 10

- a. **Leader**

It was moved by Cllr C Mott, seconded by Cllr A Roberts and upon the motion being submitted to the Meeting was declared (by virtue of a paper ballot) to be **CARRIED** and **"RESOLVED** that Cllr P R Sanders be appointed Leader of the Council for the ensuing year."

- b. **Deputy Leader**

It was moved by Cllr K Ball, seconded by Cllr G Parker and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that Cllr L Samuel be appointed Deputy Leader of the Council for the ensuing year."

11. **To report on the composition of political groups**

CM 11

Members noted the schedule of officially appointed political groups as follows:

- 21 Conservative Group Members; and
- 10 Independent Group Members.

12. **To approve the Committee Structure for the coming year**

CM 12

It was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Committee structure be as follows for the coming year:

Audit	7 Members;
Hub	9 Members;
Overview & Scrutiny	15 Members;
Development Management & Licensing	10 Members; and
Standards	5 Members

with all of the appointments to the above Committees being politically balanced".

13. **To receive the appointments from the Political Groups of the Members they have selected to serve on the Committees. To appoint (if any) the requisite number of Members from the**

**Members of the Council who, at the date of this meeting, are not members of a Political Group.**

CM 13

A list of appointments made to the Committees by the two political groups for the ensuing year had been circulated and were duly approved. The Leaders of the two political groups were named as:

Conservative	Cllr P R Sanders (Deputy: Cllr L Samuel)
Independent	Cllr R F D Sampson (Deputy: Cllr W G Cann OBE)

14.

**To appoint the Chairman and Vice-Chairman to the Committees of the Council**

CM 14

**(i) Development Management and Licensing Committee: Vice-Chairman**

Two nominations were put forward to the role of Vice-Chairman of the Development Management and Licensing Committee as follows:

- Cllr T G Pearce; and
- Cllr A Roberts.

In accordance with Council Procedure Rule 19(3), it was declared that Cllr A Roberts be appointed as the Vice-Chairman of the Development Management and Licensing Committee for the ensuing year.

**(ii) Overview and Scrutiny Committee: Chairman**

Two nominations were put forward to the role of Chairman of the Overview and Scrutiny Committee as follows:

- Cllr D W Cloke; and
- Cllr J Yelland.

In accordance with Council Procedure Rule 19(3), it was declared that Cllr J Yelland be appointed as the Chairman of the Overview and Scrutiny Committee for the ensuing year.

The remaining appointments were then proposed by Cllr P R Sanders and seconded by Cllr R F D Sampson and when put to the vote were declared to be **CARRIED**:

Audit Committee:	Cllr M Davies (Chairman); Cllr K Ball (Vice Chairman)
Hub Committee:	Cllr P R Sanders (Chairman); Cllr L Samuel (Vice Chairman);
Overview & Scrutiny Committee:	Cllr J Yelland (Chairman) Cllr R Cheadle (Vice-Chairman);



Development Management & Licensing  
Committee: Cllr P R Sanders (Chairman);  
Standards Committee: Cllr A F Leech (Chairman); and  
Cllr J Sheldon (Vice Chairman).

15. **To appoint representatives to the list of Outside Bodies for the ensuing year.**

CM 15

Members considered a report that presented the Group Leader's nominations to fill the vacancies on the list of Outside Bodies.

It was then proposed by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. The Council should be represented on the list of Outside Bodies as presented to the meeting;
2. Appropriate representatives be appointed as this Council's appointments to those Bodies for the 2018/19 Municipal Year and that for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and
3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned".

16. **To appoint representatives to the list of Other Groups for the ensuing year**

CM 16

It was proposed by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the appointments as presented to the meeting be endorsed for the ensuing year".

17. **Dartmoor National Park Authority**

CM 17

It was noted that the two Council representatives appointed to the Dartmoor National Park were:-

Cllr W G Cann OBE (Independent)  
Cllr D E Moyse (Conservative)

(NOTE: These appointments formed part of the Political Balance Table.)

18. **Joint Local Plan - Delegated Authority Arrangements**

CM 18

The Council considered a report that sought approval to delegate authority to the Head of Paid Service, in consultation with the Leader of the Council and the Members of the Joint Local Plan Joint Steering Group, to authorise the final version of the Joint Local Plan for consultation.

In debate, a number of Members paid tribute to the amount of work that had been undertaken by Cllrs Baldwin and Parker in reaching this point of the project.

It was then proposed by Cllr G Parker, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council delegates authority to the Head of Paid Service, in consultation with the Leader and the Joint Local Plan Joint Steering Group Members, to authorise the final version of the Joint Local Plan for consultation".

The Meeting concluded at 1.10 pm

**Signed by:**

**Chairman**

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