

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 19th May, 2015** at **11.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cloke
Vice Chairman Cllr Sheldon

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

In attendance:

Councillors:

Officers:

Head of Paid Service

Executive Director (Service Delivery and Commercial Development)

Monitoring Officer

1. **To elect The Mayor of the Borough for the ensuing year**
CM 1
Cllr D K A Sellis moved the appointment of Cllr D W Cloke as Mayor for the ensuing year and Cllr W G Cann OBE 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 D W Cloke be appointed Mayor for the ensuing year".

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

Upon returning to the Council Chamber, the newly elected Mayor, Cllr D W Cloke, made the declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr D W Cloke then chaired the rest of the meeting.

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

Cllr D W Cloke then invested Cllr C M Marsh and Cllr Mott (Cllr Marsh's daughter) with the Past Mayor's and her Consort's Medallions.

The retiring Mayor, Cllr C M Marsh proceeded to address the meeting.

2. **To elect The Deputy Mayor for the ensuing year**

CM 2

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

One nomination was received as follows:

| | | |
|----------------|-----------|------------------|
| Cllr J Sheldon | proposed: | Cllr J B Moody |
| | seconded: | Cllr P R Sanders |

There being no other nominations, it was declared to be **CARRIED** and **"RESOLVED** that Cllr J Sheldon 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 J Sheldon with the Deputy Mayor's Insignia.

Cllr J Sheldon then addressed the Council.

3. **Apologies for Absence**

CM 3

An apology for absence was received from Cllr R Cheadle.

4. **Declarations of Interest**

CM 4

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.

5. **Confirmation of Minutes**

CM 5

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 17 February 2015, 24 February 2015 and 31 March 2015 meeting as a true record."

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

CM 6

The Mayor had no communications to bring forward.

7. **To agree the Roles and Responsibilities of the Overview and Scrutiny Committees post May 2015**

CM 7

The Council considered a report that sought approval to agree the principle of how the roles and responsibilities should be divided between the two newly established Overview and Scrutiny Committees.

In discussion, reference was made to:-

- (a) the lack of prior notice. Some Members expressed their concern that such an important report had not been published further in advance of this meeting;
- (b) the emphasis being on adding greater value to the Overview and Scrutiny function. To help with the objective of adding value, Members felt that the recommendations would help to set the tone for a positive way forward for both the Overview and Scrutiny function and the new Council.

It was then moved 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, with immediate effect, the Council Constitution be amended to reflect that:

- 1. Overview and Scrutiny Committee 'A' and Overview and Scrutiny Committee 'B' be known as the 'Overview and Scrutiny (Internal) Committee' and the 'Overview and Scrutiny (External) Committee' respectively, with the broad terms of reference (as outlined at Appendix A of the presented agenda report) being approved;

2. wherever possible, the Audit Committee convene its meetings on the same day as the Overview and Scrutiny (External) Committee meetings are held, with the consequent minor adjustments to the Calendar of Meetings being made in consultation with the two Committee Chairmen; and
3. the roles of the Audit Committee Chairman and either of the Overview and Scrutiny Committee Chairmen should not be allocated to the same Member."

8. **To adopt the Council's Constitution**

CM 8

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 Council adopt the revised Constitution for the forthcoming year."

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. **Audit Committee – 24 February 2015**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 24 February 2015 meeting be received and noted, with the exception of Unstarred Minutes AC 36, AC 37, AC 39 and AC 40".

In respect of the Unstarred Minutes:

i. **AC 36 – Internal Audit – Revision of and Progress Against the 2014/15 Plan**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the report and appendices A and B of the presented agenda report to the Committee be adopted."

ii. **AC 37 – Three Year Internal Audit Plan 2015/16 to 2017/18 and Annual Internal Audit Plan – 2015/16**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that:

1. The three year Internal Audit Plan for the period 2015/16 to 2017/18 (Appendix A of the presented Committee agenda report refers) be approved and adopted; and
2. The Annual Internal Audit Plan for 2015/16 (Appendix C of the presented Committee agenda report refers) be also approved and adopted."

iii. **AC 39 – Treasury Management Strategy, Minimum Revenue Provision Policy and Annual Investment Strategy for 2015/16**

Due to date constraints associated with this Unstarred Minute, it was noted that this matter had already been determined at the Special Council meeting on 31 March 2015 (Minute CM 94 refers).

iv. **AC 40 – Strategic Risk Assessment – Six Monthly Update**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. the possibility of selling advertising space on the Council’s website be investigated;
2. in relation to risk FA06 (page 142 to the Audit Committee agenda refers), opportunities to retain and to capitalise on assets be explored before considering the sale of such assets; and
3. in relation to risk T11 (page 151 to the Audit Committee agenda refers), a full presentation on the T18 Programme be presented to all newly elected Members following the local government elections in May 2015.”

b. **Audit Committee – 28 April 2015**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 28 April 2015 meeting be received and noted, with the exception of Unstarred Minutes AC 44 and AC 45”.

In respect of the Unstarred Minutes:

i. **AC 44 – Annual Review of Council’s Constitution**

It was noted that the Constitution had been adopted earlier during this meeting (CM 8 above refers).

ii. **AC 45 – Internal Audit – Progress Against the 2014/15 Plan**

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

- (a) both the report and the progress against the 2014/15 Internal Audit Plan be noted; and
- (b) a report on the payment and recovery of overpayments of housing benefits be presented to the next Committee meeting.”

- c. **Community Services Committee – 3 March 2015**
It was moved by Cllr R F D Sampson, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 3 March 2015 meeting be received and noted."
- d. **Overview & Scrutiny Committee – 24 March 2015**
It was moved by Cllr D E Moyse, seconded by Cllr D K A Sellis and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 24 March 2015 meeting be received and noted."
- e. **Planning & Licensing Committee – 10 February 2015, 10 March 2015 and 7 April 2015**
It was moved by Cllr M J R Benson, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 10 February 2015, 10 March 2015 and 7 April 2015 meetings be received and noted, with the exception of Unstarred Minute P&L 55".

In respect of the Unstarred Minute:

- i. **P&L 55 – To determine whether to adopt a procedure for licensing Horse Drawn Omnibuses, Drivers and Conductors to Operate within the West Devon Borough Council area**

In discussion, a Member commented that, since the Council was being asked to determine a generic procedure, it would not be appropriate to note the contents of the correspondence received from Burrator Parish Council and from the Dartmoor Access Forum in this regard. Furthermore, it was critical for any applications which were received by the Council to be considered on their own merits.

It was then moved by Cllr M J R Benson, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. a procedure be adopted for the licensing of Horse Drawn Omnibuses, driver(s) and conductors within the West Devon Borough Council area and for the drafting of the related licensing procedure, conditions, code of conduct and preparation of Byelaws, together with the power to grant, revoke, suspend or refuse to transfer or renew an omnibus licence, driver, conductors licence, to the Head of Environmental Health and Housing/Service Group Manager;
2. an initial annual fee of £550 be approved for the application to grant an annual omnibus drivers or conductors licence; and

3. the terms of reference for the Planning and Licensing Committee be amended to include responsibility for the review of fees.

f. Licensing Sub-Committee – 21 April 2015

It was moved by Cllr M J R Benson, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 21 April 2015 meeting be received and noted."

g. Standards Committee – 17 March 2015

It was moved by Cllr A F Leech, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 17 March 2015 meeting be received and noted."

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

CM 10

a. Leader

It was moved by Cllr R E Baldwin, seconded by Cllr J R McInnes and upon the motion being submitted to the Meeting was declared 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 P R Sanders, seconded by Cllr D K A Sellis and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that Cllr R E Baldwin 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 | 5 Members; |
| Hub | 9 Members; |
| Overview & Scrutiny (Internal) | 11 Members; |
| Overview & Scrutiny (External) | 11 Members; |
| Planning & Licensing | 10 Members; and |
| Standards | 9 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 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 R E Baldwin) |
| 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

The following appointments were proposed by Cllr P R Sanders and seconded by Cllr R E Baldwin and when put to the vote were declared to be **CARRIED**:

- Audit Committee: Cllr M Davies (Chairman);
Cllr J B Moody (Vice Chairman)
- Hub Committee: Cllr P R Sanders (Chairman);
- Overview & Scrutiny (Internal Committee): Cllr C R Musgrave (Chairman);
Cllr J Yelland (Vice Chairman)
- Overview & Scrutiny (External) Committee: Cllr P J Ridgers (Chairman);
Cllr D W Cloke (Vice Chairman)
- Planning & Licensing Committee: Cllr D K A Sellis (Chairman);
Cllr M J R Benson (Vice Chairman)
- Standards Committee: Cllr A F Leech (Chairman);

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

CM 15

Members considered a report which 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 2015/16 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 be endorsed for the ensuing year".

17. **Dartmoor National Park Authority**

CM17

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

Cllr L J G Hockridge (Independent)

Cllr D E Moyse (Conservative)

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

18. **To order the affixing of the Common Seal for the ensuing year in that the Mayor and the Executive Directors (or deputies appointed by them) be authorised to witness the fixing of the seal on any documents.**

CM 18

A copy of the documents signed by the Mayor during the period 5 February 2015 and 5 May 2015 was attached to the agenda (page 88 refers) and noted by the Meeting.

It was moved by Cllr R F D Sampson, seconded by Cllr P R Sanders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Mayor and the Monitoring Officer (or deputies appointed by them) be authorised to witness the fixing of the seal on any documents for the forthcoming year".

The Meeting concluded at 12.25 pm

Signed by:

Chairman
