

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 29th September, 2015** at **4.30 pm** at the **Chamber** **- Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cloke
Vice Chairman

Cllr Ball	Cllr Benson
Cllr Davies	Cllr Edmonds
Cllr Evans	Cllr Hockridge
Cllr Jory	Cllr Kimber
Cllr Leech	Cllr McInnes
Cllr Moody	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
Monitoring Officer

27. **Apologies for Absence**

CM 27

Apologies for absence were received from Cllrs R E Baldwin, W G Cann OBE, R Cheadle, C Mott and J Sheldon.

28. **Declarations of Interest**

CM 28

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting.

At the request of the Leader, the Monitoring Officer was asked to provide advice to the Council on Item 11: 'Introduction of a Discretionary Local Business Rate Relief Discount Policy' (Minute CM 33 below refers). The Monitoring Officer proceeded to inform that it was her legal advice that any Members who may be contemplating either starting a new business, relocating a business or expanding a business and, who may therefore potentially wish to take advantage of the Policy, should declare a Disclosable Pecuniary Interest and leave the meeting room for this agenda item.

Cllr R J Oxborough proceeded to declare a Disclosable Pecuniary Interest in agenda item 11 (Minute CM 33 below refers) by virtue of him owning a business which he may wish to expand in due course and he left the meeting room during consideration of this item.

29. **Confirmation of Minutes**

CM 29

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 agree the Minutes of the 28 July 2015 meeting as a true record."

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

CM 30

In providing an update on the engagements that he and the Deputy Mayor had attended since the last meeting, the Mayor made particular reference to the success of the events at Dartmoor Folk Festival and the turf cutting ceremony at Okehampton Business Park. As a general comment, the Mayor also stated that it was pleasing that a number of Members were also in attendance and representing the Council at these events.

31. **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 31

a. **Planning & Licensing Committee – 21 July 2015, 18 August 2015 and 15 September 2015**

It was moved by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 21 July 2015, 18 August 2015 and 15 September 2015 meetings be received and noted".

b. Overview & Scrutiny (Internal) Committee – 21 July 2015

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 21 July 2015 meeting be received and noted”.

c. Audit Committee – 28 July 2015

It was moved by Cllr M Davies, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 28 July 2015 be received and noted, with the exception of Unstarred Minute AC 11”.

In respect of the Unstarred Minute:

i. AC 11 – Contract Procedure Rules

It was moved by Cllr M Davies, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the updated version of the Contract Procedure Rules and the Council approve the revised Rules for inclusion in the Council’s Constitution”.

d. Hub Committee – 22 September 2015

It was moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 22 September 2015 meeting be received and noted, with the exception of Unstarred Minutes HC 14, 16, 17, 19 and 20”.

In respect of the Unstarred Minutes:

i. HC 14 – Our Plan Update

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

1. option 2 for progression of Our Plan (as set out at paragraph 4 of the presented agenda report to the Hub Committee meeting) be pursued recognising that this will need an extended plan period to 2032 or 2033;
2. a detailed Duty to Co-Operate protocol, or similar agreement, be established with neighbouring planning authorities within the Housing Market Area. This would address joint approaches to strategic planning relating to timetable, evidence, policies, strategic allocations, governance, staffing, scope of Housing Market Area, viability and infrastructure amongst other matters;
3. the Local Development Scheme be reviewed and re-issued in line with recommendation 1;
4. further evidence work (joint or specific) be procured as required;
5. a budget provision for 2016/17 of £75,000 be made for Our Plan, which will be a cost pressure built into the

Council's Medium Term Financial Plan for 2016/17 onwards;

6. a Settlement Boundary Policy be considered for incorporation in future versions of Our Plan and necessary preparatory work be undertaken to allow for this option;
7. it be agreed that a World Heritage Site Supplementary Planning Document (SPD) be pursued in line with existing and proposed development plan policies;
8. a further "Call for Sites" be initiated;
9. site OP16 at Brook Lane, Tavistock be agreed to be deleted from future versions of Our Plan;
10. Guidance for Neighbourhood Plan Groups be issued to inform their work as it relates to Our Plan;
11. a refreshed Our Plan Engagement Strategy be issued;
12. regular Member update sessions be timetabled;
13. a further report be submitted to the Hub Committee and Council making specific proposals for future consultation, consideration and submission of Our Plan; and
14. those specific details to be agreed under recommendations 2,3,4,5,6,7,8,9,10 and 11 be delegated to the Lead Specialist – Place and Strategy, in consultation with the lead Hub Committee Member and the Leader of Council."

ii. **HC 16 – Council Tax Discretionary Discount and Reduction Policy**

It was moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the combined Council Tax Discretionary Discount and Reduction Policy."

iii. **HC 17 – Devon Home Choice & Local Allocations Policy Review**

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

1. the Council remain in the Devon Home Choice Partnership, with this arrangement being reviewed again in twelve months time; and
2. no changes be made at this time to the Council's Local Allocation Policy, with this arrangement also being reviewed again in twelve months time."

iv. **HC 19 – Health and Safety Management**

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

1. the Health and Safety Statement of Policy be accepted and signed by the Head of Paid Service and the Leader of Council; and

2. the Health and Safety Statement of Policy be reviewed and signed annually on the occasion of the Annual Council meeting.”

v. **HC 20 – Joint Data Protection Policy**

It was moved by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. the Joint Data Protection Policy (as attached at Appendix A of the presented agenda report to the Hub Committee meeting) and Supporting Codes of Practice and documentation; and
2. authority be delegated to the Monitoring Officer to make minor amendments.

32. **To receive the report of the Place and Strategy Specialist on Planning Obligations Thresholds**

CM 32

Following a successful legal challenge by Reading and West Berkshire Councils, the Council considered a report that sought to revoke the interim planning obligations decisions that were agreed at full Council on 17 February 2015.

In discussion, Members felt that the High Court should be congratulated on this decision.

It was then proposed by Cllr G Parker, seconded by Cllr P R Sanders and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the interim planning obligations decision (as agreed at full Council on 17 February 2015) be revoked.”

33. **To receive the report of the Group Manager - Business Development on the Introduction of a Discretionary Local Business Rate Relief Discount Policy**

CM 33

The Leader of Council presented a report that recommended that the Council utilised its powers to apply discretionary business rate relief.

In discussion, reference was made to:-

- (a) the composition of the new discretionary business rate relief decision panel. Whilst Members were generally supportive of the proposed composition of the panel (as outlined in paragraph 1.6 of the presented agenda report), the view was expressed that one of the stand-by panellists should be the Overview and Scrutiny (External) Committee Chairman. In addition, it was felt that the sentence relating to the involvement of local Ward Member(s) should be amended to read as follows:-

'The applicable local Ward Member(s) will be invited to attend a decision panel meeting in order to support the application decision making process.'

- (b) support for businesses who may fall on hard times. In the event of falling on hard times, Members were informed that this Policy would not be relevant and businesses would need to apply to a different fund that dealt specifically with hardship matters.

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

- a) discretionary business rate relief be offered to local businesses where it is in the interests of local Council tax payers to do so;
- b) a new discretionary business rate relief policy (as detailed within Appendix 1 of the presented agenda report) be ratified and the rate relief application form (as shown in Appendix 2 of the presented agenda report) be approved;
- c) the formation of a discretionary business rate relief decision panel be agreed, who will appraise and determine applications on an 'as-needs' basis as set out in paragraph 1.6 (and subject to inclusion of the amendments outlined in the minutes above) of the presented agenda report;
- d) authority be delegated to the Group Manager, Business Development, in consultation with the Deputy Leader of West Devon Borough Council, to make minor legal amendments to the Policy (as detailed within Appendix 1 of the presented agenda report) prior to it being published and adopted as appropriate;
- e) be reviewed in twelve months' time; and
- f) decisions made by the panel be referred to the Audit Committee."

The Meeting concluded at 5.05 pm

Signed by:

Chairman
