

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 28th July, 2015** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cloke

Vice Chairman Cllr Sheldon

Cllr Baldwin

Cllr Benson

Cllr Cheadle

Cllr Edmonds

Cllr Hockridge

Cllr McInnes

Cllr Moyse

Cllr Oxborough

Cllr Pearce

Cllr Roberts

Cllr Sanders

Cllr Stephens

Cllr Yelland

Cllr Ball

Cllr Cann OBE

Cllr Davies

Cllr Evans

Cllr Leech

Cllr Mott

Cllr Musgrave

Cllr Parker

Cllr Ridgers

Cllr Samuel

Cllr Sellis

Cllr Watts

In attendance:

Councillors:

Officers:

Executive Director (Service Delivery and Commercial Development)

Monitoring Officer

19.

Apologies for Absence

CM 19

Apologies for absence were received from Cllrs N Jory, P Kimber, J B Moody and R F D Sampson

20. **Declarations of Interest**

CM 20

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.

21. **Confirmation of Minutes**

CM 21

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 19 May 2015 annual meeting as a true record."

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

CM 22

The Mayor had the following communications which he wished to bring forward:

- With regard to his mayoral duties, the Mayor confirmed that it had been a busy and exciting period and he had attended a number of varied functions. In particular, the Mayor highlighted for particular reference the 'Fishing Feast' and the 'Church Trail for Young People' events;
- In respect of his interpretation of the Council Procedure Rules, the Mayor informed that it was his intention to, as far as was practically possible, enforce Rule 17(5) whereby a Member should only be permitted to speak once at Council meetings during the course of the debate on a motion.

23. **Business brought forward by or with the consent of the Mayor**

CM 23

The Mayor informed the Council that he had agreed for one item to be raised at this meeting. The item related to the formal presentation to the Council of the Gold Award for 'Delivering through Efficiency' and the Silver Award for 'Council of the Year' which had been won at the national iESE Awards.

At this point, the Mayor invited Dr Andrew Larner, Chief Executive of iESE, to step forward and formally present the Awards. In so doing, Dr Larner paid tribute to the Council in achieving these awards and felt that the Council was a credit to the whole public sector. Finally, Dr Larner urged the Council to consider re-submitting again for 'Council of the Year' next year.

24. **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 24

a. **Planning & Licensing Committee – 26 May 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 26 May 2015 meeting be received and noted".

Licensing Sub-Committee – 2 June 2015

It was moved by Cllr T G Pearce, 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 2 June 2015 meeting be received and noted".

Planning & Licensing Committee – 23 June 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 23 June 2015 meeting be received and noted".

b. Hub Committee – 9 June 2015 and 14 July 2015

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 9 June 2015 and 14 July 2015 meetings be received and noted".

c. Overview & Scrutiny (Internal) Committee – 9 June 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 9 June 2015 meeting be received and noted."

d. Standards Committee – 7 July 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 7 July 2015 meeting be received and noted."

e. Audit Committee – 7 July 2015

It was moved by Cllr M Davies, seconded by Cllr L Watts and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 7 July 2015 be received and noted".

f. Overview and Scrutiny (External) Committee – 7 July 2015

It was moved by Cllr P J Ridgers, seconded by Cllr D W Cloke and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 7 July 2015 meeting be received and noted."

25. **To receive the report of the Monitoring Officer on proposed amendments to the Council's Procedure Rules regarding the dismissal of Senior Officers**

CM 25

Members considered a report that dealt with the requirements set out in the Local Authorities (Standing Orders) (England) (Amendment)

Regulations 2015. These regulations required the Council to amend its Constitution to incorporate the new arrangements for taking disciplinary action against the Council's statutory officers, namely Head of Paid Service, Section 151 Officer and Monitoring Officer.

It was then proposed by Cllr W G Cann OBE, seconded by Cllr P R Sanders and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Council amend its Procedure Rules and Officer Employment Rules in the Council's Constitution to give effect to the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ('the Regulations'). In particular:
 - (a) the Head of Paid Service, Section 151 Officer and Monitoring Officer may only be dismissed by the Council; and
 - (b) when considering whether to dismiss any of the officers set out in (a) above the Council must have regard to any view expressed by an Independent Panel.
2. the Council's Independent Persons (appointed under the Localism Act 2011) be invited to be part of a Panel for the purposes of the Regulations;
3. the Monitoring Officer amend the Constitution accordingly;
4. delegated authority be given to the Community Of Practice Lead Specialist for HR to make (any) necessary consequent amendments to the Council's Grievance and Disciplinary Policy."

26. **To Order the affixing of the Common Seal**

CM 26

A copy of the documents signed by the Mayor during the period 1 May 2015 to 20 July 2015 was attached to the agenda (page 50 refers) and noted by the Meeting.

It was moved by Cllr T G Pearce, seconded by Cllr K Ball 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 4.50 pm

Signed by:

Chairman

