

West Devon Council



West Devon
Borough
Council

Title:	Summons																														
Date:	Tuesday, 28th July, 2015																														
Time:	4.30 pm																														
Venue:	Chamber - Kilworthy Park																														
Full Members:	<p style="text-align: center;">Mayor Cllr Cloke Deputy Mayor Cllr Sheldon</p> <p><i>Members:</i></p> <table> <tr><td>Cllr Baldwin</td><td>Cllr Moyse</td></tr> <tr><td>Cllr Ball</td><td>Cllr Musgrave</td></tr> <tr><td>Cllr Benson</td><td>Cllr Oxborough</td></tr> <tr><td>Cllr Cann OBE</td><td>Cllr Parker</td></tr> <tr><td>Cllr Cheadle</td><td>Cllr Pearce</td></tr> <tr><td>Cllr Davies</td><td>Cllr Ridgers</td></tr> <tr><td>Cllr Edmonds</td><td>Cllr Roberts</td></tr> <tr><td>Cllr Evans</td><td>Cllr Sampson</td></tr> <tr><td>Cllr Hockridge</td><td>Cllr Samuel</td></tr> <tr><td>Cllr Jory</td><td>Cllr Sanders</td></tr> <tr><td>Cllr Kimber</td><td>Cllr Sellis</td></tr> <tr><td>Cllr Leech</td><td>Cllr Stephens</td></tr> <tr><td>Cllr McInnes</td><td>Cllr Watts</td></tr> <tr><td>Cllr Moody</td><td>Cllr Yelland</td></tr> <tr><td>Cllr Mott</td><td></td></tr> </table>	Cllr Baldwin	Cllr Moyse	Cllr Ball	Cllr Musgrave	Cllr Benson	Cllr Oxborough	Cllr Cann OBE	Cllr Parker	Cllr Cheadle	Cllr Pearce	Cllr Davies	Cllr Ridgers	Cllr Edmonds	Cllr Roberts	Cllr Evans	Cllr Sampson	Cllr Hockridge	Cllr Samuel	Cllr Jory	Cllr Sanders	Cllr Kimber	Cllr Sellis	Cllr Leech	Cllr Stephens	Cllr McInnes	Cllr Watts	Cllr Moody	Cllr Yelland	Cllr Mott	
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Cllr Moody	Cllr Yelland																														
Cllr Mott																															
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Member.Services@swdevon.gov.uk																														

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Summons, then please contact the Monitoring Officer in advance of the meeting.

3. Confirmation of Minutes

1 - 10

To approve and adopt as a correct record the Minutes of the Meeting of Annual Council held on 19 May 2015.

4. To receive communications from the Mayor or person presiding

5. Business brought forward by or with the consent of the Mayor

6. To respond to any questions submitted by the public and to receive deputations or petitions under Council Procedure Rule 21

7. To consider motions of which notice has been submitted by Members of the Council in accordance with Council Procedure Rule 15

8. To consider questions submitted by Members under Council Procedure Rule 21

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:

11 - 54

(i) Planning & Licensing Committee

Meeting held on 26 May 2015

Meeting held on 23 June 2015

Licensing Sub-Committee

Meeting held on 2 June 2015

(ii) Hub Committee

Meeting held on 9 June 2015

Meeting held on 14 July 2015

(iii) Overview & Scrutiny (Internal) Committee

Meeting held on 9 June 2015

(iv) Standards Committee

Meeting held on 7 July 2015

(v) Audit Committee

Meeting held on 7 July 2015

(vi) Overview and Scrutiny (External) Committee

Meeting held on 7 July 2015

10.	To receive the report of the Monitoring Officer on proposed amendments to the Council's Procedure Rules regarding the dismissal of Senior Officers	55 - 58
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11.	To Order the affixing of the Common Seal	59 - 60
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For the information of Members, a list of documents sealed by the Council and witnessed by the Mayor and the Monitoring Officer during the period from 1 May 2015 to 20 July 2015.

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Agenda Item 3

At the Annual Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **19th** day of **MAY 2015** at **11.00am** pursuant to Notice given and Summons duly served.

Present

Cllr C M Marsh OBE – The Mayor (In the Chair)

Cllr R E Baldwin	Cllr K Ball
Cllr M J R Benson	Cllr W G Cann OBE
Cllr D W Cloke	Cllr M Davies
Cllr C Edmonds	Cllr J Evans
Cllr L J G Hockridge	Cllr N Jory
Cllr P Kimber	Cllr A F Leech
Cllr J R McInnes	Cllr J B Moody
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr R J Oxborough
Cllr G Parker	Cllr T G Pearce
Cllr P J Rldgers	Cllr A Roberts
Cllr R F D Sampson	Cllr L Samuel
Cllr P R Sanders	Cllr D K A Sellis
Cllr J Sheldon	Cllr B Stephens
Cllr L Watts	Cllr J Yelland

Head of Paid Service
Executive Director (Service Delivery and Commercial Development)
Monitoring Officer
Democratic Services Manager

CM 1

APPOINTMENT OF MAYOR

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.

CM 2 APPOINTMENT OF DEPUTY MAYOR

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.

CM 3 APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr R Cheadle.

CM 4 DECLARATION OF INTEREST

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.

CM 5 CONFIRMATION OF MINUTES

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."

CM 6 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

CM 7 ROLES AND RESPONSIBILITIES OF THE OVERVIEW AND SCRUTINY COMMITTEES POST MAY 2015

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.”

CM 8 ADOPTION OF THE COUNCIL’S CONSTITUTION

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.”

CM 9 MINUTES OF COMMITTEES

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.”

d. 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.

e. 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.”

f. 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.”

CM 10 APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE COUNCIL

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.”

CM 11 REPORT OF THE FORMATION OF POLITICAL GROUPS

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

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

CM 12 COMMITTEE STRUCTURE

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”.

CM 13 MEMBERSHIP OF COMMITTEES

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)

CM 14 APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN OF COMMITTEES

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);
Cllr R E Baldwin (Vice 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);
Cllr J Sheldon (Vice Chairman)

CM 15 APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OUTSIDE BODIES FOR THE ENSUING YEAR

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".

CM 16 APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OTHER GROUPS

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".

CM 17 DARTMOOR NATIONAL PARK AUTHORITY

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.)

CM 18 COMMON SEAL

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 terminated at 12.25 pm)

Mayor

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Agenda Item 9

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23rd** day of **JUNE 2015** at **10.00 am**.

Present:

Cllr D K A Sellis – Chairman	
Cllr M J R Benson – Vice-Chairman	
Cllr R E Baldwin	Cllr C W G Cann OBE
Cllr L J G Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr A Roberts

Lead Specialist – Development Manager
Planning Officers
Solicitor
Member Services Manager

In attendance: Cllr J Evans, Cllr A F Leech, Cllr J B Moody, Cllr R F D Sampson, Cllr P R Sanders and Cllr J Sheldon

***P&L 6 DECLARATION OF INTEREST**

Cllr G Parker – Application 00233/2015 – Predetermination – Cllr Parker stated that he considered he had predetermined the application and therefore would speak as Ward Member and then leave the Chamber during the debate and vote.

***P&L 7 URGENT BUSINESS**

The Chairman advised that application 00054/2015 – Erection of a single wind turbine with a hub height of 40m and maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure – Land at NGR SX698988, Spreyton, Devon (page 7 to the agenda), had been deferred at the request of the applicant and would not be considered at this meeting.

***P&L 8 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 26 May 2015 (page 3 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 9 PLANNING, LISTED BUILDING AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Lead Specialist – Development Manager and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Milton Ford

Ward Members: Cllr B Baldwin

Application No: 00452/2015

Agent/Applicant:

Rowan Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:

Mr & Mrs D Bennett
1 Lutyens Fold
Milton Abbot
Devon
PL19 0NR

Site Address: Stables, Edgecumbe Road, Milton Abbot, Devon

Development: Retrospective permission for alterations to levels and retention of the building as built in association with part use for an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm) together with the regarding and seeding of land around the existing building and removal of the field shelter

Reason item is being put before Committee

Cllr Baldwin commented that 'this new retrospective planning application meets some of the objections, at least in part and that there is both some support and continued opposition to the proposals. I am currently minded to 'call in' this application for determination by P&L Committee. It will provide the public with transparency regarding the process and reasons to grant/refuse'.

COMMITTEE DECISION: REFUSED for the following reasons (not listed in full):

1. Unsustainable location:

The application site was in open countryside, outside of settlement boundaries of Milton Abbot and could only be accessed via a narrow rural road. It was therefore not in compliance with Strategic Policy 1 Sustainable Development, and Strategic Policy 5 Spatial Strategy, both from the adopted Core Strategy, notably provisions for the protection of the landscape, and for restrictions on development in open countryside locations. The application was also contrary to the NPPF, and to policy T5 Public Transport, of the Local Plan Review.

2. Traffic and highways impacts:

The partial use of the site for internet sales and the distribution of garden equipment and chainsaws, as an ongoing business, had caused and would continue to cause increase in traffic movements to and from the site, including delivery vans and goods vehicles, and vehicles towing trailers. The road adjacent to the site, which was its only access point, was narrow and unsuitable for regular traffic movements of this sort as there were few passing bays, the carriageway was of inadequate width and there were no pavements or footways. It was therefore contrary to NPPF paragraph 32 as there was the potential for 'residual cumulative impacts' to be 'severe' and could compromise existing highway safety. The application was also contrary to Policy T9.

Key issues for consideration:

B1/B8 development in an open countryside location
Traffic and highways impacts
Impacts on landscape
Residential amenity

The Proposal:

This application was for retrospective permission for alterations to the levels of the site including engineering works to create a level platform for the construction of the main building and the introduction of a hardcore area for access and vehicular movements and parking. The second element of the application was for the retention of the building as built, which was contrary to an earlier planning permission as it was of a higher ridge height and larger footprint, and a third element was for a change of use for part of the building to have a use as an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm). The application also included retrospective permission for the regrading and seeding of land around the existing building, and the removal of the field shelter in the field adjacent to the main building but within the red line designating the development area, as shown on the location plan. The application drawing MAB/DBS/APPR/PLAN/000003 indicated that the area currently occupied by the field shelter would be regraded and grass seed planted.

Consultations:

- County Highways Authority
- Borough Engineer
- Countryside Officer WDBC
- Milton Abbot Grouped Parish Council

Representations: 16 letters of support and 13 letters of objection

SPEAKERS: Mrs D Bennett – Applicant
Cllr R Tucker – Milton Abbot Grouped Parish Council

Conclusion:

Members supported the views of the Ward Member in which he outlined there had been support and objection to the application, and some degree of anger. The Committee should look at the application rather than circumstances. This was a building outside the development boundary and should be for agricultural use. It was along a narrow lane that had no footpath. The Council would not be able to enforce against expansion of the business and whilst diversity was supported, location was important. The application in this location could not be supported as presented.

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Tavistock North

Ward Members: Cllrs N Jory, J B Moody and J Sheldon

Application No: 00398/2015

Agent/Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Site Address: Coach House, 3 Watts Road, Tavistock, PL19 8LF

Development: Removal of condition 2 of planning permission 7119/2005/TAV to allow the building to be used as a separate dwelling

Reason item is being put before Committee: The application was being called to Committee by Cllr Sanders as there was a condition on the existing structure which restricted it to Ancillary accommodation. The ancillary use was based on a set of drawings which clearly showed a fully fitted and equipped kitchen and a fully equipped and functional bathroom. The property was now a two bedroomed unit which was entirely self contained and could not reasonably be considered ancillary as it did not need to depend on another property for any services

COMMITTEE DECISION: REFUSAL for the following reasons:

Condition 2 of planning permission ref. 7119/2005/TAV maintained the historic link between Number 3 Watts Road and its' outbuilding and thereby contributed to the preservation of the special character and attractive appearance of the conservation area. Removing the condition was likely to lead to the sub-division of the garden with screen fencing which would visually sever the functional relationship between the main house and its' outbuilding and could act as a catalyst for applications for further developments of a similar nature that could make it more difficult for the Local Planning Authority to resist future pressure to subdivide outbuildings and gardens in the area, thereby eroding its' special character. As such, it was contrary to policies BE1, H28 of the West Devon Borough Council Local Plan Review 2005 as amended by the adopted Core Strategy 2011 and Strategic Policies 1 and 18 of the West Devon Borough Core Strategy 2011 and the advice contained within the National Planning Policy Framework.

Key issues for consideration:

- The impact of the proposed conversion upon the appearance of the property
- The impact of the proposed conversion upon the amenities of neighbouring residential property
- The adequacy of access arrangements and impact upon the highway network from the additional bedrooms
- Possible implications of allowing this type of development

The Proposal:

The planning permission granted in May 2005 allowed this building to be used as ancillary residential accommodation. That conversion had taken place. Floor plans submitted with the application showed entrance porch, living room and kitchen at ground floor level and two bedrooms and a bathroom at first floor level. A planning condition imposed at that time restricted the occupancy to purposes ancillary to the residential use of flat 2, 3 Watts Road. This application sought removal of condition 2 of 7119/2005/TAV, allowing the Coach House to be occupied independently of the flat.

Consultations:

Tavistock Town Council
Devon County Council Highways

Representations: 10 representations received

SPEAKERS: Mr DeWilde - Objector
Ms Sarah Heap – Supporter

Conclusion:

Members noted the additional information that had been circulated relating to this application. In discussion, Members felt that refusal of the numerous previous applications, supported by Planning Inspectors comments on three occasions, demonstrated a clear and consistent adherence to policy and left no option but to refuse the current application.

PLANNING APPLICATION REPORT

Case Officer: Ben Dancer

Ward: Tavistock South West

Ward Member: Cllrs J Evans and G Parker

Application No: 00233/2015

Agent/Applicant:

Rogers and Jones Architects
3 The Crescent
Plymouth
Devon
PL1 3AB

Applicant:

Southern Properties
4 Culvers Meadow
Launceston
Cornwall
PL15 8RR

Site Address: Land adjacent to Brook Farm, Brook Lane, Tavistock, Devon

Development: Outline planning application for the development of 23 dwellings comprising of 15 open market and 8 affordable/local needs units with associated access road, parking and external works

Reason item is being put before Committee

Cllr Alison Clish–Green: If you are likely to recommend granting conditional approval, I would like to call it in to the Planning and Licensing Committee with a suggestion that they have a site visit.

COMMITTEE DECISION: REFUSED for the following reasons:

1. The proposed development within the open countryside would by reason of its location away from key supporting infrastructure, such as safe pedestrian links to the town, and services result in a greater reliance upon private motor vehicles. The proposal is therefore not considered to be in accordance with the presumption in favour of sustainable development as contained within the National Planning Policy Framework (NPPF). The proposal is considered to be contrary to the guidance contained within The Framework, Core Strategy 2006-2026 Policies SP1, SP5, SP8, SP14, SP20 and Local Plan (Amended) 2011 policies H31, T2 and T5.
2. The proposal by reason of the likely volume of traffic and pedestrian flows to be generated would result in harm to all the users of the adjacent highway (Brook Lane) that is considered to be of a substandard nature in terms of width and alignment to cater for these additional flows. The proposed development is therefore considered contrary to the guidance contained in The Framework, Core Strategy 2006-2026 Policy SP20 and Local Plan (Amended) 2011 policies T2, T5 and T9.

Key issues for consideration:

- Principle of residential development of this site
- Adequacy of access arrangements and impact upon the local highway network
- Design & liveability of the proposed new houses
- Impact upon the amenities of neighbouring property
- Impact upon the landscape of the AONB

Financial Implications (Potential New Homes Bonus for major applications):

It was estimated that this development had the potential to attract New Homes Bonus of **£24,889** per annum, payable for a period of 6 years. Members were advised that this was provided on an information basis only and was not a material planning consideration in the determination of this application.

The Proposal:

Outline planning permission was sought for 23 dwellings (in its' amended form 15 open market, and 8 affordable units). Layout and scale were to be determined at outline stage, leaving appearance and landscaping to be reserved matters.

The layout plans showed a cul-de-sac arrangement with two branches. The main one, road 'A', extended from the entrance curving northwards, behind the exiting frontage houses, terminating in a turning head and parking court. A spur off it, road 'B', led to another turning head in the south west corner. The proposed houses were arranged around the road: with 11 large detached in the southern part and six pairs of semis (12 houses) of which 8 would be affordable/local needs and 15 open market. The affordable housing would be delivered by Spectrum Housing Association, the preferred partner, a Registered Social Landlord (RSL).

Consultations:

Natural England
County Highways Authority
County Education (Strategic Planning Children's Services)
Police Architectural Liaison Officer (PALO)
WDBC Environmental Health Section
WDBC Housing Officer
WDBC Landscape Officer
WDBC Drainage Officer
WDBC Countryside & Special Projects Officer
Tavistock Town Council

Representations: 22 letters of representation, all objecting to the application

SPEAKER: Mr C Miller - Objector
Mr E Persse – Agent

Conclusion:

Members had a number of concerns related to this site and as they were being asked to approve layout of the site they noted that there was no onsite provision for play areas and open space. There was also no guarantee that affordable housing numbers would not later change for reasons of viability. Members were also concerned at the location and felt the site constituted unsustainable development as it did not promote use of transport other than by motor car. In addition, there were concerns about the safety of the highway, particularly with families and small children in mind as it would not be safe or practical to walk to amenities.

***P&L 10 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals.

(The Meeting terminated at 12.35 pm)

Dated this

Chairman

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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT THE
COUNCIL CHAMBER, COUNCIL OFFICES, KILWORTHY PARK, DRAKE ROAD,
TAVISTOCK ON TUESDAY 2 JUNE 2015**

Present: Cllr T G Pearce
Cllr D E Moyse
Cllr A Roberts
Sue Nightingale, Solicitor
Kathy Trant, Senior Case Manager
Naomi Wopling, Licensing Officer

Members also in attendance:

Cllrs A F Leech and J B Moody (not participating)

Also in attendance and participating:

Mrs Julie Marks – Applicant
Mrs Frances Luxton- Applicant
Mr Jay Morrish– Security company
Mrs P Olive – Resident
Mrs D Roxborough - Resident

***LSC1 APPOINTMENT OF CHAIRMAN**

RESOLVED

That Cllr Pearce be appointed Chairman for the duration of the meeting.

***LSC2 TO DETERMINE AN APPLICATION FOR A NEW PREMISES LICENCE FOR
BEREFEST (2015 AND ONWARDS), BERE ALSTON**

The Sub Committee considered a report that sought to determine a new Premises Licence for Berefest, Bere Alston.

The Licensing Officer proceeded to present the application and the contents of her report.

1. Address by Julie Marks Applicant and Frances Luxton Applicant

The applicants made the following points during their presentation:

- The event was in its 7th year;
- No objections received by the Police;
- Additional measures put in place as a result of objections received and these were outlined in conjunction with the Licensing objectives including a drug dog being used and lighting towers being available;
- Security firm to address any signs of ASB;
- Would look at talking to DCC in future to attain Traffic Management plan. (DCC are not statutory consultees)

- Confirmed there were 5 properties along the approach lane, and the lane would be patrolled during the event;
- The venue had been altered & changed to another field from previous year due to logging by Maristow in neighbouring field;
- No one would be allowed into the venue without a ticket bought in advance, 800 tickets were available plus 100 for staff, security & family;
- No one would be able to buy tickets at the gate;
- Full details of terms & conditions were available on the tickets & website;
- Mainly local people from Tavistock & surrounding villages would attend;
- All organisers had safeguarding qualifications and were DBS checked;
- Drinks sold at the event would be beer, cider & a small amount of spirits. In addition, no one would be allowed in with their own drink. Different coloured wrist bands would be used for under 18's and drinks would be decanted into plastic cups

At this point Members asked a number of questions relating to the route of the mini-bus, the precise set up within the car park including turning areas and how vehicles could leave the site whilst others were entering.

2. Address by Jay Morrish, Security Company

Mr Morrish made the following points in his presentation:

- 10 staff would be on site all day with an additional 2 in the evening;
- 3 to 4 volunteer traffic management staff students from South Devon College would also be on site. In addition, there would be separate security at the camp site;
- Campers would not be allowed in until noon & it would be for one nights camping only;
- All security staff would be ACS approved;
- Security would search on entry for alcohol & confiscate;
- No dogs allowed in on the site; and
- CCTV would be in use on mobile command unit.

Mr Morrish then responded to more detailed questions relating to aspects of the security arrangements.

3. Address by Pam Olive, Resident and D Roxborough, Resident

Mrs Olive and Mrs Roxborough made the following points during their presentation:

- Concerns for increase in traffic to public safety;
- Approach lane was narrow with high hedges & the brow of hill along the lane. The speed limit along the lane was 60 miles per hour;
- Entrance was a public footpath;
- Residents had not been consulted on this event;
- Concern that livestock would be let out of fields during event;
- They were both surprised at the size of event;
- Hay making could be taking place in adjoining fields.

Following this presentation, Members asked a number of questions relating to the position of the public footpath and signage for the event. A previous event was also discussed whereby an ambulance and police had been called following a disturbance however the Committee was advised that the emergency services had been contacted by someone in the village following comments placed on social media, not someone at the event.

(At 11.00am, the Sub-Committee adjourned in the presence of Mrs Nightingale to consider the application. The Sub Committee reconvened at 11.30am for further questions, adjourned at 11.35am and reconvened at 12.10pm).

4. The Decision

The Chairman read out the following statement:

“We have considered the application for a new premises licence.

We have considered the Statement of Licensing Policy, the government guidance and our obligations that relate to the promotion of the licensing objectives.

We have read carefully the written representations from parties not present today and have read carefully representations received from parties present plus additional statements from persons here today. We have also considered the additional conditions proposed by the applicant in their additional information.

It is our decision to grant this application subject to the following changes being incorporated into the operating schedule. We have determined the changes to be appropriate to achieve the licensing objectives:

- 1) Subject to written confirmation from Devon County Council Highways Department or the Safety Advisory Group (or both) that the traffic management plan addresses the traffic and all access concerns satisfactorily.
Reason: to address public safety and prevention of crime and disorder concerns.
- 2) The site shall be cleared of all litter and available for normal use by 7pm on the day following the day.
Reason: to address concerns about public nuisance.

In addition to being appropriate the Committee also believe the amendments to be necessary.

Thank you all”.

Chairman

At a Meeting of the **PLANNING & LICENSING COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23rd** day of **JUNE 2015** at **10.00 am**.

Present:

Cllr D K A Sellis – Chairman	
Cllr M J R Benson – Vice-Chairman	
Cllr R E Baldwin	Cllr C W G Cann OBE
Cllr L J G Hockridge	Cllr C Mott
Cllr D E Moyse	Cllr G Parker
Cllr T G Pearce	Cllr A Roberts

Lead Specialist – Development Manager
Planning Officers
Solicitor
Member Services Manager

In attendance: Cllr J Evans, Cllr A F Leech, Cllr J B Moody, Cllr R F D Sampson, Cllr P R Sanders and Cllr J Sheldon

***P&L 6 DECLARATION OF INTEREST**

Cllr G Parker – Application 00233/2015 – Predetermination – Cllr Parker stated that he considered he had predetermined the application and therefore would speak as Ward Member and then leave the Chamber during the debate and vote.

***P&L 7 URGENT BUSINESS**

The Chairman advised that application 00054/2015 – Erection of a single wind turbine with a hub height of 40m and maximum blade tip height of 67m, formation of new vehicular access track and associated infrastructure – Land at NGR SX698988, Spreyton, Devon (page 7 to the agenda), had been deferred at the request of the applicant and would not be considered at this meeting.

***P&L 8 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 26 May 2015 (page 3 to the Agenda), were confirmed and signed by the Chairman as a correct record.

***P&L 9 PLANNING, LISTED BUILDING AND ENFORCEMENT REPORTS**

The Committee considered the applications prepared by the Lead Specialist – Development Manager and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports and summarised below, and **RESOLVED:**

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Milton Ford

Ward Members: Cllr B Baldwin

Application No: 00452/2015

Agent/Applicant:

Rowan Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Applicant:

Mr & Mrs D Bennett
1 Lutyens Fold
Milton Abbot
Devon
PL19 0NR

Site Address: Stables, Edgecumbe Road, Milton Abbot, Devon

Development: Retrospective permission for alterations to levels and retention of the building as built in association with part use for an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm) together with the regarding and seeding of land around the existing building and removal of the field shelter

Reason item is being put before Committee

Cllr Baldwin commented that 'this new retrospective planning application meets some of the objections, at least in part and that there is both some support and continued opposition to the proposals. I am currently minded to 'call in' this application for determination by P&L Committee. It will provide the public with transparency regarding the process and reasons to grant/refuse'.

COMMITTEE DECISION: REFUSED for the following reasons (not listed in full):

1. Unsustainable location:

The application site was in open countryside, outside of settlement boundaries of Milton Abbot and could only be accessed via a narrow rural road. It was therefore not in compliance with Strategic Policy 1 Sustainable Development, and Strategic Policy 5 Spatial Strategy, both from the adopted Core Strategy, notably provisions for the protection of the landscape, and for restrictions on development in open countryside locations. The application was also contrary to the NPPF, and to policy T5 Public Transport, of the Local Plan Review.

2. Traffic and highways impacts:

The partial use of the site for internet sales and the distribution of garden equipment and chainsaws, as an ongoing business, had caused and would continue to cause increase in traffic movements to and from the site, including delivery vans and goods vehicles, and vehicles towing trailers. The road adjacent to the site, which was its only access point, was narrow and unsuitable for regular traffic movements of this sort as there were few passing bays, the carriageway was of inadequate width and there were no pavements or footways. It was therefore contrary to NPPF paragraph 32 as there was the potential for 'residual cumulative impacts' to be 'severe' and could compromise existing highway safety. The application was also contrary to Policy T9.

Key issues for consideration:

B1/B8 development in an open countryside location
Traffic and highways impacts
Impacts on landscape
Residential amenity

The Proposal:

This application was for retrospective permission for alterations to the levels of the site including engineering works to create a level platform for the construction of the main building and the introduction of a hardcore area for access and vehicular movements and parking. The second element of the application was for the retention of the building as built, which was contrary to an earlier planning permission as it was of a higher ridge height and larger footprint, and a third element was for a change of use for part of the building to have a use as an internet sales business (93sqm) and part use for a barn/agricultural store (126sqm). The application also included retrospective permission for the regrading and seeding of land around the existing building, and the removal of the field shelter in the field adjacent to the main building but within the red line designating the development area, as shown on the location plan. The application drawing MAB/DBS/APPR/PLAN/000003 indicated that the area currently occupied by the field shelter would be regraded and grass seed planted.

Consultations:

- County Highways Authority
- Borough Engineer
- Countryside Officer WDBC
- Milton Abbot Grouped Parish Council

Representations: 16 letters of support and 13 letters of objection

SPEAKERS: Mrs D Bennett – Applicant
Cllr R Tucker – Milton Abbot Grouped Parish Council

Conclusion:

Members supported the views of the Ward Member in which he outlined there had been support and objection to the application, and some degree of anger. The Committee should look at the application rather than circumstances. This was a building outside the development boundary and should be for agricultural use. It was along a narrow lane that had no footpath. The Council would not be able to enforce against expansion of the business and whilst diversity was supported, location was important. The application in this location could not be supported as presented.

PLANNING APPLICATION REPORT

Case Officer: Alex Lawrey

Ward: Tavistock North

Ward Members: Cllrs N Jory, J B Moody and J Sheldon

Application No: 00398/2015

Agent/Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Applicant:

Mr B Gurney
Dove Cottage
Down House Farm
Mill Hill Lane
Tavistock
PL19 8NH

Site Address: Coach House, 3 Watts Road, Tavistock, PL19 8LF

Development: Removal of condition 2 of planning permission 7119/2005/TAV to allow the building to be used as a separate dwelling

Reason item is being put before Committee: The application was being called to Committee by Cllr Sanders as there was a condition on the existing structure which restricted it to Ancillary accommodation. The ancillary use was based on a set of drawings which clearly showed a fully fitted and equipped kitchen and a fully equipped and functional bathroom. The property was now a two bedroomed unit which was entirely self contained and could not reasonably be considered ancillary as it did not need to depend on another property for any services

COMMITTEE DECISION: REFUSAL for the following reasons:

Condition 2 of planning permission ref. 7119/2005/TAV maintained the historic link between Number 3 Watts Road and its' outbuilding and thereby contributed to the preservation of the special character and attractive appearance of the conservation area. Removing the condition was likely to lead to the sub-division of the garden with screen fencing which would visually sever the functional relationship between the main house and its' outbuilding and could act as a catalyst for applications for further developments of a similar nature that could make it more difficult for the Local Planning Authority to resist future pressure to subdivide outbuildings and gardens in the area, thereby eroding its' special character. As such, it was contrary to policies BE1, H28 of the West Devon Borough Council Local Plan Review 2005 as amended by the adopted Core Strategy 2011 and Strategic Policies 1 and 18 of the West Devon Borough Core Strategy 2011 and the advice contained within the National Planning Policy Framework.

Key issues for consideration:

- The impact of the proposed conversion upon the appearance of the property
- The impact of the proposed conversion upon the amenities of neighbouring residential property
- The adequacy of access arrangements and impact upon the highway network from the additional bedrooms
- Possible implications of allowing this type of development

The Proposal:

The planning permission granted in May 2005 allowed this building to be used as ancillary residential accommodation. That conversion had taken place. Floor plans submitted with the application showed entrance porch, living room and kitchen at ground floor level and two bedrooms and a bathroom at first floor level. A planning condition imposed at that time restricted the occupancy to purposes ancillary to the residential use of flat 2, 3 Watts Road. This application sought removal of condition 2 of 7119/2005/TAV, allowing the Coach House to be occupied independently of the flat.

Consultations:

Tavistock Town Council
Devon County Council Highways

Representations: 10 representations received

SPEAKERS: Mr DeWilde - Objector
Ms Sarah Heap – Supporter

Conclusion:

Members noted the additional information that had been circulated relating to this application. In discussion, Members felt that refusal of the numerous previous applications, supported by Planning Inspectors comments on three occasions, demonstrated a clear and consistent adherence to policy and left no option but to refuse the current application.

PLANNING APPLICATION REPORT

Case Officer: Ben Dancer

Ward: Tavistock South West

Ward Member: Cllrs J Evans and G Parker

Application No: 00233/2015

Agent/Applicant:

Rogers and Jones Architects
3 The Crescent
Plymouth
Devon
PL1 3AB

Applicant:

Southern Properties
4 Culvers Meadow
Launceston
Cornwall
PL15 8RR

Site Address: Land adjacent to Brook Farm, Brook Lane, Tavistock, Devon

Development: Outline planning application for the development of 23 dwellings comprising of 15 open market and 8 affordable/local needs units with associated access road, parking and external works

Reason item is being put before Committee

Cllr Alison Clish–Green: If you are likely to recommend granting conditional approval, I would like to call it in to the Planning and Licensing Committee with a suggestion that they have a site visit.

COMMITTEE DECISION: REFUSED for the following reasons:

1. The proposed development within the open countryside would by reason of its location away from key supporting infrastructure, such as safe pedestrian links to the town, and services result in a greater reliance upon private motor vehicles. The proposal is therefore not considered to be in accordance with the presumption in favour of sustainable development as contained within the National Planning Policy Framework (NPPF). The proposal is considered to be contrary to the guidance contained within The Framework, Core Strategy 2006-2026 Policies SP1, SP5, SP8, SP14, SP20 and Local Plan (Amended) 2011 policies H31, T2 and T5.
2. The proposal by reason of the likely volume of traffic and pedestrian flows to be generated would result in harm to all the users of the adjacent highway (Brook Lane) that is considered to be of a substandard nature in terms of width and alignment to cater for these additional flows. The proposed development is therefore considered contrary to the guidance contained in The Framework, Core Strategy 2006-2026 Policy SP20 and Local Plan (Amended) 2011 policies T2, T5 and T9.

Key issues for consideration:

- Principle of residential development of this site
- Adequacy of access arrangements and impact upon the local highway network
- Design & liveability of the proposed new houses
- Impact upon the amenities of neighbouring property
- Impact upon the landscape of the AONB

Financial Implications (Potential New Homes Bonus for major applications):

It was estimated that this development had the potential to attract New Homes Bonus of **£24,889** per annum, payable for a period of 6 years. Members were advised that this was provided on an information basis only and was not a material planning consideration in the determination of this application.

The Proposal:

Outline planning permission was sought for 23 dwellings (in its' amended form 15 open market, and 8 affordable units). Layout and scale were to be determined at outline stage, leaving appearance and landscaping to be reserved matters.

The layout plans showed a cul-de-sac arrangement with two branches. The main one, road 'A', extended from the entrance curving northwards, behind the exiting frontage houses, terminating in a turning head and parking court. A spur off it, road 'B', led to another turning head in the south west corner. The proposed houses were arranged around the road: with 11 large detached in the southern part and six pairs of semis (12 houses) of which 8 would be affordable/local needs and 15 open market. The affordable housing would be delivered by Spectrum Housing Association, the preferred partner, a Registered Social Landlord (RSL).

Consultations:

Natural England
County Highways Authority
County Education (Strategic Planning Children's Services)
Police Architectural Liaison Officer (PALO)
WDBC Environmental Health Section
WDBC Housing Officer
WDBC Landscape Officer
WDBC Drainage Officer
WDBC Countryside & Special Projects Officer
Tavistock Town Council

Representations: 22 letters of representation, all objecting to the application

SPEAKER: Mr C Miller - Objector
Mr E Persse – Agent

Conclusion:

Members had a number of concerns related to this site and as they were being asked to approve layout of the site they noted that there was no onsite provision for play areas and open space. There was also no guarantee that affordable housing numbers would not later change for reasons of viability. Members were also concerned at the location and felt the site constituted unsustainable development as it did not promote use of transport other than by motor car. In addition, there were concerns about the safety of the highway, particularly with families and small children in mind as it would not be safe or practical to walk to amenities.

***P&L 10 PLANNING APPEALS UPDATE**

The Committee received and noted the updated list of Planning Appeals.

(The Meeting terminated at 12.35 pm)

Dated this

Chairman

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At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **9th** day of **JUNE 2015** at **1.30pm**

Present:

Cllr P R Sanders – Chairman
Cllr R E Baldwin – Vice-Chairman
Cllr M J R Benson Cllr W G Cann OBE
Cllr J Moody Cllr R Oxborough
Cllr G Parker Cllr R F D Sampson
Cllr L Samuel

In attendance:

Executive Director (Strategy and Commissioning)
Executive Director (Service Delivery and Commercial Development)
Business Development Group Manager
Member Services Manager

Other Members in attendance:

Cllr K Ball; R Cheadle; Cllr D Cloke, Cllr Rev M Davies; Cllr J Evans; Cllr N Jory; Cllr T Leech; Cllr D Moyse; Cllr R Musgrave; Cllr T Pearce; Cllr D Sellis; Cllr J Sheldon; Cllr J Yelland

***HC 1 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed and the following was made:

Cllr P R Sanders declared a personal interest in agenda Item 6 'Okehampton Rural Business Centre – Phase 2 Development Opportunities' (Minute HC 5 below refers) by virtue of being a Devon County Councillor. He remained in the room for the duration of this meeting but took no part in the debate and vote.

***HC 2 ITEMS REQUIRING URGENT ATTENTION**

The Chairman advised that agenda Item 5 'Health and Safety Policy' had been withdrawn from the agenda. In discussion, it was confirmed that this agenda item would come back to a later meeting of the Hub Committee, and would sit within the area of responsibility of the Lead Member for Resources and Performance.

***HC 3 ALLOCATION OF ROLES AND RESPONSIBILITIES FOR HUB COMMITTEE MEMBERS**

The Chairman introduced a discussion paper that was circulated as part of the agenda papers. Members of the Committee discussed the specific roles as set out on page 2 of the presented agenda.

The majority of Lead Members were comfortable with their Portfolios and list of associated functions. Many had already held discussions with their lead officers.

There was an acceptance that there would be an overlap between Portfolios, for instance Planning & Strategic Housing would overlap with Economy, particularly in respect of taking Our Plan forward. It was also confirmed by the Executive Director (SD&CD) that the Portfolio for Environment would include dog fouling and litter picking, although there may be some overlap with Commercial Services in respect of waste.

The Committee went on to discuss the Role of Hub Members, as set out on page 1 of the presented agenda. The Chairman explained the importance of communication and the need for Lead Members to liaise with their Senior Leadership Team and Extended Leadership Team officers, and feedback to other Members. Members could use the Bulletin as a means of communication to the wider membership.

Members stated that the 'Expected Behaviours' section of the document should apply to all Members, not just Hub Committee Members.

Members also noted that the section entitled 'Working Together' omitted reference to full Council meetings but it would be expected that Lead Members would respond to questions relating to their Portfolios at full Council as well as Overview and Scrutiny Committees.

Members discussed the Forward Plan and the Executive Director (SD&CD) confirmed that this was an ongoing document. The Plan was one method of Lead Members bringing items forward for consideration at Committee meetings, although in the first instance it was expected that discussions would take place with the relevant officers to confirm that the matter was one that required a Committee report. The Forward Plan would also enable an indication of workloads to be assessed. Finally, the Forward Plan would enable Overview and Scrutiny Committees to be aware of future items so that they could request a Lead Member attend their meeting to give further information.

***HC 4**

LOCAL GOVERNMENT ACT 1972, SECTION 100(A)(4)

It was **RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the undermentioned item of business on the grounds that exempt information may be disclosed as defined in Part I of Schedule 12A to the Act.

***HC 5**

**OKEHAMPTON RURAL BUSINESS CENTRE – PHASE 2
DEVELOPMENT OPPORTUNITIES - (PARAGRAPH 3 – INFORMATION
RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY
PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING
THAT INFORMATION))**

The Lead Member for Economy presented a report of the Business Development Group Manager (page 20 to the agenda) that advised Members of the current situation in respect of Okehampton Rural Business Centre and suggested a way forward. He set out the background to the issue and why the report had now been brought to Members attention, and also the benefits to West Devon Borough Council if the matter was progressed.

Members had a detailed discussion on this report and a number of concerns were raised. A specific issue that was highlighted related to the impact on the Borough Council if the development resulted in land or units being leased rather than sold. Officers confirmed that, whilst this was unlikely and had not been part of the ongoing discussions, any negotiations would take this matter into account so that there would not be an adverse impact on the Borough Council if DCC decided to progress the development as lease units rather than units for sale.

It was then **RESOLVED** that:

1. Members support the approach detailed in the presented report, to enable the bringing forward of employment land and thereby generating local employment opportunities and ultimately business rate revenues; and
2. Members agree that authority be delegated to the Head of Paid Service, in consultation with the s151 Officer, Deputy Leader of West Devon Borough Council and Lead Member for Economy, to draft and formalise an agreement with Devon County Council in line with the presented report.

(The Meeting terminated at 3.30 pm)

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At a Meeting of the **HUB COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **14th** day of **JULY 2015** at **2.00pm**

Present:

Cllr P R Sanders – Chairman
Cllr R E Baldwin – Vice-Chairman
Cllr M J R Benson Cllr W G Cann OBE
Cllr J Moody Cllr R Oxborough
Cllr G Parker Cllr R F D Sampson
Cllr L Samuel

In attendance:

Executive Director (Strategy and Commissioning)
Executive Director (Service Delivery and Commercial Development)
COP Lead Specialist – Place and Strategy
S151 Officer
Senior Case Manager

Other Members in attendance:

Cllr R Cheadle; Cllr C Edmonds; Cllr J Evans; Cllr J Hockridge; Cllr T Leech; Cllr J McInnes; Cllr D Moyse; Cllr R Musgrave; Cllr J Sheldon and Cllr J Yelland

***HC 6**

DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be discussed but none were made.

***HC 7**

LEISURE SERVICES PROCUREMENT

The Portfolio Holder for Commercial Services introduced the presented report which sought to approve the award criteria for the joint leisure service procurement project for West Devon Borough Council and South Hams District Council, along with the supplementary report that sought to nominate West Devon Borough Council as the lead for the purposes of the joint procurement for leisure services. The supplementary paper also asked that Members adopt the Memorandum of Understanding which set out the principles of collaboration and joint procurement.

The Portfolio Holder responded to minor queries regarding the presented papers, and confirmed that within the Project Board, there would be capacity for nomination of a Chairman amongst the elected Members and that a Chairman's casting vote would apply. The Portfolio Holder also advised that the Overview and Scrutiny (External) Committee had expressed views on the percentage allocation for Level 1 criteria, however, the Joint Leisure Board had concluded that, providing the contract was properly drawn and enforceable, there would be no need to

change the proposed allocation split and the present allocation as per the presented report should stand.

The Executive Director (Service Delivery and Commercial Development) (SD&CD) responded to a query on financial matters by confirming that an affordability level will be set out in the procurement documentation and bidders will be scored on the amount the bid either meets or is under the affordability level.

The COP Lead Place and Strategy explained the role of each of the named officers on the Project Team.

It was then **RESOLVED** that:

1. The award criteria for the joint leisure service procurement project for West Devon Borough Council and South Hams District Council, as set out in para 3 of the presented agenda report, be approved;
2. In accordance with para 11 of the Joint Collaboration Agreement, West Devon Borough Council be nominated as Lead Council for the purposes of the joint procurement for leisure services; and
3. The Memorandum of Understanding which sets out the principles of collaboration and joint procurement (subject to any final wording amendments being delegated to Lead Specialist – Place and Strategy in agreement with the portfolio holder) be adopted.

***HC 8 COUNCIL TAX DISCRETIONARY DISCOUNT AND REDUCTION POLICY**

The Chairman advised that this item had been withdrawn from the agenda and deferred to a later meeting.

***HC 9 T18 BUDGET MONITORING REPORT – Q4 2014/15**

The Chairman presented a report that asked Members to note the progress to date on the T18 Transformation Programme. He advised that he had requested that future monitoring reports include financial detail of the whole programme across both Councils. He then responded to questions relating to the W2 software system and also drew Members attention to the redundancy and pension strain costs which, whilst being significant figures, were acceptable and expected for any organisation undergoing such transformational change.

The Executive Director (SD&CD) and the Group Manager Customer First, responded to specific questions related to the planning service.

It was then **RESOLVED** that progress to date on the T18 Transformation Programme be noted.

***HC 10**

WRITE OFF REPORT

The Portfolio Holder for Health and Wellbeing introduced a report that informed Members of the debt written off for revenue streams within the Revenue and Benefits service. Debts up to the value of £5,000 were written off by the s151 Officer under delegated authority. Permission was sought to write off individual debts with a value of more than £5,000.

In respect of the debts with a value of more than £5,000, Members were advised of how they had arisen. Members then had a detailed discussion on the different types of debt, the excellent track record of the Council in collecting revenue, increasing numbers of debts having to be written off being an indication of the economic climate and how even a debt written off could still be collected at a later date if circumstances allowed.

To conclude this item, the s151 Officer agreed to distribute the Debt Recovery Policy for Members information.

It was then **RESOLVED** that:

1. The write off by the s151 Officer of individual West Devon Borough Council debts totalling £39,381.74, as detailed in Tables 1 and 2 of the presented report, be noted; and
2. The write off of individual debts in excess of £5,000 as detailed in Table 3 of the presented report be approved.

(The Meeting terminated at 3.05 pm)

Dated this

Chairman

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At a Meeting of the **OVERVIEW & SCRUTINY (INTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **9th** day of **JUNE 2015** at **3.30 pm**.

Present:

Cllr C R Musgrave – Chairman
Cllr J Yelland – Vice-Chairman
Cllr M Davies
Cllr J Evans
Cllr D E Moyse
Cllr C Edmonds
Cllr P Kimber
Cllr D K A Sellis

Head of Paid Service
Executive Director (Service Delivery and
Commercial Development)
Senior Specialist – Democratic Services

Also in Attendance:

Cllrs D W Cloke, A F Leech, J B Moody,
G Parker, J Sheldon and Cllr T G Pearce

***O&S(I) 1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs L J G Hockridge, J R McInnes and C Mott.

***O&S(I) 2 DECLARATIONS OF INTEREST**

Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting, but there were none made.

***O&S(I) 3 COMMITTEE TERMS OF REFERENCE**

Being the first meeting of the newly established Committee, its draft terms of reference were presented for consideration.

In consideration, the following points were raised:-

- The close linkages of the Committee to the Audit Committee were noted;
- The importance of the Chairmen and Vice-Chairmen of the two Scrutiny Committees working together to ensure that there was no duplication of effort was also recognised;
- The recognition in the draft terms of reference of the ability to work jointly with the South Hams District Council Scrutiny Panel was welcomed;
- In light of the general consensus of the Committee being that the draft Terms of Reference were too detailed, the Panel requested that officers revisit the document and present a revised streamlined version to the next meeting.

It was then:

RESOLVED

That officers be tasked with presenting a streamlined version of the draft terms of reference to the next Committee meeting.

***O&S(I) 4 PUBLIC FORUM**

The Chairman informed that the creation of a Public Forum was a new and exciting concept. Whilst no questions (or issues) had been raised by the public for consideration at this meeting, the Chairman commented that it was incumbent upon Members to promote this concept amongst their local communities.

***O&S(I) 5 HUB COMMITTEE FORWARD PLAN**

The most recent (published 4 June 2015) Hub Committee Forward Plan was presented for consideration.

In discussion, reference was made to:-

- (a) the main purpose of this standing agenda item. It was noted that the main purpose was to enable lead Hub Committee Members to be called to Committee meetings to update Scrutiny Members on specific items which were scheduled to come forward to the Hub Committee, thereby enabling early scrutiny of proposed agenda items;
- (b) the income generation agenda. In reply to a number of Members emphasising the importance of income generation, officers informed that a number of business cases would be presented to Members for consideration. The Chairman of the Audit Committee highlighted the value of a paper produced by Grant Thornton on the formation of a trading company and confirmed that he would send this report to the Committee Members;
- (c) an acceptance that the Forward Plan would evolve during the course of the year. Whilst not currently illustrated on the Forward Plan, a Member wished for the importance (and sensitivity) of the Bus Depot matter to be noted;
- (d) the importance of Scrutiny focusing its attention on strategic (high-level) issues. In recognising the potential tension between early scrutiny and the ability to call-in a decision, a request was made for a clear pathway to be provided to all Members that outlines the decision-making process;
- (e) there being future Learning and Development opportunities for Overview and Scrutiny Committee Members.

It was then:

RESOLVED

That the Forward Plan be noted.

***O&S(I) 6 UPDATE ON TRANSFORMATION PROGRAMME T18**

The Executive Director (Service Delivery and Commercial Services) provided a verbal progress update on the Transformation Programme.

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

- the main recent focus being on ensuring that the organisational structure was in place. In particular, it was noted that Phase 1(b) of the recruitment process had just gone live on 1 June 2015 and the number of posts on the combined establishments had been reduced by 110 (reducing the staffing budget by 25%).

Since the new technology was not in place yet, there was a huge pressure on staff and Members were asked to not under estimate the impact that this was having on staff. However, the Executive Directors wished to put on record their gratitude at the resilience and work rate of members of staff, who were responding amazingly. Nonetheless, the Committee was informed that the next three months would be difficult for the Council, as it was currently entering the most uncomfortable phase of the Programme. However, officers reassured the Committee that the Programme was a good plan and Members and the community would see service improvements within the next few months.

When questioned, officers advised that negotiations were currently taking place with Unions with regard to the merits of bringing Phase 2 of the recruitment process forward to an earlier date;

- the high percentage of agency staff being employed by the Council. Whilst a cause for concern, the Committee recognised that this was a direct consequence of such a large organisational restructure. However, since Phase 1(b) had now gone live, the Council was now in a position to be able to start to recruit externally, although some posts would have to be kept back until the completion of Phase 2. Nonetheless, some Members did still wish to express their disappointment at the number of experienced members of staff who had recently left the Council;
- the new technology. Members were advised that the technology delay was attributed to the extent of the work involved in mapping every single process and function, before it is then tested and scripted on to the new system;

- the Locality model. Officers confirmed that the Locality team would be in operation within the next few months and it was envisaged that a Member Locality Briefing would be held on the afternoon of Monday, 6 July;
- an all Member Briefing on the Programme, which had been scheduled to take place on Thursday, 23 June at 2.30pm. Some newly elected Members stated that they were struggling to understand the details of the Programme. In reply, officers informed that they would send out the reports which had previously been considered by the Council and the Executive Directors advised that they were also more than happy to meet smaller groups of Members to talk through the history of the Programme;
- a general sense of positivity. Some Members made reference to the revolutionary nature of the Programme and the Council being trail blazers in this regard. Furthermore, the Panel noted that the Council had been shortlisted for a CIPD (Chartered Institute of Personnel and Development) national award for its recruitment process against a behavioural framework and other Councils were keen on the Council sharing its experiences with them.

***O&S(I) 7 PERFORMANCE INDICATORS (Q4 2014/15)**

The Panel considered a report that provided Members with information on the Key Performance Indicators at the end of Quarter 4 for 2014/15.

In discussion, the following points were raised:-

- (a) Officers highlighted the new agenda report format and confirmed that they would welcome any Member feedback (both positive and negative) on this new format;
- (b) With regard to the planning performance indicators, officers had spoken to a number of colleagues who were all experiencing similar issues and, in particular, were struggling to recruit planning officers. However, officers were totally committed to improving service performance and were fully aware of the reputational issues associated with below average performance caused by capacity issues. The Committee was informed that measures had been put in place to improve performance, with neighbouring authorities currently assisting with processing (but not determining) applications and through the use of agency planners. Officers also confirmed that it was their intention to commission an external planning review into the service;

- (c) Officers advised that the 'red status' of the average call answer time performance measure was largely attributed to capacity issues. Although recognising the need to improve upon this trend, officers were of the view that call answer time was in fact an indication of activity and not a performance measure and the focus in this regard should be on outcomes;
- (d) The Committee welcomed the officer recommendation whereby an update on both the Development Management Service and Customer Services should be presented to the meeting on 6 October 2015;
- (e) Members supported the officer suggestion whereby a joint West Devon/South Hams Task and Finish Group review should be undertaken into the appropriateness of the performance indicators which were presented in the future;
- (f) The Committee discussed the merits of undertaking exit interviews with staff upon their leaving the employ of the Council. Whilst it was recognised that there were advantages to this activity, the majority of Members did not feel that the benefits merited the level of resource that this would involve;
- (g) The ambitious nature of the current performance measures was recognised by the Committee;
- (h) In reply to a question, officers confirmed that the Developers Forum had been re-established recently. Feedback had indicated that the first meeting had been successful and it was hoped that the lead Hub Committee Member and Chairman and Vice-Chairman of the Planning and Licensing Committee could be involved in the future.

It was then:

RESOLVED

1. That the Key Performance Indicators for Quarter 4 be noted;
2. That Members note the proposals to present an update on both the Development Management Service and Customer Services to the Committee meeting on 6 October 2015; and
3. That the Panel endorse a joint review with South Hams District Council being undertaken into the Performance Measures and welcome a report being presented back to Members in the autumn.

***O&S(I) 8**

MEMBERS PROPOSAL FORM FOR POTENTIAL AGENDA ITEMS

Members were supportive of the proposal form being adopted and recognised the importance of the key objectives and outcomes sections of this document.

Furthermore, Members felt it would be pertinent for any submitted forms to be determined within seven working days of receipt.

It was also noted that nothing would be excluded from consideration and each submitted form would be reviewed by a Panel comprising of the Head of Paid Service and the Chairman and Vice-Chairman of the Committee.

It was then:

RESOLVED

That the Proposal Form be adopted as the means for submitting future agenda item requests, with submitted forms being determined within seven working days of receipt.

***O&S(I) 9 DRAFT WORK PROGRAMME 2015/16**

The Committee considered its draft 2015/16 Work Programme and made reference to the following additions and amendments:-

- (a) the creation of a joint Performance Indicator review Task and Finish Group. Cllr Musgrave confirmed his willingness to lead upon the Group, with Cllrs Davies, Evans and Yelland supporting him in this review;
- (b) the Committee's annual report. The constitutional requirement to produce an annual report was recognised and it was agreed that a draft version should be presented to the meeting on 8 March 2016, before then being presented to Annual Council;
- (c) the opportunity for the Committee to invite Hub Committee Members to give an update on their areas of responsibility at future meetings was noted;
- (d) in light of the Committee decision on the Performance Indicators report (O&S(I) 7 above refers), the need to add the service updates on both the Development Management and Customer Services to the agenda for 6 October 2015 meeting was acknowledged.

(The meeting terminated at 5.20 pm)

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 7th day of **JULY 2015** at **10.00 am**.

Present:

Cllr A F Leech – Chairman	
Cllr J Sheldon – Vice-Chairman	
Cllr K Ball	Cllr J Evans
Cllr P Kimber	Cllr J B Moody
Cllr C R Musgrave	Cllr J Yelland

COP Lead – Legal & Monitoring Officer
Case Managers, Strategy and Commissioning

***SC 1 APOLOGY FOR ABSENCE**

An apology for absence was received from Cllr J McInnes.

***SC2 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 17th March 2015, were confirmed and signed by the Chairman as a correct record.

***SC 3 TERMS OF REFERENCE**

The Monitoring Officer introduced the report and confirmed that she would update the Committee on a monthly basis regarding complaints received.

Members were concerned that they had no input unless a complaint was presented to the Committee. Some Members suggested they look at the SHDC model where the Standards Committee was absorbed within the functions of Overview & Scrutiny. A Member spoke to say they did not want the committee absorbed in such a way.

It was noted that mediation, No Further Action or consideration by the Committee were the three available routes in dealing with complaints. The Monitoring Officer clarified that there were three Independent People (IP) that were utilised in the complaints process. They were used on a rota basis, one for each complaint. A Member suggested the IP should be able to approach the Chair or Vice Chair on any complaint should the need arise. A Member suggested that the Committee consider co-opting a Parish or Town Councillor on to the Committee.

In light of the issues raised, it was requested that the Monitoring Officer produce a report on the future direction of the Committee to the next meeting.

It was then **RESOLVED** that the Monitoring Officer would present a report to the next meeting to enable discussion on the future direction of the Standards Committee.

***SC 4**

STANDARDS COMPLAINTS UPDATE

The Monitoring Officer introduced a report that updated Members on the number and types of standards complaints that had been received by the Borough Council over the previous twelve months (1 June 2014 to 31 May 2015).

During the discussion it was noted that most complaints were decided as 'no further action' being required, because the complaints did not disclose evidence of a breach of the Code or it was not in the public interest to pursue the complaint. The Monitoring Officer agreed to include the parish name in the regular updates circulated to the Committee.

It was **RESOLVED** that the report be noted.

(The Meeting terminated at 10.45 am)

Chairman

At a Meeting of the **AUDIT COMMITTEE** held Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 7th day of **JULY 2015** at **11.00 am**.

Present: Cllr M Davies (Chairman)
Cllr J B Moody (Vice Chairman)

Cllr B Stephens Cllr L Watts

Finance Community of Practice Lead
Representative of Devon Audit Partnership
Internal Audit Specialist
Case Managers, Strategy & Commissioning

Substitute: Cllr D K A Sellis substituted for Cllr N Jory

In attendance: Mr B Morris – Grant Thornton – Director

***AC 1 APOLOGY FOR ABSENCE**

An apology for absence was received from Cllr N Jory for whom Cllr D K A Sellis acted as substitute.

***AC 2 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 28th April 2015 were confirmed and signed by the Chairman as a correct record.

***AC 3 ANNUAL AUDIT FEE LETTER 2015/16**

The s151 Officer introduced the Annual Audit Fee Letter 2015/16 which was presented by KPMG who would be the external auditors for the next two years.

The s151 Officer clarified that KPMG won the tender to perform the audit as external auditors and that there was a 40% reduction in the audit fee.

It was **RESOLVED** that the Annual Audit Fee Letter 2015/16 be noted.

***AC 4 WEST DEVON BOROUGH COUNCIL AUDIT COMMITTEE UPDATE**

The Council's External Auditors, Grant Thornton LLP, presented a report (page 12 to the Agenda) on the progress being made on delivering their responsibilities as the Council's external auditors.

Barry Morris of Grant Thornton stated that the final accounts audit was on schedule. Brenda Davies of the Devon Audit Partnership asked if preparing early accounts is doable. BM responded stating the increased use of using estimates.

It was **RESOLVED** that the report be noted.

***AC 5 INTERNAL AUDIT ANNUAL REPORT 2014/15**

The Representative of Devon Audit Practice (DAP) introduced the report that summarised the internal audit restructure & the emerging risk of T18. Some Members voiced concerns over resources due to staff reductions. The s151 officer stated new streamlined ways of working and staff being trained to be more generic in work areas such as the payroll process.

It was **RESOLVED** that:

1. The internal audit opinion that the Council's systems contain a satisfactory level of internal control be noted; and
2. The satisfactory performance and achievements of the Internal Audit Team during 2014/15 be noted.

***AC 6 HOUSING BENEFIT OVERPAYMENT PROCESS AND RECOVERY**

The s151 Officer presented a report of the Benefit Team Manager that explained how Housing Benefit Overpayments arose and the processes the Council went through to recover the debts before they were presented for write off.

Members suggested using media, information technology & locality officers to promote public awareness of the need to notify the authority of any change in circumstances. The s151 Officer would establish Best Practice in other local authorities.

It was **RESOLVED** that the report be noted.

(The Meeting terminated at 12.10 pm)

At a Meeting of the **OVERVIEW & SCRUTINY (EXTERNAL) COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 7th day of **JULY 2015** at **2.00 pm**.

Present:

Cllr P J Ridgers – Chairman	
Cllr D W Cloke – Vice-Chairman	
Cllr K Ball	Cllr A F Leech
Cllr T G Pearce	Cllr A Roberts
Cllr J Sheldon	Cllr B Stephens
Cllr L Watts	

Head of Paid Service
Place and Strategy – Lead Specialist
Senior Specialist – Democratic Services

Also in Attendance:

Cllrs J Evans, J B Moody, C R Musgrave, R F D Sampson and J Yelland

***O&S(E) 1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs R Cheadle and N Jory.

***O&S(E) 2 DECLARATIONS OF INTEREST**

Members and officers were asked to declare any interests in the items of business to be considered during the course of this meeting, but there were none made.

***O&S(E) 3 COMMITTEE TERMS OF REFERENCE**

Being the first meeting of the newly established Committee, its draft terms of reference were presented for consideration.

In consideration, the following points were raised:-

- Having sought clarification regarding the Call-in process, the Committee requested that the rules be circulated to all Members for their information;
- The Chairman informed that he was keen for the Committee to develop closer working relations with external partner agencies;
- The importance of the Committee following up on its agreed actions was emphasised. In response, officers confirmed that a Committee decisions log would be a standing agenda item for the Committee in the future;
- The Committee recognised the importance of the Council's Partnership arrangements. In so doing, Members felt it would be beneficial to consider a collated list of partnerships that the Council was involved in to enable for consideration of factors such as: performance and value for money. As a consequence, the Committee requested that this matter be considered at its next meeting on 29 September 2015;

- Officers gave assurances that Overview and Scrutiny related training would be included in the Council's Learning and Development Programme;
- A process for considering agenda items related to external agencies and partners was established. In stressing the reluctance for standardised presentations, the Committee agreed the following three stage process:
 1. Circulation to Members of background information relating to the external agency/partner;
 2. Submission of advanced questions from Members to officers; and
 3. Agenda item presentation based upon the advanced questions received.

It was then:

RESOLVED

That the terms of reference (as outlined in the presented agenda report) be noted.

***O&S(E) 4 PUBLIC FORUM**

The Chairman informed that the creation of a Public Forum was a new and exciting concept. Whilst no questions (or issues) had been raised by the public for consideration at this meeting, the Chairman commented that it was incumbent upon Members to promote this concept amongst their local communities.

In discussion, particular reference was made to:-

- (a) confirmation that the Forum would be promoted on the Council website;
- (b) the Forum procedures being amended to restrict individual speakers to a maximum of three minutes each;
- (c) the need for some guidance notes to be produced which underpin the Forum procedures. The Committee requested that delegated authority be granted to the Head of Paid Service and Senior Specialist – Democratic Services, in consultation with the Chairman of the Committee, to produce and publish the guidance notes.

It was then:

RESOLVED

1. That, subject to inclusion of the provision whereby each individual speaker should be restricted to a maximum of three minutes each, the Public Forum procedures be approved; and
2. That the Head of Paid Service and Senior Specialist – Democratic Services, in consultation with the Committee Chairman, be granted delegated authority to produce and publish a set of guidance notes to underpin the Public Forum procedures.

***O&S(E) 5 HUB COMMITTEE FORWARD PLAN**

The most recent (published 2 July 2015) Hub Committee Forward Plan was presented for consideration.

In discussion, reference was made to:-

- (a) the main purpose of this standing agenda item. It was noted that the main purpose was to enable lead Hub Committee Members to be called to Committee meetings to update Scrutiny Members on specific items which were scheduled to come forward to the Hub Committee, thereby enabling early scrutiny of proposed agenda items;
- (b) the provision for public questions to be raised at Hub Committee meetings;
- (c) differentiating between Internal and External Overview and Scrutiny matters. The Committee requested that, in the future, the Forward Plan include an additional column that illustrated whether a Hub Committee agenda item was within the remit of the Internal or External Overview and Scrutiny Committee.

(i) Leisure Services Procurement

The Lead Hub Committee Member for Commercial Services and Contracts and Place Strategy – Lead Specialist attended the meeting to provide an update on the Leisure Services Procurement agenda item that was being presented to the next Hub Committee meeting.

In discussion, reference was made to:-

- it being regrettable that the recently published Hub Committee report had not been circulated to the Committee. Nonetheless, it was agreed that a copy of the published report would be circulated to Committee Members before the Hub Committee meeting;
- the proposed award criteria. The lead Member confirmed that the proposed percentage weighting for the award criteria had been considered at great length and the following percentage allocations were being recommended:- Services (40%), Technical (10%) and Commercial (50%).

A number of Members stressed the importance of the contract being sufficiently robust in respect of responsibility for replacement(s), repair(s) and maintenance. As a result, these Members questioned whether the weighting for Technical should be increased to 15%. To reflect this increase, some Members felt that the weighting allocated for Services should be reduced to 35%, whereas other Members were of the view that the allocation for Commercial should be decreased to 45%.

In light of these strong views, officers gave an assurance that further work on the proposed weighting for Technical would be undertaken with colleagues and the joint Member board before the Hub Committee meeting on 14 July 2015.

- the starting point for letting the contract being to award to a single contractor across both councils for a minimum of 20 years and a maximum of 25 years. However, the lead Member confirmed that the process would retain complete flexibility, with there being potential for tender submissions from local interest groups and for bids to be made for a variety of different combinations of the leisure centres across the South Hams and West Devon. A Member was of the view that there was local interest in the Okehampton area. However, such was the perceived lack of Council support to assist local groups in this regard that they would be at such a disadvantage and there was little point in them expressing a formal interest in the process;
- the quality of the leisure centre staff. In recognising the importance, the lead Member commented that it was particularly evident during the recent Leisure Centres tour that the staff at each site were very impressive.

It was then:

RESOLVED

That the Hub Committee take into account the comments and views of the Overview and Scrutiny (External) Committee (as summarised above) when it considers the Leisure Services Procurement agenda item at its next meeting.

***O&S(E) 6 MEMBERS PROPOSAL FORM FOR POTENTIAL AGENDA ITEMS**

Subject to inclusion of two minor amendments, Members were supportive of the proposal form being adopted and recognised the importance of the key objectives and outcomes sections of this document.

It was also noted that nothing would be excluded from consideration and each submitted form would be reviewed by a Panel comprising of the Head of Paid Service and the Chairman and Vice-Chairman of the Committee.

It was then:

RESOLVED

That, subject to inclusion of two minor amendments, the Proposal Form be adopted as the means for submitting future agenda item requests, with submitted forms being determined within seven working days of receipt.

***O&S(E) 7 DRAFT WORK PROGRAMME 2015/16**

The Committee considered its draft 2015/16 Work Programme and made reference to the following additions and amendments:-

- (a) It was noted that consideration of the Council's list of partnerships would be scheduled on to the agenda for the next Committee meeting on 29 September 2015;
- (b) The importance of 'Our Plan' was emphasised by the Committee and a progress update on the document was requested for the Committee meeting on 17 November 2015;
- (c) Members confirmed their intention to submit proposal forms (minute O&S(E) 6 above refers) that seek approval to consider future agenda items in relation to rural broadband provision and the Chamber of Commerce;
- (d) The Committee agreed that a task and finish group should be established to undertake a review into Devon and Cornwall Housing. It was agreed that officers would support the group (comprising of Cllrs Ball, Leech and Watts) to develop some terms of reference and scope for the review, with this being reported back to the next Committee meeting. Whilst this would be formally reported to the next meeting, Members encouraged the group to commence with its work in the meantime;
- (e) Members acknowledged that a Committee Decisions Log would be a standing agenda item for future meetings.

(The meeting terminated at 4.00 pm)

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Report to: **Council**

Date: **28 July 2015**

Title: **Amendments to the Council's Procedure Rules regarding the dismissal of senior officers**

Portfolio Area: **Cllr W. Cann OBE**

Wards Affected: **All**

Relevant Scrutiny Committee: **Internal**

Urgent Decision: **N**

Date next steps can be taken: **28 July 2015**

Author: **Catherine Bowen** Role: **Community of Practice Lead Specialist (Legal)**

Contact: Catherine.Bowen@swdevon.gov.uk

Recommendations:

1. That the Council amends 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
 - 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. That the Council's Independent Persons (appointed under the Localism Act 2011) are invited to be part of a Panel for the purposes of the Regulations
3. That the Monitoring Officer amends the Constitution accordingly
4. That delegated authority is given to the Community Of Practice Lead Specialist for HR to make necessary consequent amendments to the Council's Grievance and Disciplinary Policy

1. Executive summary

- 1) This report deals with the requirements set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The Regulations require 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.
- 2) The Regulations came into force on 11 May 2015 and require Councils to give effect to their content no later than the first ordinary Council meeting held after the May 2015 elections (i.e. its first meeting after the Annual Meeting).

2. Background

- 1) The Government has introduced regulations to change the way that Councils dismiss their statutory officers. The intention is to simplify and localise the statutory procedures.
- 2) The current procedures state that no disciplinary action in respect of a protected statutory officer can take place unless that action is in accordance with the recommendations of a report by a Designated Independent Person (DIP).
- 3) The Government's rationale for the change in procedures is that the existing DIP process is bureaucratic, time consuming and costly in terms of the appointment of a DIP, and also in terms of the inflated severance payments to such officers in order to avoid taking a costly DIP route.
- 4) As a result the new Regulations require the final decision to dismiss any of the statutory officers to be made by the full Council provided that it has taken into account:
 - the views or recommendations of a Panel (see below)
 - the conclusions of any investigation into the proposed dismissal, and
 - any representations from the officer concerned.
- 5) The Council is required to invite at least two Independent Persons to be members of a Panel whose recommendations must be taken into account by the Council before taking any decision to dismiss a statutory officer. These are the Independent Persons who have been appointed for the purpose of the Council's standards regime under the Localism Act 2011 and the rationale is that the Panel will be comprised of people from the local area.
- 6) The Council is required to issue invitations to the Independent Persons in accordance with the following priority:
 - a) An Independent Person who has been appointed by the Council and who is a local government elector in the Council's area
 - b) Any other Independent Person who has been appointed by the Council
 - c) An Independent Person appointed by another Council

- 7) The Regulations provide little detail of how the new process will operate in practice and discussions continue between the Local Government Association and the Department of Communities and Local Government as to whether the Panel should comprise Independent Persons only or whether the Independent Persons should form part of a formal committee set up by the Council comprising at least 2 Independent Persons in addition to Members of the Council. If the advice concludes that the Council must set up a Panel as a Committee, then the matter will be brought back before Members.
- 8) In terms of reducing the costs of the procedure the changes in the new Regulations seeks to address this by providing that the Independent Person's remuneration must not exceed the level paid to such a person in his/her role as an Independent Person for the Code of Conduct regime (currently £500 per Independent Person per annum).

3. Proposed Way Forward

- 1) The recommendation is for the Council to adopt, formally, the requirements set out in the Regulations
- 2) The Council's Constitution will be amended accordingly together with the Council's disciplinary and grievance procedure.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The changes to the Council's procedures are mandatory and required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</p> <p>Only the Council can make changes to the Council's procedure rules. Following approval by the Council, the Monitoring Officer will amend the Constitution accordingly.</p>
Financial	Y	<p>The Financial implications for the appointment of such a Panel are limited to the level of remuneration that they receive as an Independent Person appointed as part of the standards regime under the Localism Act 2011. This is currently £500 per Independent Person per annum.</p>
Risk	Y	<p>This is a mandatory requirement imposed through the above Regulations and failure to amend its Constitution accordingly will mean that the Council will be in breach of its statutory obligations</p>

Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices: None

Background Papers: None

WEST DEVON BOROUGH COUNCIL	
RECORD OF DOCUMENTS SIGNED BY THE WORSHIPFUL THE MAYOR (OR BY AN AUTHORISED SIGNATORY IN THE MAYOR'S ABSENCE)	
FROM 01.05.15 to 20.07.15	
DOCUMENT DETAILS	
Tenancy Agreement Ground Floor Office 20 Plymouth Rd between WDBC and Tavy Care	
Tree preservation Order Hill Park, Bratton Clovelly	
DS1 Land Registry : (WDBC) 28 High St Okehampton	
S106 Agreement Land at Briar Tor, Yelverton between; DNPA(1) k Howell (2) Devon cc (3) WDBC (4) Yelverton community projects (5)	
Off Street Parking Order No 1 of 2015; Princetown Visitor Centre and Long stay car parks in Okehampton and Tavistock	
Tree Preservation Order Brook Lane Tavistock	
Service Agreement between SHDC (1) WDBC (2) and Homemaker South West (3)	
Tree Preservation Order: 10 Arundell Rd, North Tawton	

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