

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 8th December, 2015** at **4.30 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Cloke
Vice Chairman Cllr Sheldon

Cllr Baldwin	Cllr Ball
Cllr Benson	Cllr Cheadle
Cllr Davies	Cllr Edmonds
Cllr Evans	Cllr Hockridge
Cllr Jory	Cllr Kimber
Cllr Leech	Cllr McInnes
Cllr Moody	Cllr Mott
Cllr Moyse	Cllr Musgrave
Cllr Oxborough	Cllr Parker
Cllr Pearce	Cllr Ridgers
Cllr Roberts	Cllr Sampson
Cllr Sanders	Cllr Sellis
Cllr Stephens	Cllr Yelland

In attendance:

Councillors:

Officers:
Head of Paid Service
Monitoring Officer
Grant Thornton Audit Manager

34. **Apologies for Absence**

CM 45

Apologies for absence were received from Cllrs W G Cann OBE, L Samuel and L Watts.

35. **Declarations of Interest**

CM 35

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

At this point, Cllr T G Pearce sought clarity from the Monitoring Officer in respect of whether he should declare an interest in agenda item 10(v): 'Minutes of Committees: Hub Committee Meeting held on 1 December 2015' and specifically unstarred minute HC 41 (Minute CM 39(f) below refers) by virtue of being a Council appointed representative on the Devon Building Control Partnership. In response, the Monitoring Officer advised that Cllr Pearce did not need to declare any interest in this matter.

Cllr C Mott declared an interest in agenda item 10(iv): 'Minutes of Committees: Planning and Licensing Committee Meeting held on 13 October 2015' (Minute CM 39(d) below refers) by virtue of her husband being the applicant for the application that had been considered at this meeting. Since these particular Committee meeting minutes were only presented for noting purposes, Cllr Mott did not leave the meeting room during consideration of this agenda item.

36. **Confirmation of Minutes**

CM 36

It was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Council agree the Minutes of the 29 September 2015 meeting as a true record."

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

CM 37

In providing his update, the Mayor informed that he and the Deputy Mayor had attended a number of engagements since the last Council meeting and each one had been enjoyable in their own right.

Secondly, the Mayor reminded the Council that his Christmas Tea was taking place upon the rising of this meeting and all Members were welcome to attend.

38. **Audit Findings for the Council for the Year Ended 31 March 2015**

CM 38

A report was considered that presented Grant Thornton's Audit Findings for the year ending 31 March 2015.

The Grant Thornton Audit Manager took Members through the report and, in the subsequent debate, particular reference was made to:-

- the excellent audit report. In light of the excellent report, the Chairman of the Audit Committee wished, on behalf of all Council Members, to extend his congratulations and thanks to the Section 151 Officer and her finance colleagues;

- the value for money profile highlighting a few areas for which the Council's performance was below its nearest neighbours. Whilst the cost of waste collection was cited as one such example, it was noted that a more detailed report would be presented in this respect to the Audit Committee at its meeting on 19 January 2015.

It was then moved by Cllr M Davies and seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to the **CARRIED** and "**RESOLVED** that the Audit Findings be noted".

39.

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

CM 39

a. Overview and Scrutiny (External) Committee – 29 September 2015 and 17 November 2015

It was moved by Cllr P J Ridgers, seconded by Cllr D W Cloke and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 29 September 2015 and 17 November 2015 meetings be received and noted".

b. Audit Committee – 29 September 2015

It was moved by Cllr M Davies, seconded by Cllr B Stephens and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 29 September 2015 be received and noted".

c. Overview & Scrutiny (Internal) Committee – 6 October 2015

It was moved by Cllr C R Musgrave, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 6 October 2015 meeting be received and noted".

d. Planning and Licensing Committee – 13 October 2015 and 10 November 2015

It was moved by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 13 October 2015 and 10 November 2015 meetings be received and noted, with the exception of Unstarred Minutes P&L 36, P&L 37 and P&L 38".

In respect of the Unstarred Minutes:

i. P&L 36 – Review of Statement of Licensing Policy for 2016-21

It was moved by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the draft Licensing

Policy (as outlined at Appendix A of the presented agenda report considered by the Committee) be adopted for the period 7 January 2016 to 6 January 2021”.

ii. **P&L 37 – Three-Yearly Review of Gambling Statement of Licensing Policies**

It was moved by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the draft Statement of Principles (as outlined at Appendix A of the presented agenda report considered by the Committee) be adopted for the period 31 January 2016 to 30 January 2019”.

iii. **P&L 38 – Park Homes Fees and Charges Policy**

It was moved by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Park Homes Fees and Charges Policy (as outlined at Appendix A of the presented agenda report considered by the Committee) be adopted.”

e. **Standards Committee – 20 October 2015**

It was moved by Cllr J Sheldon, seconded by Cllr J Evans and upon being submitted to the meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 20 October 2015 meeting be received and noted, with the exception of Unstarred Minutes SC 7 and SC 8”.

In respect of the Unstarred Minutes:

i. **SC 7 – Urgent Business**

It was moved by Cllr J Sheldon, seconded by Cllr J Evans and upon being submitted to the meeting was declared to be **CARRIED** and **“RESOLVED** that the Council’s three Independent Persons: Mr George Barnicott, Mr Martin Glead and Mrs Victoria Spence be re-appointed for the period up to the Annual Council meeting in May 2019”.

ii. **SC 8 – Options for the Future of the Standards Committee**

It was moved by Cllr J Sheldon, seconded by Cllr J Evans and upon being submitted to the meeting was declared to be **CARRIED** and **“RESOLVED** that, with effect from the 2016/17 Municipal Year:-

1. one Standards Committee meeting be formally scheduled each year (with the ability being retained to call other meetings as and when deemed necessary); and
2. the membership of the Standards Committee should be reduced from nine to five”.

f. **Hub Committee – 27 October 2015 and 1 December 2015**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be

CARRIED and **RESOLVED** that the Minutes of the 27 October 2015 and 1 December 2015 meetings be received and noted, with the exception of Unstarred Minutes HC 27, 30, 35, 36, 39, 42, 43 and 44”.

In respect of the Unstarred Minutes:

i. **HC 27 – Business Development – Asset Management Strategy**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that the updated Asset Management Strategy (as outlined at Appendix 1 of the presented agenda report) be approved, subject to a Scheme of Delegation Review to be presented to the Annual Meeting of Council in May 2016.”

ii. **HC 30 – Council Tax Reduction Scheme**

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

1. the Council agree to continue with the existing Council Tax Reduction Scheme for 2016/17 whereby:

- an 80% maximum liability restriction be applied meaning that working age claimants pay a minimum of 20% towards their Council Tax bill;
- a property valuation band D restriction be applied meaning that working age claimants living in larger properties do not receive greater levels of support than those living in small properties;
- an exceptional hardship fund be retained to help those claimants experiencing severe financial difficulties; and

2. authority be delegated to the Finance Community Of Practice Lead (Section 151 Officer), in consultation with the lead Hub Committee Member, to make amendments to the policy document to the policy document to take account of any further changes in law, government guidance or policy that require urgent amendment.”

iii. **HC 35 – Urgent Business: Syrian Vulnerable Persons Scheme**

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

voluntarily participate in 'The Syrian Vulnerable Person Scheme.'"

iv. **HC 36 – Draft Revenue Budget Proposals and Draft Capital Programme Proposals for 2016/17**

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

1. car parking charges be frozen for 2016/17 (as set out in Appendix F of the presented agenda report to the Committee);
2. the fees for the Environmental Health Community Of Practice are adopted as per Appendix F of the presented agenda report to the Committee; and
3. delegated authority be granted to the Community Of Practice Lead for Environmental Health, in consultation with the lead Hub Committee Member, to modify the charges of Food Export Certificates, once the outcome of the current review is known."

v. **HC 39 – Revenue Budget Monitoring**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and "**RESOLVED** that any unspent Homelessness grant be transferred into a Homelessness Earmarked Reserve at the end of the 2015/16 Financial Year (this is expected to be £30,000)."

HC 41 – Business Development Opportunities – Devon Building Control Partnership Provision of New Homes Warranties

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and "**RESOLVED** that the Devon Building Control Partnership be granted delegated authority to undertake fee paying new home warranty building inspections in addition to their current scope of works."

vi. **HC 42 – Corporate Enforcement Policy**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and "**RESOLVED** that the Corporate Enforcement Policy (as outlined at Appendix A of the presented agenda report to the Committee) be adopted."

vii. **HC 43 – Review of Waiting Time in Brook Street Car Park, Tavistock**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and "**RESOLVED** that the proposal to implement long stay parking on the top two

decks of Brook Street Car Park, Tavistock for a trial period to run concurrently with the current trial of £2 for all day parking in long stay car parks be approved.”

viii. **HC 44 – Minutes of Overview and Scrutiny (External) Committee held on 17 November 2015**

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and **“RESOLVED** that West Devon Our Plan be re-issued for the start of the 2016/17 Financial Year as a document that:

- Recognises West Devon Our Plan as the single comprehensive Council Plan;
- Restates the Council’s Corporate Vision and Objectives;
- Establishes the common basis for the Council’s Financial Plan, Asset Management Plan, Local Plan and all other Plans and Strategies;
- Establishes long-term and short-term priorities for delivery, including a Delivery Plan commencing in 2016/17;
- Establishes mechanisms for delivery;
- Establishes engagement, monitoring and review procedures; and
- Provides context for subsequent incorporation of the Local Plan element currently subject to separate preparation.”

40. **Devolution Draft Proposal**

CM 40

A report was considered that sought to approve the proposed submission on the Devolution for the Heart of the South West Bid.

The Mayor proceeded to invite the Head of Paid Service to provide an update on this matter. In so doing, Members were advised that there had been an unforeseen delay in the re-drafting of the proposed submission and it was anticipated that a revised version would be re-issued early in the New Year. As a consequence, it was suggested that further consideration of this agenda item should be deferred until a Special Council meeting early in the New Year

It was then proposed by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that further consideration of this agenda item should be deferred until a Special Council meeting early in the New Year”.

41. **Development Management Scheme of Delegation**

CM 41

A report was considered that sought to adopt a revised set of Planning Scheme of Delegation proposals.

In introducing this agenda item, the Leader made specific reference to the concerns that had been expressed by the Planning and Licensing Committee Members earlier that day. Such was the extent of these concerns, that the Planning and Licensing Committee had not been able to support the draft set of proposals.

In line with the general consensus of Planning and Licensing Committee Members, the Leader therefore felt that a more detailed review of these proposals was required and it was then proposed by Cllr P R Sanders, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. a Working Group be established that has the remit of reviewing the draft Development Management Scheme of Delegation and that this review be undertaken as soon as is practically possible;
2. the merits of this review being undertaken jointly with South Hams District Council (SHDC) be recognised and SHDC therefore be asked to consider this request;
3. the Group comprises of two Members, who are also Members of the Planning and Licensing Committee, and be supported by officers as necessary;
4. the two Group Member appointments be agreed by the two Group Leaders; and
5. the findings of the Working Group be presented back, in the first instance, to a meeting of the Planning and Licensing Committee."

42. **Approval of Licensing Policy for Horse Drawn Hackney Carriage/Omnibus**

CM 42

A report was considered that sought to adopt the draft Horse Drawn Hackney Carriage/Omnibus Policy.

In introducing the report, the Chairman of the Planning and Licensing Committee informed that the Committee had also considered this draft Policy earlier that day and had recommended its approval.

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

1. the draft Horse Drawn Hackney Carriage/Omnibus Policy be adopted; and
2. the Council resolution of 19 May 2015 be amended to exclude the requirement to prepare Byelaws, and to amend the proposed fees and charges, so that the fees for a driver licence shall be the same as the current hackney carriage fee, and the carriage fee shall be £200."

43. **Approval of Licensing Fee for Dog Day Care Centres**

CM 43

A report was considered that sought to adopt the draft Horse Drawn Hackney Carriage/Omnibus Policy.

In introducing the report, the Chairman of the Planning and Licensing Committee again informed that the Committee had also considered this draft Policy earlier that day and had recommended its approval.

It was then proposed by Cllr D K A Sellis, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that, with immediate effect, an initial fee for a Dog Day Care Centre Licence be approved under the Animal Boarding Establishments Act 1963 of £150."

44. **Appointment of Additional Planning and Licensing Committee Substitute Members**

CM 44

A report was considered that sought to increase the number of Planning and Licensing Committee Substitute Members for the remainder of the 2015/16 Municipal Year.

In his introduction, the Leader highlighted the extract in the presented agenda report whereby both Cllrs Evans and Yelland had received all of the convened planning and licensing related training that had been held since the May 2015 elections.

It was then proposed by Cllr P R Sanders, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that, with immediate effect, Cllrs J Evans and J Yelland be added to the list of appointed Planning and Licensing Committee Substitute Members for the remainder of the 2015/16 Municipal Year."

The Meeting concluded at 5.25 pm

Signed by:

Chairman
