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West Devon  
Borough  
Council

## WEST DEVON COUNCIL - TUESDAY, 17TH APRIL, 2012

Agenda, Reports and Minutes for the meeting

### Agenda No    Item

1.     **Summons Letter** (Pages 1 - 6)
  
2.     **Reports**  
      Reports to Council:
  - a)     Item 10 - Annual Review of the Council's Constitution (Pages 7 - 10)
  - b)     Item 11 - Section 106 Community Fund Applications (Pages 11 - 14)
  - c)     Item 14 Exempt - Proposed High Court Action (Pages 15 - 20)
  - d)     Item 15 Exempt - Initial Findings of the Leisure Task & Finish Group (Pages 21 - 24)
  
3.     **Minutes - 17 April 2012** (Pages 25 - 30)

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# Agenda Item 1

Please ask for: Tony Rose

Your ref:

Direct Line/Ext: 01822 813664

My ref AAR/Council.17.04.2012

email: arose@westdevon.gov.uk

Date: 5<sup>th</sup> April 2012

## COUNCIL SUMMONS

You are hereby summoned to attend a Meeting of the **WEST DEVON BOROUGH COUNCIL** to be held at the Council Chamber, Council Offices, Kilworthy Park, **TAVISTOCK** on **TUESDAY** the **17<sup>th</sup>** day of **APRIL 2012** at **4.30 pm**.

Prior to the Meeting, the Reverend Nicholas Law, Rural Dean and Vicar of Bere Ferrers & Bere Alston has been invited to say prayers.

### THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED.

1. Apologies for absence
2. Declarations of Interest  
Members are reminded to declare any personal or prejudicial interests they may have in any item on this Summons
3. To approve and adopt as a correct record the Minutes of the Extraordinary Meeting of the Council held on 27<sup>th</sup> March 2012 Page No.  
1
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
  - (i) **Planning & Licensing Committee**  
Meeting held on 28<sup>th</sup> February 2012 7
  - Meeting held on 27<sup>th</sup> March 2012 22

(ii)	<b>Future Planning &amp; Housing Committee</b> Meeting held on 6 <sup>th</sup> March 2012	29
(iii)	<b>Environment &amp; Community Committee</b> Meeting held on 20 <sup>th</sup> March 2012	31
	<b>Unstarred Minutes to agree:</b> Members are recommended to agree:	
	<b>E&amp;C 26 Street Scene Environmental Enforcement</b> The functions relating to street scene related anti-social behaviour (particularly those offences associated with littered land and the illegal disposal of controlled waste and litter) be transferred from the Head of Environmental Health & Housing to the Head of Environmental Services and that the Council's Constitution be so amended.	
(iv)	<b>Overview &amp; Scrutiny Committee</b> Meeting held on 20 <sup>th</sup> March 2012	35
10.	To receive the report of the Deputy Monitoring Officer on the Annual Review of the Council's Constitution	38
11.	To receive the joint report of the Countryside & Community Projects Officer and the Member Services Manager on Section 106 Community Fund Applications	41
12.	Prayers at Meetings of the Council – Member discussion	
13.	To Order the affixing of the Common Seal For the information of Members, a list of documents sealed by the Council and witnessed by the Mayor and the Chief Executive during the period 19 <sup>th</sup> March 2012 to 30 <sup>th</sup> March 2012 is attached.	

**PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).**

If any, the Council is recommended to pass the following resolution:

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

14. To receive the report of the Deputy Monitoring Officer on a proposed High Court Action to correct an error in a planning permission – Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information; and Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceeding.  
**Report to follow**
15. To receive the report on the Initial Findings of the Leisure Task & Finish Group – Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).  
**Report to follow**

Dated this 5<sup>th</sup> day of April 2012



Chief Executive

# West Devon Borough Council Members' Code of Conduct

## Declarations of interest

**If you are in any doubt about what to do, please seek advice**

Do you have an interest in any item?



Is it a **Personal** interest?



A **Personal** interest is one that:

- you should include on your Register of Interests or
- where well-being or financial position of you, members of your family or someone with whom you have a close association is likely to be affected by the interest more that it affects:
- majority of inhabitants of the ward or electoral division affected by the decision, or
- inhabitants of the Council's area

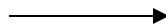
If you have a **Personal** interest you must **declare** it (and **the nature of the Interest**) at the meeting before the matter is discussed or as soon as you become aware of it, unless an exemption applies (see over page).



If you have a **Personal** interest you may still take part in the meeting and vote **unless** the interest is also **Prejudicial**. A **Prejudicial** interest is a matter for you to decide.



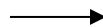
Do you have **Prejudicial** interest?



Your personal interest will also be **prejudicial** if all these conditions are met:

- Matter is not **exempt** (see over page)
- Matter affects your financial interests or relates to a **licensing or regulatory** matter, and
- a member of the public, who knows the relevant facts, would **reasonably think that your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

If you have a **Prejudicial** interest you must **declare** it (and **the nature** of the interest) as soon as it becomes apparent to you, and **withdraw** from the room where the meeting is being held (unless you are allowed to make representations – see over page).



## West Devon Borough Council Members' Code of Conduct (see part 5 of the Constitution)

**Personal Interests** - You will have a **personal interest** in a matter if:

- anything that you should have mentioned in your Register and/or
- the well-being or financial position of you, members of your family, or people with whom you have a close association

is likely to be affected by the business of the Council more than it would affect the **majority of the inhabitants** of the ward or electoral division affected by the decision, or the inhabitants of the Council's area.

**Exemption** - An exemption applies where your **personal interest** arises solely from your membership (or position of control/management) on any body to which you were appointed/nominated by the Council or any other body exercising functions of a public nature. In such cases (unless you have a prejudicial interest) you only need to declare your interest if and when you speak on a matter.

**Personal Interests include:**

- Your membership/position of control/management in bodies to which the Council appointed/nominated you, or any bodies exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including any political party or trade union;
- Your job(s) or business(es), and the name of your employer;
- Name of any person who has made a payment towards your election expenses or expenses you have incurred in carrying out your duties;
- The name of any person, company/other body which has a place of business/land in the Council's area and in which you have a shares of more than £25,000/stake of more than 1/100<sup>th</sup> of the share capital of the company;
- Any contracts with the Council between you, your firm or a company (of which you a paid director) for goods, services or works.
- Any gift/hospitality estimated to > £25 and the name of the person who gave it to you;
- Any land/property in the Council's area in which you have a beneficial interest (or a licence to occupy) including the land and house you live in, any allotments you own or use.

**Definitions**

- "**Well-being**" - condition of happiness and contentedness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.
- "**Member of your family**" means a partner (i.e. your spouse/civil partner/someone you live with in a similar capacity), parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner, brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece, or the partners of any of these persons.
- Person with whom you have a "**close association**" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour/ disadvantage when discussing a matter which affects them. It may be a friend, a colleague, a business associate or someone you know through general social contacts.

**Prejudicial Interests** - your personal interest will also be **prejudicial** if you meet conditions set out overleaf.

**Exempt categories** - you will **not** have a **Prejudicial** interest in a matter if it relates to:

(a) any **tenancy/lease** you hold with the Council (unless relating to your particular tenancy/lease); (b) **Schools** (meals/transport/travelling expenses): if parent/guardian of child in full time education or parent governor (unless relating to the school your child attends); (c) if you are receiving/entitled to **statutory sick pay**; (d) An **allowance/payment/indemnity** for members; (e) ceremonial honour given to members and (f) setting the council tax or precept.

**Making representations** - if you have a **Prejudicial** interest, you must declare that you have an interest and the nature of that interest as soon as the interest becomes apparent. You should leave the room unless members of the public are allowed to make representations, give evidence, or answer questions about the matter. If that is the case, then you can also attend the meeting for that purpose. However you must leave the room immediately you have finished and you cannot take part in the debate or vote.

**Sensitive information**

You may be exempt from having to declare sensitive information on your Register of interests in which case, although you must declare that you have an interest, you don't have to give any details about that interest on the register or to the meeting (please speak to the Monitoring Officer about this first).

Revised May 2007

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<b>NAME OF COMMITTEE</b>	<b>Council</b>
<b>DATE</b>	<b>17 April 2012</b>
<b>REPORT TITLE</b>	<b>Annual Review of the Council's Constitution</b>
<b>REPORT OF</b>	<b>Deputy Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

**Summary of report:**

To ensure that the Constitution is amended to reflect the changes that have either occurred in the Council over the previous year, or to implement any necessary changes to ensure that it is up to date and reflects the Council's current practice.

**Financial implications:**

There are no financial implications to this report.

**RECOMMENDATIONS:**

1. To approve the amended West Devon Borough Council Constitution 2012
2. That delegated authority be given to the Monitoring Officer to finalise the delegations in respect of licensing functions

**Officer contact:**

Catherine Bowen, Deputy Monitoring Officer ([cbowen@westdevon.gov.uk](mailto:cbowen@westdevon.gov.uk) 01822 813600)

**1. BACKGROUND**

- 1.1 Each year (at the Annual Meeting) the Council must formally adopt its Constitution for the forthcoming year.
- 1.2 Changes to Constitution are made throughout the year by the Council, and through its approval of Committee minutes. Minor or legal amendments are made by the Monitoring Officer. All of these changes are effective from the date of approval. The Constitution is fully updated every April to ensure that it is ready for adoption at the Annual Meeting.

## 2. THE AMENDMENTS

2.1 The amendments that have been made to the Constitution are shown highlighted in yellow on the document named 'Constitution Review 2012' on the Council's website at: <http://www.westdevon.gov.uk/doc.asp?doc=11209&CAT=2009>

2.2 The main changes to the Constitution are:

2.2.1 **The Council's Priorities:** these have been amended in line with the Council's current Priorities, with reference to the Connect Strategy and the Delivery Plans.

### 2.2.2 **Delegation Scheme:**

- The main change to this section is to implement the **new pilot committee structure** to be effective from the Annual Meeting in May. The terms of reference for the two new committees are now set out under the relevant Heads of Service for ease of reference.
  - **Audit Committee:** some minor amendments have been made to reflect current practice and also delegation to Audit to approve the Annual Statement of Accounts rather than just review the accounts.
  - The **Community Services Committee** will largely replace both the Future Planning & Housing Committee and the Environment & Community Committee from May 2012, and will deal with the Council's outward-looking services. The **Resources Committee** will deal with inward facing services, financial matters and general strategic issues, and replaces the Strategies & Resources Committee.
  - Some minor changes have been made to the service areas of the Heads of Service following last year's Senior Management restructure and the Middle Managers' review in order to reflect current practice.
  - The **Standards Committee** remit has not been amended, as the new provisions (which are still awaited) will not come into effect until 1 July 2012. A separate report will be brought to Council once the final details are clear.
  - Work on the **Licensing functions** under the Planning & Licensing Committee is not complete as the Monitoring Officer and Licensing Managers wish to clarify areas which ought properly be decided by Members and those which may be delegated to officers.
- 2.2.3 **Contract Procedure Rules:** these were reviewed last Autumn and approved by Council in December 2011.
- 2.2.5 **Members' Allowances:** there is a Review currently ongoing with recommendations expected from the Independent Remuneration Panel by the end of April. A further report will be brought to Council.
- 2.2.6 **Delegation from Heads of Service to other officers:** each Head of Service will produce a subordinate document that will sit under the Constitution and detail

which of their officers deal with which particular service areas. It will also clarify (particularly in the case of Planning & Licensing) areas which sit firmly within the remit of Committees and which matters are delegated to officers to decide. This work will be completed prior to the Annual Meeting.

2.2.7 **Other minor amendments:** other minor changes have been made to reflect any changes in the law or for clarity.

### 3. LEGAL IMPLICATIONS

3.1 The Local Government Act 2000 requires the Council to have (and to maintain) a Constitution.

3.2 The Monitoring Officer must review the Constitution annually and make recommendations to Council. Only the Council can approve and adopt the Council's Constitution as it is one of the Council's Policy documents.

### 4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications to this report

### 5. RISK MANAGEMENT

5.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
To review the Constitution to ensure that it is up to date and reflects current practice and law	Up to date and lawful Constitution
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
Failure to review the Constitution and approve changes leading to unlawful decisions	Review in timely manner annually

### 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	All
<b>Considerations of equality and human rights:</b>	N/a
<b>Biodiversity considerations:</b>	N/a
<b>Sustainability considerations:</b>	N/a
<b>Crime and disorder implications:</b>	N/a
<b>Background papers:</b>	The Constitution (Review) 2012

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<b>NAME OF COMMITTEE</b>	Council
<b>DATE</b>	17 April 2012
<b>REPORT TITLE</b>	Section 106 Community Facilities Fund Applications
<b>REPORT OF</b>	Countryside & Community Projects Officer Member Services Manager
<b>WARDS AFFECTED</b>	All

**Summary of report:**

There is currently a delegated approval limit on the applications for s106 Community Facilities Funding, before approval of Strategies and Resources Committee is needed. This report seeks to increase that limit.

**Financial implications:**

The report seeks approval for amending the process for the release of s106 monies, therefore there is no direct financial implication to the Council.

**RECOMMENDATIONS:**

Members support increasing the delegated approval limit for applications to the Section 106 Community Facilities Grant to £15,000, without the need for Committee approval.

**Officer contact:**

Rob Sekula, Countryside & Community Projects Officer, on 01822 813701 or email [rsekula@westdevon.gov.uk](mailto:rsekula@westdevon.gov.uk)  
Kathryn Trant, Member Services Manager 01822 813662 or email [kathryn.trant@southhams.gov.uk](mailto:kathryn.trant@southhams.gov.uk)

**1. BACKGROUND**

- 1.1 In November 2010, a report was taken to Strategies and Resources Committee, seeking approval of a process which proposed a grant based scheme to administer Section 106 contributions that have previously been negotiated for 'Community Facilities', and which indicated a more strategic approach to dealing with the contributions in the longer term (minute \*S&R 33 refers).
- 1.2 The proposal was approved, and the following resolution was made:

“A Corporate Director, in consultation with the Chairman and Vice-Chairman of the Strategies & Resources Committee together with the Ward Member(s) and with the support of the relevant Town or Parish Council, be authorised to approve applications of up to £5,000.”

1.3 At the Strategies and Resources Committee meeting held on 13 March 2012, the Vice Chairman proposed that the limit before which Committee approval was needed, be increased from £5,000 to £15,000 (minute \*S&R 49 refers).

1.4 Members agreed that this matter should be the subject of a discussion at full Council.

**2. ISSUES FOR CONSIDERATION**

2.1 Members are being asked to consider whether they agree to the limit for Section 106 Community Facilities Fund applications being raised to £15,000, before Committee approval is required. All other elements of the scheme will remain the same, although the authority would be delegated to the Head of Assets (rather than a Corporate Director), in consultation with the Chairman and Vice-Chairman of the Resources Committee, together with the Ward Member(s) and with the support of the relevant Town or Parish Council.

**3. LEGAL IMPLICATIONS**

3.1 The necessary powers are given under the Local Government Act 2000 and the well-being powers under Section 2, which gives the Council power to promote economic, social or environmental well-being of its area.

**4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications directly arising from this report.

**5. RISK MANAGEMENT**

5.1 The risk management implications are:

<b>Opportunities</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>- Simplify and streamline the process for groups applying for S106 Community Facilities funding.</li> </ul>	<ul style="list-style-type: none"> <li>- A quicker and more straightforward application process from the perspective of the applicant – smaller applications can be considered on a rolling basis without being delayed by the Committee timetable.</li> <li>- A time saving for Members and officers by removing a layer of reporting and consideration for smaller applications.</li> </ul>
<b>Issues/Obstacles/Threats</b>	<b>Control measures/mitigation</b>
<ul style="list-style-type: none"> <li>- Subjecting applications to an appropriate level of scrutiny from Members.</li> </ul>	<ul style="list-style-type: none"> <li>- More complicated or controversial applications can be brought to Resources Committee if required.</li> <li>- Support of the local Town/Parish Council and the local Borough</li> </ul>

	<p>Council Ward Member are still required, therefore vital local scrutiny will still be required.</p> <ul style="list-style-type: none"> <li>- The officer will be required to submit a summary report to the Chairman and Vice-Chairman of Resources Committee and the Head of Assets, and the applications will still be scrutinised against the same Fund guidelines.</li> </ul>
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## 6. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	Community Life
<b>Statutory powers:</b>	Local Government Act 2000
<b>Considerations of equality and human rights:</b>	Facilities, services or products that are accessible to all forms a consideration within the Sustainability Checklist, and would be considered if relevant to an application.
<b>Biodiversity considerations:</b>	Biodiversity forms a consideration on the Sustainability Checklist and would be considered if relevant to an application.
<b>Sustainability considerations:</b>	Applicants must address the Sustainability Checklist, and show how the project will contribute to the Council vision for sustainability.
<b>Crime and disorder implications:</b>	None relevant, however implications of a particular project would be considered on a project by project basis.
<b>Background papers:</b>	N/a
<b>Appendices attached:</b>	N/a

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# Agenda Item 3

At a Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **17<sup>TH</sup>** day of **APRIL 2012** at **4.30pm** pursuant to Notice given and Summons duly served.

## Present

Mr D M Horn – Mayor	
Mr C R Musgrave – Deputy Mayor	
Mrs S C Bailey	Mr R E Baldwin
Mr K Ball	Mr M J R Benson
Mr W G Cann OBE	Mrs A Clish-Green
Mr D W Cloke	Mrs M V L Ewings
Mrs C Hall	Mr M J Harper
Mr T J Hill	Mr L J G Hockridge
Mr A F Leech	Mrs C M Marsh
Mr J R McInnes	Mr J B Moody
Mr N Morgan	Mr M E Morse
Miss D E Moyse	Mr R J Oxborough
Mr T G Pearce	Mr P J Ridgers
Mrs L B Rose	Mr R F D Sampson
Mrs D K A Sellis	Mr E H Sherrell
Mr D Whitcomb	Mr D M Wilde

Chief Executive  
Monitoring Officer  
Democratic Services Manager  
Development Manager  
Strategic Planning Manager  
Deputy Monitoring Officer

## CM 81 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mr P R Sanders.

## CM 82 DECLARATIONS OF INTEREST

There were no declarations of interest made to the meeting.

## CM 83 CONFIRMATION OF MINUTES

It was moved by Councillor Mr J R McInnes, seconded by Councillor Mr C R Musgrave and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Council agree the Minutes of the 27 March 2012 Council Meeting as a true record”.

## CM 84 COMMUNICATIONS FROM THE MAYOR

The Mayor wished to make specific reference to:-

- his receipt of a letter from Her Majesty, The Queen in response to his card congratulating her on her Diamond Jubilee; and
- the success of his recent Civic Dinner, which was held on 30 March 2012.

**CM 85****BUSINESS BROUGHT FORWARD BY THE MAYOR**

The Mayor advised that he was exercising his discretion to:-

- bring forward agenda item 14: 'Proposed High Court Action to Correct an Error in a Planning Permission' for consideration after published agenda item 9 (Minute CM 87 below refers); and
- ensure that agenda item 15: 'Initial Findings of the Leisure Task and Finish Group' (Minute CM 92 below refers) was formally considered during this meeting and not, as had been previously suggested, during an Informal Council session upon the conclusion of this meeting.

**CM 86****MINUTES OF COMMITTEES****a. Planning & Licensing Committee – 28 February 2012 and 27 March 2012**

It was moved by Councillor Mrs C M Marsh, seconded by Councillor W G Cann OBE and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the meetings held on 28 February 2012 and 27 March 2012 be received and noted”.

**b. Future Planning and Housing Committee – 6 March 2012**

It was moved by Councillor Mrs M V L Ewings, seconded by Councillor Mr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 6 March 2012 meeting be received and noted with the exception of Unstarred Minute FP&H 12”.

In respect of the Unstarred Minute:

**i. FP&H 12 – Adoption of Joint Statement of Community Involvement**

It was moved by Councillor Mrs M V L Ewings, seconded by Councillor Mr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Council adopt the joint Statement of Community Involvement as presented at Appendix A of the presented agenda report”.

**c. Environment and Community Committee – 20 March 2012**

It was moved by Councillor Mr R J Oxborough, seconded by Councillor Mr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 20 March 2012 meeting be received and noted with the exception of Unstarred minute E&C 26”.

In respect of the Unstarred Minute:

**i. E&C 26 – Street Scene Environmental Enforcement**

It was moved by Councillor Mr R J Oxborough and seconded by Councillor Mr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the functions relating to street scene related anti-social behaviour (particularly those offences associated with littered land and the illegal disposal of controlled waste and litter) be transferred from the Head of Environmental Health and Housing to the Head of Environment Services and that the Council’s Constitution be so amended”.

**d. Overview and Scrutiny Committee – 20 March 2012**

It was moved by Councillor Mr D W Cloke, seconded by Councillor Mr D Whitcomb and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 20 March 2012 meeting be received and noted”.

**CM 87**

**PROPOSED HIGH COURT ACTION TO CORRECT AN ERROR IN A PLANNING PERMISSION**

It was moved by Councillor Mrs M V L Ewings, seconded by Councillor Mr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the debate that took place on this item of business on the grounds that exempt information may be disclosed under Paragraph 3 – Information relating to the financial or business affairs of any particular person including the authority holding that information and Paragraph 5 – Information in respect of which a claim for legal professional privilege could be maintained – from Part I of Schedule 12(A) to the Act.”

At this point, the Mayor invited the Strategic Planning Manager, the Development Manager and the Monitoring Officer to provide some background information and to set the matter into context.

The Council proceeded to consider this matter in great detail, during which a Member specifically wished for her concerns in respect of the lack of relevant conditions being attached to the planning application to be formally recorded. Furthermore, the Member also wished for it to be noted that this point should be picked up during the wash-up review into this matter.

In light of the conclusions of the commissioned study of retail needs and opportunities in the Borough being due for publication imminently, the following amended motion was moved by Councillor Mrs A Clish-Green and seconded by Councillor Mr R E Baldwin and upon being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that:-

1. A final decision be deferred on this matter until the outcome is known of the commissioned study of retail needs and opportunities in the

Borough (which is due for publication on 7 May 2012), with a Special meeting of Council being convened to re-consider this matter on Tuesday, 15 May 2012 at 3.00pm; and

2. Legal officers be instructed to commence with the preparatory work on these proceedings, albeit recognising that a final decision on this matter will not be made until Tuesday, 15 May 2012.”

**CM 88 RE-ADMITTANCE OF PRESS AND PUBLIC**

It was moved by Councillor Mrs M V L Ewings, seconded by Councillor Mr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the press and public be re-admitted to the meeting.”

**CM 89 SECTION 106 COMMUNITY FUND APPLICATIONS**

Councillor Mr J R McInnes outlined a report which sought to increase the delegated approval limit of applications for Section 106 Community Facilities Grant funding (before Committee approval was required) from £5,000 to £15,000.

Having been moved (by Councillor Mr J R McInnes) and seconded (by Councillor Mr R J Oxborough), an amendment was subsequently moved (by Councillor Mr R F D Sampson) and seconded (by Councillor Mr T G Pearce) which sought to increase the limit from £5,000 to £10,000. When put to the meeting, this amendment was declared to be **LOST**.

The substantive motion was then submitted to the Meeting and it was declared to be **CARRIED** and “**RESOLVED** that the delegated approval limit for applications to the Section 106 Community Facilities Grant be increased to £15,000, without the need for Committee approval.”

**CM 90 PRAYERS AT MEETINGS OF THE COUNCIL**

In his introduction, Councillor Mr J R McInnes advised that this was the first opportunity for Members to discuss this matter formally since the recent legal judgement into the lawfulness of prayers being on the agenda for Council meetings.

Councillor Mr J R McInnes informed the meeting that he was content with the revised arrangements for prayers on the published Council Summons. In support of this comment, a motion was moved by Councillor Mr R F D Sampson and seconded by Councillor Mr T G Pearce to continue with the current revised arrangements.



In disagreement with this view, an amendment was moved (by Councillor Mrs M V L Ewings) and seconded (by Councillor Mrs A Clish-Green) which sought to replace reference to the word 'prayers' with 'a moment of quiet reflection' and to place the item above the Council Summons heading on the published agenda. In support of this amendment, the Members felt that the current arrangements could suggest that Members were being summoned to prayers and queried whether this was legal. In reply, the Monitoring Officer assured the meeting that she would not allow an agenda to be published illegally.

When put to the vote, the amendment was declared **LOST**.

The substantive motion was then submitted to the Meeting and it was declared to be **CARRIED** and '**RESOLVED** that the revised wording on the published Council Summons in relation to prayers be retained.'

**CM 91                   COMMON SEAL**

A copy of the documents signed by the Mayor during the period between 19 March 2012 and 30 March 2012 was attached to the agenda (page 44 refers) and noted by the Meeting.

It was then moved by Councillor Mr R F D Sampson, seconded by Councillor Mrs M V L Ewings and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Mayor and the Chief Executive (or deputies appointed by them) be authorised to witness the fixing of the seal on documents".

**CM 92                   IIINITIAL FINDINGS OF THE LEISURE TASK AND FINISH GROUP**

It was moved by Councillor Mr R F D Sampson, seconded by Councillor Mr T G Pearce and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the debate that took place on this item of business on the grounds that exempt information may be disclosed under Paragraph 3 – Information relating to the financial or business affairs of any particular person including the authority holding that information – from Part I of Schedule 12(A) to the Act."

As highlighted above (Minute CM 85 refers), the Mayor had exercised his discretion to allow for consideration of this item during the formal meeting.

In discussion, particular reference was made to the good progress being made by the Group. As a consequence, Members did not wish for this momentum to be lost and therefore requested that the report be scheduled on to the next Overview and Scrutiny Committee agenda, thereby enabling the Committee to make formal recommendations for ultimate adoption.

(The Meeting terminated at 7.20 pm)

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