

At a Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **14TH** day of **FEBRUARY 2012** at **4.30pm** pursuant to Notice given and Summons duly served.

Present

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

Chief Executive
Head of Finance and Audit
Head of Environmental Health and Housing
Monitoring Officer
Democratic Services Manager
Deputy Monitoring Officer
Member Services Manager
Communications Manager

CM 53 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Ball and T Hill.

CM 54 DECLARATIONS OF INTEREST

The following declaration of interest was made.

1. Cllr N Morgan in Item 10(iv) (Minutes of the Standards Committee meeting held on 24 January 2012) – personal as his wife was a parish/town council representative on the Committee.

CM 55 CONFIRMATION OF MINUTES

It was moved by Councillor J McInnes, seconded by Councillor P Sanders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Council agree the Minutes of the 13 December 2011 Council Meeting as a true record”.

CM 56 COMMUNICATIONS FROM THE MAYOR

The Mayor stated that he had attended several events since the last meeting.

CM 57 MINUTES OF COMMITTEES

a. Environment and Community Committee – 17 January 2012

It was moved by Councillor Mr R Oxborough, seconded by Councillor Mr R Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 17 January 2012 meeting be received and noted”.

b. Overview and Scrutiny Committee – 17 January 2012

It was moved by Councillor Mr D 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 17 January 2012 meeting be received and noted”.

c. Planning and Licensing Committee – 6 December 2011, 3 January & 31 January 2012

It was moved by Councillor Mrs C Marsh, seconded by Councillor Mr P Sanders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 6 December 2011, 3 January 2012 and 31 January 2012 Meetings be received and noted”.

d. Standards Committee – 24 January 2012

It was moved by Councillor Mr D Whitcomb, seconded by Councillor Mr A Leech and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 24 January 2012 meeting be received and noted”.

e. Strategies & Resources Committee – 24 January 2012

It was moved by Councillor Mr P Sanders, seconded by Councillor Mr J McInnes and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 24 January 2012 meetings be received and noted, with the exception of unstarred minutes S&R 38 and S&R 41”.

In respect of the Unstarred Minutes:

i. S&R 38 – New Website

It was moved by Councillor Mr P Sanders and seconded by Councillor Mr J McInnes and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:-

1. Expenditure required to proceed with procurement and implementation of the new website be approved; and
2. The cost of the new website be funded from the existing budget of £35,000 within the approved Capital Programme for 2011/12, plus an additional bid for £5,000 to the Capital Programme for 2012/13.”

ii. **S&R 41 – New Revenue and Benefits Software Contract**

It was moved by Councillor Mr P Sanders and seconded by Councillor Mr J McInnes and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:-

1. The project be added to the Capital Programme for 2012/13; and
2. The cost of the new system be funded from the Revenue and Benefits Earmarked Reserve, plus an additional bid to General Fund Earmarked Reserves.”

CM 58 GENERAL FUND REVENUE BUDGET 2012/13

The Head of Finance and Audit presented a report (page 51 to the agenda refers) which informed Members of the progress in the preparation of the General Fund budget for 2012/2013 and set out the recommendations from the Strategies & Resources Committee (Minute S&R 35 refers).

In her introduction, the Head of Finance and Audit made an addition to recommendation 9 of the report which had been tabled to the meeting and read as follows:-

‘A consequential General Fund Budget Requirement for 2012/13 of £7,329,105 as shown in Section 6.3 which equates to a Council Tax requirement for the Billing Authority, excluding local precepts, of £4,139,769.’

The recommendations on the report (including the proposed addition to recommendation 9) were subsequently moved en bloc by Councillor Mr P Sanders and seconded by Councillor Mr J McInnes.

In discussion, a lengthy debate ensued in respect of whether the Council should take advantage of the Council Tax Freeze Grant for 2012/13 which was on offer from Central Government.

In arguing that the Council should accept the Freeze Grant on offer, some Members made reference to:-

- the financial struggles being faced by residents due to the current economic situation;
- the possibility of those local authorities who accept the Freeze Grant being further rewarded in the future; and
- the comments of the Secretary of State in relation to local authorities having no credible reason not to accept the Freeze Grant on offer.

Whilst accepting these points, other Members took the alternative view that the Council should set a 2.5% increase in Council Tax. In so doing, these Members highlighted that:-

- if the Freeze Grant were accepted, there was likely to be a £100,000 shortfall in the base budget from 1 April 2013. As an already lean authority, it was considered almost inevitable that this would have to result in a cut to some Front Line Services. As a consequence, some Members felt that a 2.5% increase in Council Tax (9p per week on a Band D Property) would actually be in the longer term interests of local residents;
- there was a lack of headroom in the budget, with reference made to the level of reserves held by the Council being just in line with the minimum level required by the Audit Commission; and
- the precarious and uncertain position in respect of the proposed changes in Central Government Grant Funding and localisation of business rates.

Following this debate, and in accordance with Council Procedure Rule 19 Part 5, a recorded vote was called for in relation to part 1 only of the motion. The voting on the motion was recorded as follows:-

For the motion (24):- Cllrs Mrs Bailey, Mr Baldwin, Mr Benson, Mr Cann OBE, Mr Cloke, Mrs Ewings, Mrs Hall, Mr Hockridge, Mr Horn, Mr Leech, Mrs Marsh, Mr McInnes, Mr Morgan, Mr Morse, Miss Moyse, Mr Musgrave, Mr Oxborough, Mr Pearce, Mr Ridgers, Mrs Rose, Mr Sampson, Mr Sanders, Mrs Sellis and Mr Whitcomb.

Against the motion (3):- Cllrs Mrs Clish-Green, Mr Sherrell and Mr Wilde.

Abstentions (1):- Cllr Mr Harper.

Absent (2):- Cllrs Mr Ball and Mr Hill.

and this part of the motion was therefore declared **CARRIED**.

The remaining parts of the motion were then voted en bloc and upon being submitted to the Meeting, it was declared to be **CARRIED** and **“RESOLVED** that Members agree:

1. To set a 2.5% increase in Council Tax for 2012/2013 (the Band D Council Tax for West Devon Borough Council will be £196.95 for 2012/13, an increase of £4.80 per year or 9 pence per week) as per Section 5.6;
2. That the financial pressures in Appendix A should be accepted (total of £197,500).
3. To agree the schedule of savings identified in Appendix A, totalling £469,398.

4. To agree to use £200,000 of funding from the New Homes Bonus Scheme as per 7.5.
5. To agree the details set out in Section 4.8 on the fees and charges which the Council has the discretion to levy.
6. To set a target for additional savings from shared services of £50,000 for 2012/2013 as per Section 4.5.
7. To allocate £40,250 of the New Homes Bonus to the Dartmoor National Park Authority.
8. The Discretionary bids should be accepted (as shown in Appendix A totalling £12,500).
9. A consequential General Fund Budget Requirement for 2012/2013 of £7,329,105 as shown in Section 6.3, which equates to a Council Tax requirement for the Billing Authority, excluding local precepts, of £4,139,769.
10. That the minimum level of unearmarked reserves be maintained at £700,000.
11. That the level of reserves and the assessment of their adequacy and the robustness of budget estimates be noted. This is a requirement of Part 2 of the Local Government Act 2003.”

CM 59 CAPITAL PROGRAMME 2012/13 TO 2014/15

In presenting the report, the Head of Finance and Audit requested that consideration of this agenda item now be deferred to a future meeting of Council, which would be held before 31 March 2012.

To clarify the reasons why this deferral was requested, the Head of Finance and Audit advised that it would be necessary to discuss the exempt appendix.

Therefore, it was then **RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the under-mentioned item of business on the grounds that exempt information may be disclosed as defined in paragraph 3 from Part I of Schedule 12(A) to the Act.

Having asked a number of questions in relation to the exempt appendix, it was then proposed, seconded and agreed to re-admit members of the public to the meeting.

At this point, it was moved by Councillor Mr P Sanders and seconded by Councillor Mr J McInnes and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:-

the Council reconsider this agenda item at a future Council meeting, which will be convened to take place before 31 March 2012'.

CM 60 DEMOCRATIC ARRANGEMENTS

The Chief Executive presented a report which outlined the proposal of the Working Group to adopt alternative democratic arrangements, initially on a one year trial period.

The recommendations on the report were subsequently moved en bloc by Councillor Mrs M Ewings and seconded by Councillor Mr W Cann OBE.

In discussion, particular reference was made to:-

- the overriding wish of a number of Members now to reach a decision on this matter;
- the proposal that it be made clear that there would not be any move towards Executive/Cabinet arrangements for the life of the administration being welcomed;
- the wish to strengthen the Overview and Scrutiny function also being welcomed;
- the importance of all Members continuing to play a role and being involved in the democratic process; and
- concerns raised at the proposal to make it a requirement for Audit Committee Members to be drawn solely from the Overview and Scrutiny Committee. In light of these concerns, Cllr Mrs D Sellis proposed an amendment to the motion, which was seconded by Cllr Mr J McInnes, whereby this part of the proposal should be deleted and upon being submitted to the Meeting, it was declared to be **CARRIED** and **“RESOLVED** that:-

(1) as from the Annual Council meeting in May, the following is piloted for a one year period:

- 2 Committees with functions set out at Appendix B be introduced with 11 places on the Resources Committee and 10 on the Community Services Committee;
- That the Committees meet six times per year on a two-monthly cycle with the Community Services Committee preceding the Resources Committee; and
- That membership of the Overview & Scrutiny Committee be increased to 10 Members and makes more use of its current powers to enable it to form Task & Finish Groups to develop or review Policies.

(2) to avoid any misunderstanding, it again be made clear that there will not be any move to Executive/Cabinet arrangements for the life of the Administration.”

CM 61 COMMON SEAL

A copy of the documents signed by the Mayor during the period between 24 November 2011 and 31 January 2012 was attached to the agenda (page 104 refers) and noted by the Meeting.

It was then moved by Councillor Mr D Horn, seconded by Councillor Mr J McInnes 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".

(The Meeting terminated at 6.15 pm)

Dated this 23rd February 2012

Mayor