

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.

- |   | <b>Page No.</b> |
|---|-----------------|
| 1. Apologies for absence  |                 |
| 2. Declarations of Interest<br>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                     | 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) <b>Planning &amp; Licensing Committee</b><br>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

A handwritten signature in black ink, appearing to read "R. Heard". The signature is written in a cursive, slightly slanted style.

Chief Executive

# West Devon Borough Council Members' Code of Conduct

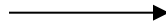
## Declarations of interest

**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

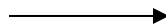
If you have a **Personal** interest you must **declare** it (and **the nature of the Interest**) at the meeting before the matter is discussed or as soon as you become aware of it, unless an exemption applies (see over page).



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.



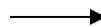
Do you have **Prejudicial** interest?



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