

At a Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **17TH** 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 IINITIAL 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)