

At an extraordinary Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **15TH** day of **MAY 2012** at **3.00pm** pursuant to Notice given and Summons duly served.

Present

Mr C R Musgrave – Mayor	
Mr W G Cann OBE – Deputy Mayor	
Mrs S C Bailey	Mr R E Baldwin
Mr M J R Benson	Mrs A Clish-Green
Mr D W Cloke	Mrs M V L Ewings
Mrs C Hall	Mr T J Hill
Mr L J G Hockridge	Mr D W Horn
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	Mrs L B Rose
Mr R F D Sampson	Mr P R Sanders
Mrs D K A Sellis	Mr E H Sherrell
Mr D Whitcomb	

Chief Executive
Corporate Director (AR)
Democratic Services Manager
Head of Planning, Economy and Community
Development Manager
Strategic Planning Manager
Deputy Monitoring Officer

CM 23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mr K Ball, Mr P J Ridgers and Mr D M Wilde.

CM 24 DECLARATIONS OF INTEREST

There were no declarations of interest made to the meeting.

For absolute clarity, Cllr Mr P R Sanders advised that he had sought advice from the Deputy Monitoring Officer and whilst he was named in the recommendation of agenda item 5 (Potential High Court Application in Relation to the Former Focus DIY Store, Tavistock Retail Park, Plymouth Road, Tavistock), he did not need to declare an interest in this matter.

CM 25 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

POTENTIAL HIGH COURT APPLICATION IN RELATION TO THE FORMER FOCUS DIY STORE, TAVISTOCK RETAIL PARK, PLYMOUTH ROAD, TAVISTOCK

It was moved by Councillor Mr C R Musgrave, 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 Part 5 – information in respect of which a claim of legal professional privilege may be maintained – from Part I of Schedule 12(A) to the Act.”

The Head of Planning, Economy and Community proceeded to introduce the report and reminded Members that the matter was being re-considered by Council following a deferral of the decision on 17 April 2012, pending receipt of the Council's retail study (Minute CM 87 refers).

The following motion was then proposed by Councillor Mr P R Sanders, seconded by Councillor Mr R E Baldwin:-

1. *To support and consent to an application to be brought by Cllr Philip Sanders in Judicial Review proceedings in the High Court to challenge and quash planning permission reference 01575/2011 dated 11 July 2011 relating to the former Focus DIY Store, Tavistock Retail Park, Plymouth Road, Tavistock;*
2. *To authorise the Monitoring Officer to act for Cllr Sanders in the proceedings;*
3. *To indemnify both Cllr Sanders as the claimant and the Monitoring Officer as his solicitor for all costs, expenses and claims on their behalf and against them both in the proceedings and consequent upon them;*
4. *To fund the costs of the judicial review from General Un-earmarked Reserves as set out in Section 8 of the presented agenda report;*
5. *To organise a meeting with the County Council as a priority to seek their support for the Council's Retail Strategy for Tavistock and the future use of the site; and*
6. *That delegated authority be granted to the Head of Planning, Economy and Community, in consultation with the Deputy Leader and the Chairman of the Planning and Licensing Committee, to review the situation once a ruling has been made on the extension of time.*

Following a lengthy debate, and in accordance with Council Procedure Rule 19 Part 5, a recorded vote was called for on the motion. The voting on the motion was recorded as follows:-

For the motion (15):- Cllrs Mrs Bailey, Mr Baldwin, Mr Benson, Mrs Hall, Mr Horn, Mrs Marsh, Mr McInnes, Mr Morse, Miss Moyse, Mr Musgrave, Mr Oxborough, Mrs Rose, Mr Sanders, Mrs Sellis and Mr Whitcomb.

Against the motion (11):- Cllrs Mr Cann OBE, Mrs Clish-Green, Mr Cloke, Mr Hill, Mr Hockridge, Mr Leech, Mr Moody, Mr Morgan, Mr Pearce, Mr Sampson and Mr Sherrell

Abstentions (1):- Cllr Mrs Ewings

Absent (3):- Cllrs Mr Ball, Mr Ridgers and Mr Wilde

and the motion was therefore declared **CARRIED**.

CM 27 CONSIDERATION OF CURRENT AND FUTURE LEISURE CONTRACT – UPDATE FOLLOWING INITIAL CONSIDERATION BY COUNCIL ON 27 MARCH 2012

An exempt report was considered which updated Members on the current and future leisure contract.

The following motion was then proposed by Councillor Mr R J Oxborough, seconded by Councillor Mr P R Sanders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:-

1. Council authorises urgent capital expenditure at Meadowlands of up to £335,000 (as provisionally allocated in the Capital Programme), to ensure continuity of service delivery until the end of the current contract period; and
2. The Council begins a formal review of leisure provision to establish the future level of service delivery, including the affordability of the options available post 2014, taking account of the views of key stakeholders”.

CM 28 RE-ADMITTANCE OF PRESS AND PUBLIC

It was moved by Councillor Mr C R Musgrave, seconded by Councillor Mr W G Cann OBE 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”.

(The Meeting terminated at 4.45 pm)

Dated this 24th day of July 2012

Mayor