

Please ask for: Tony Rose

Your ref:

Direct Line/Ext: 01822 813664

My ref AAR/Council.11.12.2012

email: arose@westdevon.gov.uk

Date: 3rd December 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 **11th** day of **DECEMBER 2012** at **4.30 pm**.

Prior to the Meeting, the Reverend Michael Brierley, Priest-in-Charge of Tavistock & Gulworthy has been invited to say prayers.

THE FOLLOWING BUSINESS IS PROPOSED TO BE TRANSACTED.

1. Apologies for absence
2. Declarations of Interest
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

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3. To approve and adopt as a correct record the Minutes of the regular Meeting of the Council held on 2nd October 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

To consider the following motion submitted by Cllr K A Clish-Green:

“This Council wishes the Secretary of State for Communities and Local Government to note the following:

West Devon Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make;

West Devon Borough Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they may be concerned with.
- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA;

This council however welcomes other parts of the stimulus package including:

- £300 million to provide 15,000 affordable homes across the country
- An extension of the refurbishment programme to bring an extra 5,000 empty homes back into use
- £280m for First Buy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes
- Up to £10bn of guarantees to housing associations, property management companies and developers which will be able to use the guarantees to secure lower borrowing costs. This will lead to hundreds of thousands of extra rental homes being built.

In conclusion this council resolves to formally write to the Secretary of State for Communities and Local Government, outlining our opposition to the plans.”

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) **Audit Committee**
Meeting held on 25th September 2012 6
- Meeting held on 13th November 2012 10

Unstarred Minute to agree

Members are recommended to agree:

AC 21 Mid Year Prudential Indicator and Treasury Management Monitoring Report 2012-2013

RECOMMENDED that the report and the changes to the financing of the Capital Programme be noted.

- (ii) **Community Services Committee**
Meeting held on 30th October 2012 12

Unstarred Minute to agree:

Members are recommended to agree:

CS 24 Community-Led Planning Protocol

RECOMMENDED that the Community-Led Planning Protocol presented as Appendix A to the report be approved and adopted subject to the note bene sentence on page 60 being amended to read "The role of Officers and Members is to provide..." as the Council's procedure for managing community-led planning processes within the Borough.

CS 25 The National Planning Framework Review and Future Work

- (iii) **RECOMMENDED** that that the Head of Planning, Economy and Community in consultation with the Strategic Planning Officer Member Group be authorised to publish the interim position statements.

- (iii) **Overview & Scrutiny Committee**
Meeting held on 16th October 2012 20

Unstarred Minute to agree:

Members are recommended to agree:

O&S 18 Draft Member Development Strategy

RECOMMENDED that the draft Strategy (as presented at Appendix B) be adopted.

(iv) Planning & Licensing Committee	
Meeting held on 9 th October 2012	25
Meeting held on 6 th November 2012	45
Meeting held on 4 th December 2012	To follow
(v) Resources Committee	
Special Meeting held on 30 th October 2012	52
Meeting held on 20 th November 2012	54

Unstarred Minute to agree:

Members are recommended to agree:

RC 28 Council Tax Support

RECOMMENDED that Council:

1. Adopt a LCTS for 2013/14 which continues to provide the same level of support to benefit claimants in line with current Council Tax Benefit. This is option 1 (proposed scheme);
2. Remove Second Adult Rebate;
3. Implement the following technical changes to Council Tax:
 - i. Removal of 10% second homes discount
 - ii. Reduction of Class C Exemptions from 6 months to 1 month
 - iii. Reduction of Class A Exemptions from 100% to 50%
 - iv. Apply an empty homes premium of 50% to all homes unoccupied and unfurnished for over 2 years
4. Instruct officers to start a process of review during 2013/14 to monitor the emerging national picture and best practice surrounding LCTS schemes agreed for year 1 to establish an appropriate scheme for year 2.

The Council Tax Support report as presented to the Resources Committee is attached for Members' information at Appendix A. 59

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| 10. | To receive the report of the Head of Finance & Audit on Business Rates Pooling in Devon | 68 |
| 11. | To receive the report of the Head of Finance & Audit on the temporary appointment of a Section 151 Officer to cover for maternity leave. | 73 |
| 12. | To receive the report of the Corporate Director (TW) on the outcomes of the Peer Challenge. | 78 |

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 28th September 2012 to 27th November 2012 is attached. 96

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

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 for the undermentioned item of business on the grounds that exempt information may be disclosed as defined in the paragraph given in brackets below from Part I of Schedule 12(A) to the Act.”

14. To receive the report of the Corporate Director (AR) on considering the future Leisure Provision Post 2014 – A Suggested Way Forward (Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)) 97

Dated this 3rd day of December 2012



Chief Executive