

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **12th** day of **FEBRUARY 2013** at **4.30pm** pursuant to Notice given and Summons duly served.

Present Cllr C R Musgrave – The Mayor (In the Chair)

Cllr S C Bailey	Cllr K Ball
Cllr R E Baldwin	Cllr M J R Benson
Cllr A Clish-Green	Cllr D W Cloke
Cllr M V L Ewings	Cllr C Hall
Cllr T J Hill	Cllr L J G Hockridge
Cllr D M Horn	Cllr A F Leech
Cllr J B Moody	Cllr N Morgan
Cllr M E Morse	Cllr D E Moyse
Cllr R J Oxborough	Cllr T G Pearce
Cllr P J Ridgers	Cllr L B Rose
Cllr R F D Sampson	Cllr P R Sanders
Cllr D K A Sellis	Cllr J Sheldon
Cllr E H Sherrell	Cllr D Whitcomb
Cllr D M Wilde	

Chief Executive
Monitoring Officer
Democratic Services Manager
Head of Finance and Audit
Head of Planning, Economy and Community

CM 64 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs W G Cann OBE, C M Marsh and J R McInnes

CM 65 DECLARATION OF INTEREST

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

CM 66 CONFIRMATION OF MINUTES

It was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson, and upon the motion being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Council agree the Minutes of the Meeting of Council held on 11 December 2012 as a true record.”

CM 67 COMMUNICATIONS FROM THE MAYOR

The Mayor advised that he wished to put on record his appreciation to those officers who had been involved in the tremendous work to ensure the recent launch of the new Council website.

CM 68 BUSINESS BROUGHT FORWARD BY THE MAYOR

The Mayor advised Members that he had two items of urgent business to be raised at this meeting. The first item related to the need to appoint two

Member representatives to serve on the Crowndale Recreational Association. This item was considered urgent due to the date constraints associated with this matter and would be taken as the next agenda item (Minute CM 69 below refers).

The second item related to recent correspondence received by the Council from the Lieutenancy Office regarding the 'Fly a Flag for the Commonwealth on 10 March 2014' initiative and this would be taken under minute CM 70 below.

CM 69 CROWDALE RECREATIONAL ASSOCIATION

As outlined above (CM 68 refers), the Mayor invited nominations to fill the two Council vacancies on the Crowndale Recreational Association.

It was then moved by Cllr R F D Sampson, seconded by Cllr P R Sanders, and upon the motion being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that Cllrs N Morgan and C R Musgrave be appointed to serve on the Crowndale Recreational Association for the remainder of the 2012/13 Municipal Year.”

CM 70 FLY A FLAG FOR THE COMMONWEALTH

As outlined above (minute CM 68 refers), the Mayor invited a proposal in respect of this initiative.

It was then moved by Cllr R F D Sampson, seconded by Cllr P R Sanders, and upon the motion being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that the Council take part in the 'Fly a Flag for the Commonwealth' initiative on 10 March 2014.”

CM 71 MINUTES OF COMMITTEES

a. Community Services Committee – 22 January 2013

It was moved by Cllr R J Oxborough, seconded by Cllr R F D Sampson, and upon being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 22 January 2013 meeting be received and noted, with the exception of Unstarred minute CS 32”.

In respect of the Unstarred Minute:

i. CS 32 – Continued Suspension of Car Parking Strategy In Respect of Pay & Display Charges

It was moved by Cllr R J Oxborough, seconded by Cllr R F D Sampson, and upon being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that the current suspension of the strategy for tariff setting only be continued to enable more flexibility when reviewing the Pay and Display charges for 2013/14.”

b. Overview & Scrutiny Committee – 15 January 2013

It was moved by Cllr D W Cloke, seconded by Cllr S C Bailey, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 15 January 2013 meeting be received and noted, with the exception of Unstarred Minute O&S31part (i) and O&S31part (ii)”.

In respect of the Unstarred Minutes:

i. O&S 31 part (i) – Two Committee Structure

The following motion was moved by Cllr D W Cloke and seconded that:

1. the current pilot (due to end in May 2013) be extended until the full Council meeting in December 2013; and
2. with immediate effect, the Chairmen and Vice-Chairmen of the Resources Committee and the Community Services Committee consider revising current working arrangements to ensure that the workload, particularly within the Community Services Committee, be more evenly spread amongst its Committee Members, including clarifying the roles of Lead Members, Champions and Working Groups.”

An amendment to the motion was subsequently moved by Cllr R F D Sampson and seconded by Cllr T G Pearce whereby the term ‘*with immediate effect*’ be deleted from part 2. Upon being submitted to the Meeting, this amendment was declared to be **CARRIED**.

As the substantive motion, it was then declared to be **CARRIED** and “**RESOLVED** that:

1. the current pilot (due to end in May 2013) be extended until the full Council meeting in December 2013; and
2. the Chairmen and Vice-Chairmen of the Resources Committee and the Community Services Committee consider revising current working arrangements to ensure that the workload, particularly within the Community Services Committee, be more evenly spread amongst its Committee Members, including clarifying the roles of Lead Members, Champions and Working Groups.”

ii. O&S 31 part (ii) – Member IT Provision

It was moved by Cllr D W Cloke, seconded by Cllr S C Bailey and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the draft Member IT Provision Policy be adopted.”

c. Planning and Licensing Committee – 8 January 2013

It was moved by Cllr L B Rose, seconded by Cllr D Whitcomb, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 8 January 2013 meeting be received and noted, with the exception of Unstarred minute P&L 68”.

i. P&L 68 – Review of Site Inspection Protocol

It was moved by Cllr L B Rose, seconded by Cllr D Whitcomb and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the protocol be approved and adopted and that the Monitoring Officer be requested to amend the Council’s Constitution accordingly”.

d. Resources Committee – 29 January 2013

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 29 January 2013 meeting be received and noted”.

For clarity, Cllr P R Sanders confirmed that, whilst Minutes RC 35 and RC 37 were indicated as being unstarred minutes, these matters were to be considered later in the agenda of this meeting (Minutes CM 72 and CM 73 below refer).

CM 72 CAPITAL PROGRAMME 2013/14

A report was considered that sought Member approval for the 2013/14 Capital Programme.

It was then moved by Cllr P R Sanders, seconded by Cllr B E Baldwin, and upon the motion being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that:-

1. the budget for the 2013/14 Capital Programme totalling £741,000 (as outlined in Section 2.1 of the presented agenda report) be approved; and
2. the proposed method of funding these Bids (as set out in Section 2.2 of the presented agenda report) be approved”.

CM 73 REVENUE BUDGET 2013/14

The Council considered a report which provided an updated forecast of the financial situation for the Revenue Budget for 2013/14 and presented a set of recommendations in respect of setting a balanced budget.

In presenting the report, the Head of Finance and Audit updated Members that the Council had been advised that it would be in receipt of a one-off grant for rural areas entitled ‘Efficiency for Support in Sparse Areas’. Whilst the matter was still to be debated by Parliament the day after this meeting, indications were that the Council would receive an additional grant sum of £45,559.

In discussion, reference was made to:-

- a) the essential car user allowance. The Chairman of the Devon Building Control Partnership made reference to the substantial difficulties which were likely to be caused within the Building Control service if the proposed saving was agreed. In reply, assurances were given that, assuming these officers had been included in this category, then the Council would look at the situation and do its best to support these staff members;
- b) the proposed 1.9% increase in Council Tax. In citing the current economic climate, a Member advised of his strong opposition to the proposed increase. Whilst Members did not wish to recommend any increase in Council Tax, such was the seriousness of the settlement announcement from Central Government (e.g. it would be necessary to remove £728,000 from a total budget of £7.1 Million on 1 April 2014), then it was vital to increase the Council Tax to ensure the future viability of the Council.
- c) Members raised the perception amongst some residents that the proposed increase was being applied to offset the cost of recent legal action. Other Members refuted this, pointing out that the costs of the legal action were already accounted for as one off expenditure and the Council Tax increase covers ongoing running costs.
- d) a Member encouraging the Leader to write to Mr Eric Pickles MP to point out the fundamental flaws associated with the 2013/14 Council Tax Freeze Grant, which was being offered to local authorities.

It was then moved by Cllr P R Sanders, seconded by Cllr B E Baldwin, and upon the motion being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that:-

- (i) in order to set a balanced budget for 2013-14:
 - the proposed savings of £173,310 set out in Appendix G (of the presented agenda report) be adopted;
 - an increase in Council Tax of 1.9% (which equates to a Band D council tax of £200.69) be set which will raise an additional £28,818 over and above the Council Tax Freeze Grant level of £41,946 (paragraph 4.6 of the presented agenda report refers) – this equates to a Council Tax requirement of £3,797,213
 - an additional £153,076 of the New Homes Bonus Grant (on top of £200,000 already built in to budget assumptions) be used.
- (ii) the financial pressures in Appendix A of the presented agenda report (£435,930) be accepted.
- (iii) the schedule of savings identified in Appendix A of the presented agenda report (totalling £131,000) be agreed.

- (iv) £531,000 of New Homes Bonus funding from 2013-2014 be used to fund the 2013-14 Capital Programme as per Section 6.5 of the presented agenda report
- (v) the minimum level of the Unearmarked Revenue Reserves be maintained to £750,000 as per Section 7.2 of the presented agenda report
- (vi) the level of reserves (as set out within the presented agenda report) 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).
- (vii) £77,292 of the New Homes Bonus funding from 2012-13 (which currently remains unallocated) be allocated to an Invest to Save Earmarked Reserve as per Section 6.3 of the presented agenda report”.

CM 74

PLANNING ISSUES RELATING TO THE FORMER FOCUS DIY STORE, TAVISTOCK RETAIL PARK, PLYMOUTH ROAD, TAVISTOCK

The Council considered an information report which formally updated Members on the outcome of the High Court decision relating to the former Focus site, which set out an updated chronology of events and clarified the current planning status of the site.

The Head of Planning, Economy and Community updated the Members in respect of the estimated costs to the Council. The officer confirmed that the costs were expected to fall within the anticipated range of £40,000 - £50,000. In attempting to quash some rumours, the officer wished to stress that the Council was not liable for some of the amounts which were being speculated.

In discussion, the following points were raised:-

- (a) The officer confirmed that since the Council was in the process of negotiation, it was not possible to provide an end date for when the full costs would be known;
- (b) Some Members felt that an additional motion should be included in the resolution which referred the issue for an investigation by the Overview and Scrutiny Committee, but the Monitoring Officer advised that such a reference to the Overview and Scrutiny Committee was not within the Council's Rules of Procedure. In reply, other Members made reference to the fact that due democratic process had been followed in this regard and queried the appropriateness of such an investigation. Following a lengthy debate, it was felt that a 'lessons learned' exercise could be useful upon the conclusion of the whole process. As a consequence, the following addition was moved by Cllr R F D Sampson and seconded by Cllr P R Sanders that:

'The conduct of the application for leave to apply for Judicial Review and related issues warrants full investigation and when the full judgement is available, the Chief Executive shall advise the Council as to the appropriate means for carrying out this investigation.'

Having been moved by Cllr P R Sanders and seconded by Cllr B E Baldwin, the amended motion was submitted to the Meeting, and it was declared to be **CARRIED** and "**RESOLVED** that:

- a) the High Court decision to refuse an extension of time to seek to quash planning permission 01575/2011 on the former Focus site be noted;
- b) the conduct of the application for leave to apply for Judicial Review and related issues warrants full investigation and when the full judgement is available, the Chief Executive shall advise the Council as to the appropriate means for carrying out this investigation.
- c) the latest chronology of events be noted; and
- d) the current planning status of the site be noted".

CM 75

COMMON SEAL

A copy of the documents signed by the Mayor during the period 27 November 2012 to 30 January 2013 was circulated to Members and noted by the Meeting.

Despite having been given assurances by the Resources Committee, a Member expressed her concerns that there were Section 106 Agreements included on the record for which the local ward Member(s) had not been consulted.

It was then moved by Cllr E H Sherrell, seconded by Cllr R F D Sampson, 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 any documents for the forthcoming year".

(The Meeting terminated at 5.55 pm)

Mayor