

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **16th** day of **APRIL 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 R E Baldwin
Cllr M J R Benson	Cllr W G Cann OBE
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 A F Leech	Cllr C M Marsh
Cllr J R McInnes	Cllr M E Morse
Cllr J B Moody	Cllr N Morgan
Cllr D E Moyse	Cllr R J Oxborough
Cllr T G Pearce	Cllr P J Ridgers
Cllr R F D Sampson	Cllr D K A Sellis
Cllr J Sheldon	Cllr E H Sherrell
Cllr D Whitcomb	

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

CM 83 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs K Ball, D M Horn, L B Rose, P R Sanders and D M Wilde.

CM 84 CONFIRMATION OF MINUTES

It was moved by Cllr A Clish-Green, 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 26 February 2013 as a true record.”

CM 85 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.

Cllr C M Marsh declared a personal interest in Item 15: ‘Future Leisure Provision Post 2014 – Extension of Current Contract and Update on Emerging Opportunities’ (Minute CM 93 below refers) by virtue of being an OCRA Trustee and remained in the meeting and took part in the debate and vote on this item.

CM 86**COMMUNICATIONS FROM THE MAYOR**

The Mayor highlighted the celebrations associated with the 30th anniversary of the twinning association with Wesseling, Germany. In order to mark the occasion, the Mayor advised of the intention to send his counterpart in Wesseling a token of the Council's appreciation. In addition, the Mayor hoped that the action in relation to re-naming a room the 'Wesseling Room' could be done officially via video conference with representatives from Wesseling also being invited to attend this event.

CM 87**BUSINESS BROUGHT FORWARD BY THE MAYOR**

The Mayor advised Members that he had no items of urgent business to be raised at this meeting.

CM 88**MINUTES OF COMMITTEES****a. Community Services Committee – 26 February 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 26 February 2013 meeting be received and noted, with the exception of Unstarred minute CS 42".

With regard to minute CS 44 'Addressing the Impact of Retail Development in West Devon – Draft Supplementary Planning Document', it was noted that a report would be presented back to a future Committee meeting outlining the results of the consultation exercise.

In relation to CS 45 'Draft South and South West of Tavistock Masterplan Supplementary Planning Document (SPD)', a Member advised that he would be seeking an amendment to this minute prior to it being signed as a true and correct record at the next Committee meeting. The amendment would seek to reflect the comments of the Member regarding the need to preserve the land around the north east of Tavistock Station to enable the railway line to potentially be able to carry on to Okehampton Station.

In respect of the Unstarred Minute:

CS 42 – South Hams and West Devon Shared Local Plan

Whilst the Executive at South Hams District Council supported joint working and the efficient production of our Local Plans, it wished to see the production of two separate documents. Therefore, an amended recommendation 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:

1. a Local Plan for West Devon be prepared that would, on adoption, replace the existing adopted Local Development Documents; and

2. the Strategic Planning Member/Officer Working Group explores in more detail how much could be produced in common with South Hams, to make the progress as efficient and cost effective as possible without comprising the local distinctiveness, quality and timeliness of the West Devon Local Plan.”

b. Overview & Scrutiny Committee – 12 March 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 12 March 2013 meeting be received and noted, with the exception of Unstarred minute O&S 38”.

As a general point, a Member advised that the minutes did not reflect the fact that he was in attendance at this meeting. In response, it was confirmed that the minutes would be amended prior to being signed off as a true and correct record at the next meeting.

In respect of the Unstarred Minute:

O&S 38 – Review of the Connect Partnership and Related Delivery Arrangements

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 suggested way forward for the Connect Partnership and related delivery arrangements (as set out in paragraph 4 of the presented agenda report) be adopted.”

A Member reiterated her concerns that Members still did not know who the Lead Members were or their level of responsibility and again asked that this be circulated to all Members.

c. Planning and Licensing Committee – 5 March 2013 and 9 April 2013

It was moved by Cllr C M Marsh, seconded by Cllr D Whitcomb and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 5 March 2013 meeting and the 9 April 2013 meeting be received and noted”.

In respect of P&L 84 ‘Planning, Listed Building and Enforcement Reports Relating to the Northern Area of the Borough’, Cllr C M Marsh advised that with regard to application number 03275/2012 Land at SX4615 9756, Beaworthy, Devon, she would be proposing the following amendment to the minutes prior to them being signed off as a true and correct record as follows:

'That refusal reason 1 be amended to read: 'it would have a detrimental impact on the amenity of the property known as Moorlands.'

d. Resources Committee – 26 March 2013

It was moved by Cllr R E Baldwin, seconded by Cllr R J Oxborough, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 26 March 2013 meeting be received and noted, with the exception of Unstarred Minute RC 43”.

With regard to minute number RC 45 'Old Mill Site, Okehampton', a Member raised the point that, in the event of this land being sold, an agreement was in place for monies to be paid back to Okehampton Town Council which did not appear to be reflected in the original report. In reply, Cllr R E Baldwin advised that he would ensure that this point was investigated, with feedback provided to Members.

In respect of the Unstarred Minute:

RC 43 – Meeting the Financial Challenge

During the debate, the hope that innovative and creative solutions could be found to ensure that Tourist Information Centres could be kept open was stressed. In addition, to clarify the public perception regarding the filling of vacant posts, some minor amendments were suggested for incorporation into the proposed recommendation.

It was then moved by Cllr R E Baldwin, seconded by Cllr R J Oxborough, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that:

- (i) the broad thrust of the presented report be accepted to bridge the 2014/15 gap by a combination of measures including the use of New Homes Bonus; a presumption not to fill vacant posts, unless there is a good reason to, as they arise from 2013/14 and beyond and further efficiency savings;
- (ii) the following potential savings discussed at paragraph 3.4.3 of the presented report should be pursued to enable early notice to be given to affected staff, stakeholders and partners;
 - a) cessation of Borough Council funding to the TICs and officers to pursue alternative means of innovative service delivery
 - b) economy service reduction
 - c) discretionary rate relief

In addition, a further report be brought back to the Resources Committee outlining the overall impact of ending Giro payments, and the above list is not exhaustive and does not preclude additional initiatives for indentifying potential further savings or additional income; and

- (iii) Those elements of earmarked reserves and capital where expenditure trends or commitments indicate it is safe to do so be stripped out, as set in Appendix A to the presented agenda report, to free up New Homes Bonus.”

e. Standards Committee – 19 March 2013

It was moved by Cllr J R McInnes, seconded by Cllr M V L Ewings, and upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 19 March 2013 meeting be received and noted”.

CM 89

REVIEW OF THE PROCESS AND DECISIONS THAT LED TO THE JUDICIAL REVIEW JUDGEMENT RELATING TO THE FORMER FOCUS DIY STORE, TAVISTOCK RETAIL PARK, PLYMOUTH ROAD, TAVISTOCK

A report was considered which responded to the resolution from the Council meeting held on 12 February 2013 to the effect that ‘when the full Judgement is available, the Chief Executive shall advise the Council as to the appropriate means for carrying out an investigation’ (Minute CM 74 refers).

Members expressed their support for the review and assurances were given that the proposed scope (as outlined in the agenda report) was not an exhaustive list.

It was then moved by Cllr A Clish-Green and seconded by Cllr R F D Sampson and upon the motion being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that a review of the process and decisions that led to the unfavourable High Court Judgement be undertaken along the lines as outlined in the presented agenda report”.

CM 90

PAY POLICY STATEMENT 2013/14

The Council considered a report which set out the Council’s statutory obligation to adopt a pay policy statement in accordance with the provisions of the Localism Act.

It was confirmed that the 31 March deadline to determine this matter had been missed, however there were no consequences arising from this oversight.

It was then moved by Cllr R E Baldwin and seconded by Cllr R J Oxborough and upon the motion being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that the attached pay policy statement for 2013/14 be adopted”.

CM 91 MEETING SCHEDULE 2013/14

The Council considered the proposed meeting schedule for 2013/14. In so doing, Members recognised the potential need for an extraordinary meeting of Council to discuss the Boundary Review.

It was then moved by Cllr R F D Sampson and seconded by Cllr R E Baldwin and upon the motion being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that the Meeting Schedule for 2013/14 be adopted”.

CM 92 ESTABLISHMENT OF A POLITICAL STRUCTURES WORKING GROUP

The Chief Executive introduced a report which sought to establish a Political Structures Working Group until the end of the 2013/14 Municipal Year.

In response to some Member concerns regarding the proposed broadened scope of the Working Group, it was agreed that the Terms of Reference should be amended to ensure that its remit related to the Boundary Review and any related matters which may affect the democratic process.

It was then moved by Cllr R E Baldwin and seconded by Cllr T G Pearce and upon the motion being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. with immediate effect, a Political Structures Working Group be established until the end of the 2013/14 Municipal Year; and
2. the draft Terms of Reference (as outlined at Appendix A of the presented agenda report) be agreed, subject to the scope of the Working Group being amended to ensure that it only relates to the Boundary Review and any related matters which may affect the democratic process.”

CM 93 COMMON SEAL

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

A Member expressed her repeated concerns that once again 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”.

FUTURE LEISURE PROVISION POST 2014 – EXTENSION OF CURRENT CONTRACT AND UPDATE ON EMERGING OPPORTUNITIES

It was moved by Cllr R F D Sampson, seconded by Councillor Cllr M V L Ewings 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.”

In introducing the report, a Member advised of his intention to propose that recommendations four and five be deleted.

Following a detailed debate, during which the work of the officer project team was commended by a number of Members, it was then moved by Cllr R J Oxborough and seconded by Cllr R F Sampson and upon the motion being submitted to the meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. the extension of the leisure contract on the terms outlined in paragraph 2.2 of the presented agenda report be agreed;
2. the restructuring of the relationship between the Council, Leisure in the Community and Leisure Connection (as outlined in paragraph 2.6 of the presented agenda report and Appendix 3) be approved;
3. authority be delegated to the Corporate Director (AR) to agree the final details of the contractual changes, in consultation with the Chairman of the Resources Committee and the Chairman of the Community Services Committee to facilitate the above”.

(The Meeting terminated at 5.55 pm)

Mayor