

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **8th** day of **OCTOBER 2013** at **4.30pm** pursuant to Notice given and Summons duly served.

Present Cllr W G Cann OBE – The Mayor (In the Chair)

Cllr S C Bailey	Cllr R E Baldwin
Cllr K Ball	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 C M Marsh	Cllr J R McInnes
Cllr J B Moody	Cllr N Morgan
Cllr M E Morse	Cllr D E Moyse
Cllr C R Musgrave	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 J Sheldon
Cllr E H Sherrell	Cllr D Whitcomb

Chief Executive
Corporate Director (AR)
Head of Corporate Services
Monitoring Officer
Democratic Services Manager

CM 36 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs D K A Sellis and D M Wilde.

CM 37 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 38 CONFIRMATION OF MINUTES

It was moved by Cllr P R Sanders, seconded by Cllr R E Baldwin 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 30 July 2013 as a true record.

CM 39 COMMUNICATIONS FROM THE MAYOR

The Mayor made reference to his raffle tickets having now been printed and being on sale. The intention of the raffle was to raise monies for his chosen charities: Leukaemia & Lymphoma Research and North Dartmoor Hospiscare, with the draw taking place at the Annual Council meeting on 13 May 2014.

BUSINESS BROUGHT FORWARD BY THE MAYOR

The Mayor informed that he had agreed for two urgent items to be raised at this meeting. These items were entitled: 'Changes to the Political Composition of the Council' and 'National Park Governance Review' and both were considered to be urgent in light of the need to consider these matters before the next scheduled Council meeting.

(a) Changes to the Political Composition of the Council

A report was subsequently considered which sought to make necessary revisions to the membership of Council Committees for the remainder of the 2013/14 Municipal Year. In addition, the report also sought approval to update the Council Constitution to ensure that any future amendments to the political composition of the Council be formally reported to the next Council meeting.

Finally, the report also wished to highlight that the establishment of a fourth political group had implications upon the Scheme of Members' Allowances, which would necessitate the need to reconvene the Independent Remuneration Panel.

In discussion, the following points were raised:-

- A Member who had recently changed his political composition made a statement to the Council to explain his reasoning behind this decision; and
- The importance of the Independent Remuneration Panel looking at every aspect of the current Scheme of Members' Allowances was recognised.

It was then 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:

1. with immediate effect, the membership of Council Committees for 2013/14 be amended as outlined at paragraph 1.3 of the presented agenda report;
2. the Council Constitution be amended to ensure that it is a requirement for any future amendments to the political composition of the Council to be formally reported to the next meeting of the Council; and
3. in light of the most recent amendments to the political composition of the Council, the need to reconvene the Independent Remuneration Panel be noted".

(b) National Park Governance Review

Members considered a report that sought Council agreement to a suitable response to the Department for Environment Food and Rural Affairs (DEFRA) following their invitation to express views on changes to composition and size of the proposed Dartmoor National Park Authority (DNPA) structure to take effect from April 2014.

In discussion, it became apparent that a number of Members were very concerned that, despite West Devon having both the largest geographical area and population in the Dartmoor National Park area, the consultation paper was suggesting that the number of Borough Council Member representatives on the DNPA should be reduced from three to two.

As a consequence, it was moved by Cllr A Clish-Green, seconded by Cllr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. West Devon Borough Council agree with the proposal to reduce the membership of the Dartmoor National Park Authority from 22 to 19;
2. West Devon Borough Council agree with the proposed mix of membership for Dartmoor National Park Authority; and
3. In light of 45% of the West Devon Borough being located within the Dartmoor National Park area and 16,897 residents (approximately 31.5% of the total population of the Borough according to the 2011 census) living within the Dartmoor National Park area, West Devon Borough Council strongly objects to the proposal to reduce the number of our Members appointed on to the Dartmoor National Park Authority from three Members to two Members.”

CM 41

MINUTES OF COMMITTEES

a. Audit Committee – 23 July 2013

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 23 July 2013 meeting be received and noted, with the exception of Minutes AC 8, AC 10 and AC 11”.

In respect of the Unstarred Minutes:

i. AC 8 – System of Internal Control and Annual Governance Statement

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the draft Annual Governance Statement be approved”.

ii. **AC 10 – Treasury Management Strategy for 2013/14 to 2015/16, Minimum Revenue Policy Statement and Annual Investment Strategy for 2013/14**

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that each of the following key elements be approved:-

- The Prudential Indicators and Limits for 2013/14 to 2015/16 contained within Appendix A of the presented agenda report;
- The Minimum Revenue Provision (MRP) Statement contained within Appendix A and which sets out the Council’s policy on MRP;
- The Treasury Management Strategy 2013/14 to 2015/16 and the Treasury Prudential Indicators contained within Appendix B of the presented agenda report; and
- The Investment Strategy 2013/14 contained in the Treasury Management Strategy (Appendix B refers) and the detailed criteria included within Appendix C of the presented agenda report.”

iii. **AC 11 – Treasury Management – Annual Report 2012/13**

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Treasury Management – Annual Report for 2012/13 be noted.”

b. **Audit Committee – 17 September 2013**

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 17 September 2013 meeting be received and noted, with the exception of Unstarred Minute AC 20.”

In respect of the Unstarred Minute:-

i. **AC 20 – Audit of the Annual Statement of Accounts 2012/13**

It was moved by Cllr J B Moody, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:

- The ISA 260 Report – the Financial statements opinion and the Audit findings (as outlined at Section 2) be noted;
- The Letter of Representation as shown in Appendix 2 of the presented agenda report be approved; and
- The Financial Statements be approved.”

c. Community Services Committee – 10 September 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 10 September 2013 meeting be received and noted, with the exception of Unstarred Minutes CS 14 and CS 18”.

In respect of the Unstarred Minutes:

i. CS 14 – RENTplus – A New Model of Affordable Housing

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 Council adopts RENTplus as part of its Section 106 Agreement within the Housing Allocation Policy; and
- Both the Council and Devon Home Choice retain the Band E Category as many applicants for the RENTplus scheme would come into this category”.

ii. CS 18 – Operational Changes to the Off-Street Parking Places Order

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 amendments be made to the Council’s Off-Street Parking Places Order to be effect that:

- A coach parking fee be added to the Bedford Sawmills car park to the Order of £10 for all day parking and £5 for four hours and that the fee charge display board clearly shows that the fee is for both coaches and minibuses;
- The ‘grace’ period currently afforded to motorists be retained at 10 minutes;
- The area of land at Mill Road, Okehampton (as marked on the Land Registry map given at Appendix 1 of the presented agenda report) be added to the Order to enable for effective enforcement to be undertaken;
- The proposal to introduce a coach parking fee at the Bedford car park, Tavistock be deferred to enable suitable action to take place to encourage school bus operators to not use the dedicated coach parking area as a convenient place to park their coaches prior to the school contract runs and that a further report on the success of this be presented to a future meeting of the Community Services Committee; and
- The Order be updated to allow for enforcement to be undertaken in respect of motorists who pay for their parking via RINGGO, the pay by phone facility”.

- c. **Planning and Licensing Committee – 6 August 2013 and 3 September 2013**
It was moved by Cllr C M Marsh, seconded by Cllr M J R Benson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 6 August 2013 and 3 September 2013 meetings be received and noted”.
- d. **Resources Committee – 23 July 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 23 July 2013 meeting be received and noted”.
- e. **Resources Committee – 17 September 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 17 September 2013 meeting be received and noted, with the exception of Unstarred Minutes RC 10, RC 13 and RC 17”.
- i. **RC 10 – Medium Term Financial Strategy 2014/15 to 2017/18**
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:
- (1) The Financial Strategy be accepted as a foundation document for the Council’s budget setting process;
 - (2) The minimum level of the Unearmarked General Fund Revenue Reserves be maintained to at least £750,000 (the current level stands at £1,030,000);
 - (3) Members have provided a set of ‘minded to’ views in order to guide the 2014/15 budget process:-
 - (a) On the level of Council Tax Support Grant to be passed on to Parish and Town Councils (being the percentage reduction on the Council’s government funding for 2014/15 – currently 13.66%); and
 - (b) To increase Council Tax by 1.9%.
 - (4) A letter be sent from the Borough Council to the Secretary of State Mr Eric Pickles following receipt of the Minister’s decision on the Transformation Grant Fund stating strong support for the letter previously sent to him by Devon County Council Leader Cllr John Hart dated 30 August 2013 and which sets out West Devon Borough Council’s achievements in relation to shared services and confirms that we are facing the same problems of stringent cuts and the threat to our ability to continue to provide services for our community, either individually or in combination with other Devon districts.”

ii. **RC 13 – Corporate Sponsorship Framework**

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:

- (i) The Framework document be approved (as presented as Appendix A to the report) to be used by Service areas in maximising sponsorship opportunities;
- (ii) Sponsorship opportunities below the value of £10,000 be agreed through use of the Framework by the relevant Chairman and Vice-Chairman in conjunction with the appropriate Head of Service, with larger opportunities being presented to the Resources Committee on a case by case basis.

iii. **RC 17 – Five Year Land Supply Statement 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:

- (a) The Council has 5.4 years of housing land supply as evidenced in the Five Year Land Supply Statement 2013; and
- (b) The Five Year Housing Land Supply Statement 2013 be published on the Council’s website.

CM 42

THE FOCUS REVIEW

A report was considered which presented the findings of the Focus Review Working Group.

In discussion, the following points were raised:-

- (a) A number of Members stated that they wholeheartedly supported the recommendations of the Working Group. In so doing, a number of Members also wished to put on record their thanks for all the hard work undertaken by the Working Group and the Member Services Manager;
- (b) The view was expressed that, out of courtesy, local ward Members and Committee Chairmen should be informed when key meetings were taking place;
- (c) As a general point, a Member requested that the Retail Study be subject to a review in the near future.

It was then moved by Cllr C R Musgrave, seconded by Cllr R F D Sampson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. A protocol be put in place to guide working practices between the Legal and Planning Departments;
2. Bi-monthly meetings between the Head of Planning, Economy and Community and the Link Lawyer, and monthly meetings between the Development Manager and the Link Lawyer should be recorded/noted;
3. In cases where Judicial Review (or other serious litigation proceedings) are contemplated by the Council, or brought against the Council, there needs to be an initial meeting of senior officers and regular face-to-face meetings to ensure that matters are dealt with promptly and all issues fully explored;
4. On any occasion where officers feel it necessary to brief Members on a significant issue which has legal, financial or reputational impact, a file note should be made and kept;
5. Early consideration should be given by the Head of Planning, Economy and Community to the public interest in these cases, so that the local Ward Member(s) and other key Members are properly informed. Agreement can then be reached on the level of input required of Members;
6. Reports presented to Members should include all options and an explanation of the potential impact and merits of each option.”

CM 43

ELECTORAL REVIEW OF WEST DEVON – CONSULTATION EXERCISE ON COUNCIL SIZE

Members considered a report which asked the Council to submit a response to the Local Government Boundary Commission for England (LGBCE) during the public consultation exercise on its initial views on Council size (e.g. number of Members elected) to serve on West Devon Borough Council from the May 2015 Local Elections.

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

1. The Council supports the initial views of the Local Government Boundary Commission for England whereby the Council Size for West Devon Borough Council should be retained at 31; and
2. Based upon this decision on Council Size, delegated authority be granted to the Head of Corporate Services to respond on behalf of the Council to the Local Government Boundary Commission for England before the deadline of Monday, 14 October 2013”.

CM 44**STRATEGIC RISK ASSESSMENT – SIX MONTHLY UPDATE**

The Council considered a report which provided an update on the Risk Management Policy. Such was the importance of adequate risk consideration, a version of this report had previously been considered by the Audit Committee, which had resolved that the matter should also be presented to the Council (Minute AC 17 refers).

It was then 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 strategic risks have been reviewed and the Council has been given the opportunity to determine whether any further action should be taken, with the objective of improving corporate risk management.”

CM 45**COMMON SEAL**

A copy of the documents signed by the Mayor during the period 23 July 2013 to 20 September 2013 was attached to the agenda (page 96 refers) and noted by the Meeting.

It was subsequently moved by Cllr M V L Ewings, 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 5.45 pm)

Mayor