

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **17<sup>th</sup>** day of **DECEMBER 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 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 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 D K A Sellis
Cllr J Sheldon	Cllr E H Sherrell
Cllr D Whitcomb	

Senior Management Team  
Monitoring Officer  
Democratic Services Manager

**CM 50 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs C Hall, N Morgan and D M Wilde.

**CM 51 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 52 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 8 October 2013 and the Minutes of the Special Meeting of the Council held on 4 November 2013 as a true record.”

**CM 53 COMMUNICATIONS FROM THE MAYOR**

The Mayor made reference to:-

- the recent announcement from the Chief Executive that he was to retire on 31 March 2014. On behalf of the Council, the Mayor extended his wishes to the Chief Executive for a healthy and happy retirement;
- the Members' Room being renamed the 'Wesseling Room', to mark thirty years of twinning with a German town. In particular, the Mayor

- wished to thank Cllr Musgrave for his efforts in ensuring that this significant anniversary was recognised;
- the Boundary Review. Members were reminded that the process had now reached the consultation on draft warding arrangements phase based upon a Council Size of 31. Whilst the Council Size was proposed to be retained at 31, it was stressed that in light of the current electoral inequalities within Council wards, the existing warding arrangements would need to change. In emphasising the importance of fellow Members taking this Review seriously, it was agreed that the following process should be adhered to before the Commission deadline of 3 February 2014:
    - o 12 noon on Friday, 10 January 2014 – deadline for Member submissions to the Council;
    - o 2.00pm on Monday, 13 January 2014 – an all Member workshop to consider the submissions;
    - o 11.30am on Tuesday, 14 January 2014 – consideration by the Political Structures Working Group; and
    - o 11.00am on Tuesday, 28 January 2014 – Special Council meeting to consider the recommendations of the Working Group.

## **CM 54**

### **BUSINESS BROUGHT FORWARD BY THE MAYOR**

The Mayor informed that he had agreed for one urgent item to be raised at this meeting, which related to consideration of the Resources Committee minutes of the meeting held on 10 December and specifically Unstarred Minute RC 24 (Council Tax Support). This item was deemed urgent in light of the need to make a decision on this matter before the next scheduled Council meeting.

#### **a. Resources Committee – 10 December 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 10 December 2013 meeting be received and noted.”

In respect of the Unstarred Minute:

#### **i. RC 24 – Council Tax Support**

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 implementation of the proposed cost neutral local Council Tax Reduction scheme for 2014/15 be agreed, with the scheme introducing the following changes:

- 80% maximum liability restriction meaning that working age claimants pay a minimum of 20% towards their Council Tax bill;
- A property valuation Band D restriction meaning that working age claimants living in larger properties do not receive

greater levels of support than those living in smaller properties; and

- An exception hardship fund to help those claimants experiencing severe financial difficulties”.

## CM 55

### MINUTES OF COMMITTEES

#### a. **Community Services Committee – 12 November 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 12 November 2013 meeting be received and noted.”

#### b. **Overview and Scrutiny Committee – 29 October 2013**

It was moved by Cllr M V L Ewings, seconded by Cllr D E Moyse and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 29 October 2013 meeting be received and noted”.

#### c. **Planning and Licensing Committee – 1 October 2013 and 5 November 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 1 October 2013 and 5 November 2013 meetings be received and noted”.

## CM 56

### APPOINTMENT OF THE HEAD OF PAID SERVICE

A report was considered which sought the Council’s confirmation of the recommendations of the Appointments Panel and which outlined the reasoning behind the process adopted.

In introducing the agenda item, the Leader of Council provided a detailed update to the Council in respect of the steps which had been taken since the Chief Executive had announced his retirement. In so doing, the Leader informed that:-

- both he and the Leader of South Hams District Council had felt it important to react quickly to the announcement. The main drivers behind this view were the need to limit the uncertainty to the Senior Management Team (SMT) and all staff and the need to maintain the momentum of the T18 Programme;
- there were initially considered to be three options to replace the Chief Executive. These were: an internal recruitment process; an external recruitment process; and an external temporary agency replacement. As the interim appointment would be for a relatively short period of time, the Leaders concluded that an internal appointment would be the most desirable option;
- the proposed Executive Director model was increasingly commonplace in the public sector and there were a number of local authorities who had adopted this Model. In addition, the proposal would present an opportunity to test a different approach to our structure;

- the proposed model would see the two existing Corporate Directors become Executive Directors, with there being a further re-distribution of work amongst SMT;
- there was no competitive interview process for the Head of Paid Service role. Members noted that only one of the two Corporate Directors had expressed an interest in becoming the Head of Paid Service. The Appointment Panel (comprising of the Leader, Deputy Leader and Leader of the Main Opposition Group of both Councils) was re-convened on Monday, 16 December, with both Corporate Directors being interviewed;
- following these interviews, the Panel was unanimous in its recommendations whereby the Corporate Director (AR) should be appointed the Executive Director with an external focus and take on the role of Head of Paid Service, with the Corporate Director (TW) being appointed the Executive Director with an internal focus and being the lead for the T18 Programme;
- the Appointment Panel had concluded that the appointments should be fixed term secondments from 1 January 2014 to 31 December 2014, or earlier if the new senior management structure was put in place before this date. The proposed three month overlap before the Chief Executive retired on 31 March 2014 was considered to be an appropriate transition period by the Panel.
- in terms of remuneration, pay advice had been sought nationwide. As a result, the Panel was recommending that both Executive Directors be paid a salary of £85,000 per annum, with an additional £4,000 supplement paid to the Head of Paid Service to reflect the responsibilities associated with the role. When considering the current salaries of the Corporate Directors and the Chief Executive, there would be an additional cost of £4,838 to the Council between 1 January and 31 March 2014. However, this would be offset by the savings arising from the Chief Executive retiring on 31 March 2014, which would result in (assuming that the secondments remained in place until 31 December 2014) Council savings in the region of £39-40,000. The Leader also advised that a report may be presented to a future Council meeting which sought to uplift the salaries of some SMT members to reflect the taking on of some additional responsibilities.
- these recommendations would also be presented to South Hams District Council at its meeting on 19 December 2013.

(NOTE: following this introduction, the Corporate Director (AR) and the Corporate Director (TW) left the meeting room).

To enable the debate, the recommendations as outlined in the presented agenda report were moved by Cllr P R Sanders and seconded by Cllr R E Baldwin.

In discussion, the following points were raised:-

- (a) A number of Members wished to thank the Leader for his comprehensive introduction and expressed their support for the proposals;
- (b) Some Members expressed their concerns in respect of the start dates for the secondments. In stating their concerns, these Members felt that a three month transition period before the Chief Executive retired was excessive, particularly in light of the Council's financial predicament. To counter this view, other Members felt that the proposed length of the transition period was appropriate;
- (c) Two amendments were individually **PROPOSED** and **SECONDED** as follows:-
- Recommendation 1. That the Council endorses the move towards an Executive Director model as an interim measure *from 1 January 2014 until 31 December 2014, or such time when the new senior management structure is put in place (whichever is the earlier)*; and
  - A new recommendation 3. *That the Council delegates authority to the Chief Executive in consultation with the Leaders of both Councils to determine when the handover of the Head of Paid Service role takes place.*

(These amendments were accepted by the proposer and seconder of the original motion and were therefore incorporated into the substantive motion.)

- (d) Some Members also wished to put on record their concerns that they felt bounced into making such an important decision at this meeting. In addition, the view was expressed that the presented agenda report did not provide sufficient information to be able to take a decision at this meeting. In reply, the points in respect of the wish to act swiftly and the fast moving nature of this issue were reiterated.

It was then **“RESOLVED**:

1. That the Council endorses the move towards an Executive Director model as an interim measure from 1 January 2014 until 31 December 2014, or such time when the new senior management structure is put in place (whichever is the earlier);
2. That the Corporate Director (AR) and the Corporate Director (TW) be appointed to the roles of Executive Directors on the terms as outlined in the minutes above, with the Corporate Director (AR) also being assigned the role of Head of Paid Service; and
3. That the Council delegates authority to the Chief Executive in consultation with the Leaders of both Councils to determine when the handover of the Head of Paid Service role takes place.”

**CM 57****THE TWO COMMITTEE PILOT REVIEW**

A report was considered which sought to extend the Two Committee Pilot until the time when any changes were required to the future governance structure of the T18 model, which would be introduced post May 2015.

In discussion, the Chairman of the Political Structures Working Group confirmed that the Group did not specifically consider the establishment of a second Overview and Scrutiny Committee to mirror the Resources and Community Services Committees. The Group had concluded that the previous imbalance in Committee workloads had now been rectified and it was felt unwise to make any further changes until the T18 Programme was at a point when it was necessary to reconsider the governance arrangements.

It was then moved by Cllr J R McInnes, seconded by Cllr R J Oxborough and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Two Committee Pilot has been considered and should be extended until any governance changes are required which arise from the T18 Programme.”

**CM 58****BUSINESS RATES POOLING IN DEVON**

A report was considered that requested delegated authority for the Section 151 Officer (Head of Finance and Audit), in consultation with the Leader, Deputy Leader and Senior Management Team, to make a decision on whether the Council should remain in the Devonwide Business Rates Pool for the financial year 2014/15.

It was then 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 delegated authority be given to:

1. the Section 151 Officer (the Head of Finance and Audit), in consultation with the Leader, Deputy Leader and Senior Management Team, to make a decision for the Council on remaining in the Devonwide Business Rates Pool for the financial year 2014/15, in the light of the announcements due at the end of December 2013 regarding the finance settlement; and
2. the Section 151 Officer (the Head of Finance and Audit), in consultation with the Senior Management Team, to approve the content of the NNDR1 return (estimate of business rates income) for the Council for 2014/15, as set out in Section 3.4 of the presented agenda report.”

**CM 59            PRESENTATION TO MR CRISPIN CHAMBERS**

The Mayor presented Mr Crispin Chambers from Tavistock College with a framed certificate in recognition of winning the Pearson Teaching Awards 'Teacher of the Year in a Secondary School' accolade. On behalf of the Council, the Mayor wished to congratulate Mr Chambers on this outstanding achievement.

**CM 60            COMMON SEAL**

A copy of the documents signed by the Mayor during the period 2 October 2013 to 4 December 2013 was attached to the agenda (page 55 refers) and noted by the Meeting.

It was subsequently moved by Cllr M V L Ewings, seconded by Cllr D K A Sellis 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 6.15 pm)