

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **18th** day of **FEBRUARY 2014** at **4.30 pm** 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 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 D E Moyse	Cllr C R Musgrave
Cllr R J Oxborough	Cllr T G Pearce
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	

Head of Paid Service
Monitoring Officer
Democratic Services Manager
Head of Finance and Audit
Head of ICT and Customer Services

CM 65 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C Hall, T J Hill, M E Morse, P J Ridgers and D M Wilde.

CM 66 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 and these were declared as follows:-

Cllrs S C Bailey, M V L Ewings, J B Moody, J Sheldon, P R Sanders, E H Sherrell and D Whitcomb each declared a personal interest in Item 13 (Minute CM 74 below refers) by virtue of being Tavistock Town Councillors and remained in the meeting and took part in the debate and vote on this item.

Cllr C M Marsh also declared a personal interest in Item 13 (Minute CM 74 below refers) by virtue of being the Vice-Chairman of the Devon Historic Buildings Trust, which owned property in connection with the proposal and remained in the meeting and took part in the debate and vote on this item.

Cllr R J Oxborough declared a Disclosable Pecuniary Interest in Item 13 (Minute CM 74 below refers) by virtue of potentially being a direct beneficiary of the Initiative and left the meeting during the debate and vote on this item.

Cllrs M V L Ewings and R J Oxborough both declared a Disclosable Pecuniary Interest in Item 9 (Minute RC 40 specifically) (Minute CM 70(d) below refers) by virtue of potentially benefitting from the scheme and both Members left the meeting during the debate and vote on this recommendation.

Cllr A F Leech declared a personal interest in Item 9 (Minute RC 40 specifically) (Minute CM 70(d) below refers) by virtue of being a trustee of Dartmoor Life Museum and a trustee of the Ockmont Centre and remained in the meeting during the debate and vote on this recommendation.

Cllr C M Marsh declared a personal interest in Item 9 (Minute RC 40 specifically) (Minute CM 70(d) below refers) by virtue of being a trustee of OCRA and remained in the meeting during the debate and vote on this recommendation.

Cllr T G Pearce declared a personal interest in Item 9 (Minute RC 40 specifically) (Minute CM 70(d) below refers) by virtue of being a trustee of the Coronation Hall at Mary Tavy and remained in the meeting during the debate and vote on this recommendation.

Cllr W G Cann OBE declared a personal interest in Item 9 (Minute RC 40 specifically) (Minute CM 70(d) below refers) by virtue of being a trustee of the Village Hall Committee at South Zeal and remained in the meeting during the debate and vote on this recommendation.

CM 67 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 17 December 2013 and the Minutes of the Special Meeting of the Council held on 28 January 2014 as a true record.”

CM 68 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications which he wished to raise.

CM 69 BUSINESS BROUGHT FORWARD BY THE MAYOR

The Mayor informed that he had no items to bring forward to this meeting.

MINUTES OF COMMITTEES

a. Audit Committee – 10 December 2013

It was moved by Cllr D K A Sellis, seconded by Cllr J B Moody 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.”

b. Overview & Scrutiny Committee – 14 January 2014

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 14 January 2014 meeting be received and noted”.

c. Planning & Licensing Committee – 3 December 2013, 7 January 2014 and 4 February 2014

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 3 December 2013, 7 January 2014 and 4 February 2014 meetings be received and noted”.

In respect of P&L 49, a Member wished to express her concern at the need for an internal investigation to have taken place into planning application 00601/2013, which she felt had not shown the Council in a positive light.

d. Resources Committee – 28 January 2014 and 18 February 2014

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 28 January and 18 February 2014 meeting be received and noted”.

In respect of the Unstarred Minutes:

RC 36 – Authorisation for RIPA Applications to Magistrates Court

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**:

1. That the nominated officers listed in exempt Appendix A of the presented agenda report be authorised to represent the Council in applying for judicial approval to use covert techniques in the pursuance of a potential investigation; and
2. That authority be delegated to the Head of Paid Service to change the names of the authorised officers outlined in Appendix A of the presented agenda report.

RC 40 – Business Rates Retail Relief

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:**

1. That agreement be given to provide the Retail Relief Scheme for 2014/15, and to review the Scheme prior to 2015/16, in accordance with Central Government Guidance to support local businesses;
2. That the Head of ICT and Customer Service be authorised, in consultation with the Chairman of the Resources Committee, to decide on the details of the application and determination process; and
3. That agreement be given for registered charities to receive Retail Relief on top of the existing rate reliefs already available.

CM 71 REVENUE AND CAPITAL BUDGET PROPOSALS FOR 2014/15 TO 2017/18

A report was considered that provided an updated forecast of the budget situation for the year 2014/15 and a set of recommendations to Council in respect of setting a balanced budget. The forecast was intended to provide a framework within which decisions could be made regarding the future service provision and Council Tax levels whilst building an approach that guaranteed the Council's longer term viability.

In introducing the report, the Leader wished to advise that the Resources Committee did not feel able to reach a recommendation on whether or not to increase Council Tax at its meeting on 28 January 2014, in light of the information regarding the Council Tax Threshold for a referendum not being received from Central Government by this date. Since this information had now been received (whereby the Council Tax Threshold was 2%), the Leader believed that the Council should opt to increase Council Tax by 1.9%.

To enable the debate, the recommendations as outlined in the presented agenda report (with the exception that the option to agree a nil increase in Council Tax be deleted) were moved by Cllr P R Sanders and seconded by Cllr R E Baldwin.

In discussion, reference was made to:-

- (a) Recommendation 1. A number of Members expressed their disquiet that the Department for Communities and Local Government had put into place Regulations which had made it mandatory for councils to amend their Standing Orders so as to include provisions requiring recorded votes at Budget meetings. As a consequence, the following amendment to recommendation 1 was moved and seconded:

'That the Council formally writes to the Department for Communities and Local Government (DCLG) outlining our objections in respect of the Regulations making it mandatory for councils to undertake a recorded vote on any decision in relation to the budget or Council Tax.'

- (b) the proposal to increase Council Tax by 1.9%. In support of the proposal, a number of Members commented that the Central Government Council Tax Freeze Grant of 1% illustrated that the DCLG was out of touch and the amount proposed would not adequately compensate the Council, thereby resulting in a gap in the Council's finances. In addition, other Members felt that the majority of residents would accept the increase to ensure that Council services were maintained.

In contrast, another Member made the point that West Devon residents were suffering in the current economic climate and the perception of any increase in Council Tax resulted in him not being able to support the proposal.

In light of the view in relation to the 1% Council Tax Freeze Grant being derisory, the following amendment to recommendation 2 was moved and seconded:

'That the Council formally writes to the Department for Communities and Local Government (DCLG) outlining our objections at the attempts to bribe councils to freeze their Council Tax.'

Following a lengthy debate, and in accordance with Council Procedure Rule 19 Part 5, two recorded votes were called for. The first recorded vote was called for on part 2 only of the recommendation, with the second recorded vote being called for on parts 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the recommendation.

The voting on part 2 of the recommendation (i.e. that Council Tax was increased by 1.9%) was recorded as follows:-

For the motion (24): Cllrs Bailey, Baldwin, Ball, Benson, Cann, Clish-Green, Cloke, Ewings, Hockridge, Horn, Leech, Marsh, McInnes, Moody, Morgan, Moyse, Musgrave, Oxborough, Pearce, Rose, Sampson, Saunders, Sellis and Sheldon

Against the motion (2): Cllrs Sherrell and Whitcomb

Abstentions (0):

Absent (5): Cllrs Hall, Hill, Morse, Ridgers and Wilde

and the vote was therefore declared **CARRIED**.

The voting on parts 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the recommendation was recorded as follows:-

For the motion (25): Cllrs Bailey, Baldwin, Ball, Benson, Cann, Clish-Green, Cloke, Ewings, Hockridge, Horn, Leech, Marsh, McInnes, Moody, Morgan, Moyse, Musgrave, Oxborough, Rose, Sampson, Saunders, Sellis, Sheldon, Sherrell and Whitcomb

Against the motion (0):

Abstentions (0):

Absent (6): Cllrs Hall, Hill, Morse, Pearce, Ridgers and Wilde

and the vote was therefore declared **CARRIED**.

It was then **“RESOLVED:**

1. That the Council Constitution be amended to reflect the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 whereby it is now mandatory for councils to amend their Standing Orders to require recorded votes to be taken on the budget at the Council meetings, to be effective immediately. (Section 9 and Appendix G of the presented agenda report refers). In addition, that the Council formally writes to the Department for Communities and Local Government (DCLG) outlining our objections in respect of the Regulations making it mandatory for councils to undertake a recorded vote on any decision in relation to the budget or Council Tax.
2. That in order to set a balanced budget for 2014-15, an increase in Council Tax of 1.9% be agreed (which equates to a Band D council tax of £204.50 for 2014/15, an increase of £3.81 per year or 7 pence per week). This option equates to a Council Tax requirement of £3,923,435 (as shown in Appendix B1 of the presented agenda report). Furthermore, that the Council formally writes to the Department for Communities and Local Government (DCLG) outlining our objections at the attempts to bribe councils to freeze their Council Tax.
3. That the financial pressures in Appendix A of the presented agenda report of £350,000 be accepted.
4. That the proposed savings of £381,553 as set out in Appendix A of the presented agenda report be adopted.
5. That an additional £303,983 of New Homes Bonus Grant is used to balance the 2014-15 Budget. (This is in addition to the £353,076 of New Homes Bonus already built into the budget assumptions to be used for 2014-15).
6. That the 2014/15 Capital Programme projects totalling £841,000 be approved as per section 7.1 of the presented agenda report.
7. That the 2014/15 Capital Programme of £841,000 be financed by using £555,000 of New Homes Bonus funding, £186,000 of Government grant and £100,000 of Capital Resources (as per section 7.1 of the presented agenda report).
8. That £18,688 be transferred of the Council's allocation of New Homes Bonus for 2014/15 to an Earmarked Reserve called 'Community Investment Fund – Dartmoor National Park', to be applied for and drawn down by Dartmoor National Park as required. This amount is a one-off payment and the position will be considered annually by the Council as part of the budget process. The condition is that this is for use within the boundaries of the Borough Council only.

9. That the Council Tax Support Grant of £103,138 be passed onto Town and Parish Councils. (This is a reduction of 13.66% from 2013/14) as per section 4.3 of the presented agenda report.
10. That the minimum level of the Unearmarked Revenue Reserves be maintained to at least £750,000 as per Section 6.1 of the presented agenda report.
11. That 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.”

CM 72 PAY POLICY STATEMENT 2014/15

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

It was moved by Cllr R E Baldwin, 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 pay policy statement for 2014/15 be adopted.”

CM 73 APPOINTMENTS OF THE ELECTORAL REGISTRATION OFFICER AND THE RETURNING OFFICER

A report was considered which sought the Council’s confirmation of the recommendations of the Appointments Panel

It was moved by Cllr P R Sanders, seconded by Cllr A Clish-Green and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. Jan Montague be appointed as the Electoral Registration Officer and Returning Officer for West Devon Borough Council; and
2. Tracy Winser be appointed as the Deputy Electoral Registration Officer for West Devon Borough Council.”

CM 74 TAVISTOCK TOWNSCAPE HERITAGE INITIATIVE STAGE 2 BID

A report was considered that outlined the progress made during the development phase of the Tavistock Townscape Heritage Initiative (THI) scheme and which sought to delegate the approval of the final Stage 2 bid document to the Executive Director (Communities), in consultation with the Leader and Deputy Leader of Council.

It was moved by Cllr P R Sanders, seconded by Cllr A Clish-Green and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. progress towards the submission of a Stage 2 bid to the Heritage Lottery be noted, with approval of the final version of the bid document being delegated to the Executive Director (Communities), in consultation with the Leader and Deputy Leader of Council;
2. proposals be brought forward, as outlined in the presented agenda report, in respect of public realm improvements in Bank Square as part of the Tavistock THI Scheme, should there be sufficient funds in the scheme to enable those proposals to be progressed should Members still wish to pursue this project; and
3. commitment be confirmed to secure, if possible, up to £10,000 per annum from 2014/15 onwards to support the delivery phase, in the event of a successful Stage 2 Bid to the Heritage Lottery, to be funded from the remainder of the LABGI earmarked reserves, or from the Economic Development Grant Scheme, with the remainder to be bid for as a discretionary bid from 2015/16 onwards.”

CM 75

INCOME GENERATION OPPORTUNITIES

A report was considered that informed of the work being undertaken to date in progressing opportunities for West Devon Borough and South Hams District Council's to increase income through existing and new channels in the future.

In discussion, reference was made to:-

- the need for the Council to consider other ways of conducting its business and financing its services. In particular, the need for the Council to market its expertise and not be shy in competing against the private sector was emphasised;
- the importance of exploiting best practice from within other local authorities was recognised;
- the proposed Working Group needing to comprise of Members who not only had interest in the subject, but also the necessary time, enthusiasm, expertise and skill sets to drive this project forward.

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

1. officers proceed to identify income potential through charging powers and that these be pursued through existing work streams and under constitutional rulings wherever applicable;
2. an in-principle decision to form a trading company be made (as outlined at paragraphs 2.6, 2.7 and 2.8 of the presented agenda report) in order to allow the Council to pursue appropriate business avenues at commercially advantageous points;
3. officers gather quotes for professional external assistance to undertake market research looking at potential market opportunities which match our existing skill base and service provision with a view to a final work award being delegated to the Executive Director (Resources), in consultation with the Leader and Deputy Leader of Council, to a maximum value of £25,000;
4. sponsorship and advertising revenue potential be explored as detailed in paragraph 2.9 of the presented agenda report; and
5. A working group be created to explore the in-principle trading company, as well as individual business case concepts with officers in greater detail, reporting back to the Resources Committee.”

CM 76

COMMON SEAL

A copy of the documents signed by the Mayor during the period 19 December 2013 to 6 February 2014 was attached to the agenda (page 109 refers) and noted by the Meeting.

It was subsequently 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 Head of Paid Service (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 6.00 pm)