

At the Annual Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **13th** day of **MAY 2014** at **11.00am** 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 D M Horn
Cllr L J G Hockridge	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 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 Corporate Services
Monitoring Officer
Democratic Services Manager

CM 1 APPOINTMENT OF MAYOR

Cllr W G Cann OBE moved the appointment of Cllr C M Marsh as Mayor for the ensuing year and Cllr M J R Benson seconded the motion.

No other nominations were received and upon the motion being submitted to the meeting, it was declared to be **CARRIED** and “**RESOLVED** that Cllr C M Marsh be appointed Mayor for the ensuing year”.

The retiring Mayor and newly elected Mayor left the Council Chamber so that Cllr C M Marsh could be invested with the civic regalia. The retiring Mayoress, Mrs Cann, also invested Mrs Mott (Cllr Marsh’s daughter) with the Consort’s Badge of Office.

Upon returning to the Council Chamber, the newly elected Mayor, Cllr C M Marsh, made the declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr C M Marsh then chaired the rest of the meeting.

Cllr P R Sanders proposed a vote of thanks to the retiring Mayor. The proposition was seconded by Cllr R F D Sampson.

Cllr C M Marsh then invested Cllr W G Cann OBE and Mrs Cann with the Past Mayor’s and Past Mayoress’s Medallions.

The retiring Mayor, Cllr W G Cann OBE proceeded to address the meeting.

CM 2 APPOINTMENT OF DEPUTY MAYOR

The Mayor called for nominations for the position of Deputy Mayor.

One nomination was received as follows:

Cllr D W Cloke	proposed:	Cllr A Clish-Green
	seconded:	Cllr D K A Sellis

There being no other nominations it was declared to be **CARRIED** and **“RESOLVED** that Cllr D W Cloke be appointed as Deputy Mayor for the ensuing year”.

The Deputy Mayor then made the Declaration of Acceptance of Office and signed the register and the Mayor invested Cllr D W Cloke with the Deputy Mayor’s Insignia.

Cllr D W Cloke then addressed the Council.

CM 3 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs P J Ridgers and D M Wilde.

CM 4 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. These were made as follows:-

Cllr R J Oxborough declared a Disclosable Pecuniary Interest in agenda item 5(iv): ‘Confirmation of Minutes – 1 May 2014’ by virtue of his involvement in the application for a Judicial Review on the Former Focus DIY Site in Plymouth Road, Tavistock and advised that he would leave the meeting room in the event of any debate ensuing on these minutes.

CM 5 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 18 February 2014, 25 February 2014 and 25 March 2014 meeting as a true record. In respect of the Minutes of the 1 May 2014, consideration of these minutes should be deferred until the next meeting”.

CM 6 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

CM 7

PUBLIC QUESTION

The Mayor advised that one public question had been received in accordance with Council Procedure Rule 21 from Mrs J Coulthard. The question was as follows:-

'In the event of the regrettable closure of Meadowlands swimming pool, will this council give a guarantee that all facilities now at Meadowlands will be available elsewhere, i.e.:

*Mother and toddler splash;
General swimming;
Swim club;
Adult swimming lessons;
Children's swimming lessons;
School swimming;
Aquafit;
50+ Aquafit; and
Fun sessions.*

We would like a clear indication of the council's views for the proposed facilities at Kelly College please.'

The Mayor proceeded to invite Cllr P R Sanders to respond to the question. In his response, Cllr Sanders made particular reference to:-

- the level of public interest underlying the importance of this matter. In addition, Cllr Sanders assured those present that every Member of the Council was fully aware of the importance of the facilities provided at Meadowlands;
- an undertaking whereby Mrs Coulthard would also receive a written response to her question within 14 working days. In giving this undertaking, Cllr Sanders wished to record his gratitude to Mrs Coulthard for submitting the question;
- his wish to emphasise that no decisions had been made in respect of the future of Meadowlands;
- his honest appraisal that he could not give any guarantees which had been sought in the question and he would not make any promises that he potentially could not keep. In support of this point, Cllr Sanders highlighted that:
 - o Meadowlands was run on a contractual basis, with the current arrangement due to expire at the end of 2016. Since the next local and national elections would be held in May 2015, it would be a decision for the new Borough Council administration to determine the future of Meadowlands;
 - o As a consequence of the contract, the sessions which were provided were commercial decisions for the contractor and whilst the Council did have a degree of influence in such decisions, any funding shortfall had to be met by the Council.

- the Council was in the midst of severe financial constraints and had to give priority to those services and functions which were a statutory requirement to provide. As a consequence, the Council was having to make some incredibly difficult decisions;
 - Whilst not able to make any guarantees, Cllr Sanders did promise that the Council and its Members would do the best it could for the residents of West Devon. As responsible Members, the Council was looking at every possible option and any significant change proposed would be subject to an extensive public consultation exercise.
- the Olympic Legacy Pool Project. Cllr Sanders informed that the Council had written a letter to Kelly College on 11 April 2014 which asked a number of very direct questions. Unfortunately, no response had yet been forthcoming and at this stage, the Council had no idea whether or not the project would come to fruition;

In reply to a supplementary question, Cllr Sanders advised that the Council did pay towards the running of the contract. Currently, the facility did not cover its own costs, which resulted in the Council subsidising the pool at present.

CM 8 ADOPTION OF THE COUNCIL'S CONSTITUTION

It was moved by Cllr R F D Sampson, seconded by Cllr D Whitcomb and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Council adopt the revised Constitution for the forthcoming year, subject to approval of Minute AC39 below (Minute CM9(a)iii refers)”.

The Mayor then signed the bound copy of the Constitution for 2014/2015.

CM 9 MINUTES OF COMMITTEES

a. Audit Committee – 11 February 2014

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 11 February 2014 meeting be received and noted, with the exception of Unstarred Minutes AC 32 and AC 33”.

Regarding Minute AC 34, Cllr D K A Sellis wished for the praise which had been received by the external auditors to be both recognised and formally recorded.

In respect of the Unstarred Minutes:

i. **AC 32 – Treasury Management Strategy for 2014/15 to 2016/17, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2014/15**

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:

1. the Prudential Indicators and Limits for 2014/15 to 2016/17 (as contained within Appendix A of the report presented to the Committee) be approved;
2. the Minimum Revenue Provision (MRP) Statement (as contained within Appendix A of the report presented to the Committee, which started the Council’s policy on MRP) be approved;
3. the Treasury Management Strategy 2014/15 to 2016/17 and the Treasury Prudential Indicators (as contained within Appendix B of the report presented to the Committee) be approved; and
4. the Investment Strategy 2014/15 (as contained in the Treasury Management Strategy in Appendix B and the detailed criteria included in Appendix C of the report presented to the Committee) be approved.”

ii. **AC 33 – Third Quarter Prudential Indicator and Treasury Management Monitoring Report 2013/14**

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 report and treasury activity be noted and that (any) recommended changes to the prudential indicators have been put forward.”

iii. **AC 39 – Annual Review of the Council’s Constitution**

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:

1. the proposed amendments to the West Devon Borough Council Constitution (as summarised in the minutes of the Committee meeting and in paragraph 2 of the presented agenda report and on the Council website) be approved and adopted; and
2. the Community Engagement and Corporate Planning Framework be transferred from the Community Services Committee to the Resources Committee to enable one Committee only to consider the new ‘Our Plan’ which will replace the Connect Strategy and which will draw together

service areas currently under the remit of the separate Committees.”

iv. **AC 41 – Internal Audit Plan – 2014/15**

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 Internal Audit Plan for 2014/15 (as presented at Appendix A of the agenda report considered by the Committee) be approved and adopted.”

v. **AC 43 – Internal Audit – Progress Against the 2013/14 Plan**

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 report presented to the Committee be noted.”

vi. **AC 46 – Strategic Risk Assessment – Six Monthly Update**

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 report and Appendix presented to the Committee be received and noted.”

b. **Community Services Committee – 11 March 2014**

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 11 March 2014 meeting be received and noted, with the exception of Unstarred Minutes CS 33, CS 35 and CS 39.”

In respect of the Unstarred Minutes:

i. **CS 33 – Tavistock WHS Key Centre**

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 a Member representative be nominated to attend the Tavistock Key Centre Partnership.”

ii. **CS 35 – Street Naming & Numbering – Policy and the Introduction of Charging**

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:

1. Sections 64 and 65 of the Town Improvement Clauses 1847 (in relation to numbering only) be adopted;
2. the West Devon Street Naming & Numbering Policy (as presented at Appendix A of the report considered by the

Committee) be approved and adopted, subject to local Ward Member consultation being included; and

3. the introduction of charging for the discretionary element of the Street Naming and Numbering Service be approved as follows:-
 - £21 per property for changes to house names;
 - £37 per property for changes to street names;
 - £36 per property for new developments (notification process only); and
 - that these charges be reviewed annually.”

iii. **CS 39 – West Devon Car Parking Strategy**

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 a West Devon Car Parking Strategy Group be formally established and appointed to at the Annual Meeting of the Council in May 2014.”

c. **Overview & Scrutiny Committee – 18 March 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 18 March 2014 meeting be received and noted.”

d. **Planning & Licensing Committee – 4 March 2014 and 1 April 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 4 March 2014 and 1 April 2014 meetings be received and noted.”

e. **Licensing Sub-Committee – 14 March 2014**

It was moved by Cllr M J R Benson, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 14 March 2014 meeting be received and noted.”

f. **Resources Committee – 29 April 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 29 April 2014 meeting be received and noted, with the exception of Unstarred minutes RC 44 and RC 47.”

Before considering the Unstarred minutes, Cllr Sherrell advised that the minutes did not reflect the fact that he had submitted his apologies for this meeting.

In respect of the Unstarred Minutes:

i. **RC 44 – Our Plan**

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 principle of ‘Our Plan’ being the single overarching strategic plan for West Devon Borough Council be approved.”

ii. **RC 47 – Risk Based Verification Policy**

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 Risk Based Verification Policy (as set out in the exempt Appendix 1 of the report presented to the Committee) be approved.”

g. **Standards Committee – 11 February 2014**

It was moved by Cllr J R McInnes, seconded by Cllr D M Horn and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 11 February 2014 meeting be received and noted.”

CM 10 APPOINTMENT OF LEADER AND DEPUTY LEADER OF THE COUNCIL

a. **Leader**

It was moved by Cllr R E Baldwin, seconded by Cllr M J R Benson and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that Cllr P R Sanders be appointed Leader of the Council for the ensuing year.”

b. **Deputy Leader**

It was moved by Cllr P R Sanders, seconded by Cllr J Sheldon and upon the motion being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that Cllr R E Baldwin be appointed Deputy Leader of the Council for the ensuing year.”

CM 11 REPORT OF THE FORMATION OF POLITICAL GROUPS

Members noted the schedule of officially appointed political groups as follows:

- 15 Conservative Group Members;
- 10 Independent Group Members;
- 2 Independent Conservative Group Members; and
- 2 Liberal Democrat Group Members.

together with two Ungrouped Members.

CM 12 COMMITTEE STRUCTURE

It was 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 Committee structure be as follows for the coming year:

Audit	5 Members
Community Services	10 Members
Overview & Scrutiny	10 Members
Planning & Licensing	10 Members
Resources	11 Members
Standards	9 Members

with all of the appointments to the above Committees being politically balanced”.

CM 13 MEMBERSHIP OF COMMITTEES

A list of appointments made to the Committees by the four political groups for the ensuing year had been circulated and were duly approved. The Leaders of the four political groups were named as:

Conservative	Cllr P R Sanders (Deputy: Cllr R E Baldwin)
Independent	Cllr R F D Sampson (Deputy: Cllr W G Cann OBE)
Independent Conservative:	Cllr D Whitcomb (Deputy: Cllr M E Morse)
Liberal Democrat	Cllr A Clish-Green (Deputy: Cllr C R Musgrave)

The following appointments were agreed with respect to the ungrouped Members:

- (e) Planning & Licensing Committee – Cllr D M Wilde; and
- (f) Resources Committee – Cllr E H Sherrell.

CM 14 APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN OF COMMITTEES

The following appointments were proposed by Cllr P R Sanders and seconded by Cllr R E Baldwin and when put to the vote were declared to be **CARRIED**:

- Audit Committee: Cllr D K A Sellis (Chairman);
Cllr J B Moody (Vice Chairman).
- Community Services Committee: Cllr R F D Sampson (Chairman);
Cllr K Ball (Vice Chairman).
- Overview & Scrutiny Committee: Cllr M V L Ewings (Chairman);
Cllr D E Moyse (Vice Chairman).
- Planning & Licensing Committee: Cllr C M Marsh (Chairman);
Cllr M J R Benson (Vice Chairman)
- Resources Committee: Cllr P R Sanders (Chairman)
Cllr R E Baldwin (Vice-Chairman)

- Standards Committee: Cllr A F Leech (Chairman)
Cllr J Sheldon (Vice Chairman)

CM 15 APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OUTSIDE BODIES FOR THE ENSUING YEAR

Members considered a report which presented the Group Leader's nominations to fill the vacancies on the list of Outside Bodies.

In respect of Outside Body 15: 'South Devon and Dartmoor Community Safety Partnership', the number of nominations (two) exceeded the number of seats available (one). Therefore, a vote was taken by show of hands and it was subsequently "**RESOLVED** that Cllr M V L Ewings be appointed as the Council's representative on the Partnership."

It was then proposed 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 Council should be represented on the list of Outside Bodies as presented to the meeting;
2. Appropriate representatives be appointed as this Council's appointments to those Bodies for the 2014/15 Municipal Year and that for the purposes of Members' Allowances, attendance at meetings of these Bodies be regarded as an approved duty; and
3. Members appointed to Outside Bodies provide regular feedback and consultation on issues affecting the Bodies concerned".

CM 16 APPOINTMENT OF REPRESENTATIVES TO THE LIST OF OTHER GROUPS

It was proposed by Cllr P R Sanders, seconded by Cllr R F D Sampson and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the appointments be endorsed for the ensuing year".

CM 17 DARTMOOR NATIONAL PARK AUTHORITY

It was noted that the two Council representatives appointed to the Dartmoor National Park were:-

Cllr L J G Hockridge (Independent)
Cllr D E Moyse (Conservative)

(NOTE: These appointments formed part of the Political Balance Table.)

CM 18 MEMBERS' ALLOWANCES 2014/15 – INTERIM REVIEW

Members considered a report which presented the views of the Independent Panel on Members' allowances and, as a consequence,

sought to determine the new Scheme of Members' Allowances for the 2014/15 financial year.

In light of some concerns at the lack of consultation with Members during the interim review, it was moved by Cllr P R Sanders, seconded by Cllr R F D Sampson and declared "**RESOLVED** that consideration of this matter be deferred until the Special Council meeting on 24 June to enable for a meeting to take place in the meantime between designated Members and the Independent Panel."

CM 19

COMMON SEAL

A copy of the documents signed by the Mayor during the period 12 February 2014 and 23 April 2014 was attached to the agenda (page 81 refers) and noted by the Meeting.

It was moved by Cllr M V L Ewings, seconded by Cllr W G Cann OBE and upon the motion being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Mayor and the Monitoring Officer (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 12.45 pm)

Mayor