

At the Special Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **22nd** day of **JULY 2014** at **4.30 pm** pursuant to Notice given and Summons duly served.

Present Cllr C M Marsh – The Mayor (In the Chair)

Cllr S C Bailey	Cllr R E Baldwin
Cllr K Ball	Cllr M J R Benson
Cllr W G Cann OBE	Cllr A Clish-Green
Cllr D W Cloke	Cllr T J Hill
Cllr D M Horn	Cllr A F Leech
Cllr D E Moyse	Cllr C R Musgrave
Cllr T G Pearce	Cllr P J Ridgers
Cllr R F D Sampson	Cllr P R Sanders
Cllr D K A Sellis	Cllr E H Sherrell
Cllr D Whitcomb	

Head of Paid Service
Head of Environmental Health and Housing
Monitoring Officer
Democratic Services Manager

CM 28 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs M V L Ewings, C Hall, L J G Hockridge, J R McInnes, J B Moody, N Morgan, M E Morse, R J Oxborough, L B Rose, J Sheldon and D M Wilde.

CM 29 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 30 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 Special meetings held on 1 May 2014, 24 June 2014 and 15 July 2014 and the minutes of the Annual meeting held on 13 May 2014 as a true record”.

CM 31 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

CM 32 PETITION

In accordance with Council Procedure Rule 21, the Mayor invited Mrs J Coulthard and Mrs J Rushall to formally present to her a petition which contained 1,816 signatures. The petition wished to protest at the suggested closure of the Meadowlands swimming pool.

In expressing her thanks, the Mayor advised that, in accordance with the Petition Scheme, a response would be sent to the petition organiser within ten working days. It was also agreed that this response would be sent to all Members for their information.

CM 33

MINUTES OF COMMITTEES

a. **Audit Committee – 10 June 2014**

It was moved by Cllr D K A Sellis, 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 10 June 2014 meeting be received and noted, with the exception of Unstarred Minute AC 5”.

In respect of the Unstarred Minute:

i. **AC 5 – Revision of the Contract Procedure Rules**

It was moved by Cllr D K A Sellis, seconded by Cllr T J Hill and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that, subject to the removal of paragraph 24 ‘Development Arrangements’ (page 77 of the Audit Committee Agenda refers) for the time being, the proposed revised Contract Procedure Rules (as set out in Appendix A of the presented agenda report) be approved and included within the Council’s Constitution and that a report on Development Agreements be presented to a future meeting of the Audit Committee.”

b. **Community Services Committee – 17 June 2014**

It was moved by Cllr R F D Sampson, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 17 June 2014 meeting be received and noted, with the exception of Unstarred Minute CS 5”.

In respect of the Unstarred Minute:

i. **CS 5 – Coach Parking in Mill Road Car Park, Okehampton**

It was moved by Cllr R F D Sampson, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that approval be given to the provision of free coach parking in the Mill Road Car Park in Okehampton and that the Off-Street Car Parking Order be amended accordingly, subject to public consultation.”

c. **Overview and Scrutiny Committee – 24 June 2014**

It was moved by Cllr D E Moyse, seconded by Cllr D Whitcomb and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 24 June 2014 meeting be received and noted.”

d. Planning and Licensing Committee – 6 May 2014, 3 June 2014 and 1 July 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 6 May 2014, 3 June 2014 and 1 July 2014 meeting be received and noted”.

e. Resources Committee – 15 July 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 15 July 2014 meeting be received and noted, with the exception of Unstarred Minutes RC 4, RC 5 and RC 6”.

In respect of the Unstarred Minutes:

i. RC 4 – Transformation Programme

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 progress to date on the Transformation Programme 2018 be noted; and
2. the release of the funding for key programme expenditure milestones two and three (totalling £1,302,200) be authorised, as shown in Appendix A of the presented agenda report.”

ii. RC 5 – Connect Strategy And Priority Action Plan Update 2014-15

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 Connect Strategy annual update for 2014-15 be approved and adopted.”

iii. RC 6 – Local Government Pension Scheme Discretions 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:

1. the discretions as set out in the Policy (as outlined in Appendix A of the presented agenda report to the Committee) be agreed;
2. any decision taken under the Policy with a financial cost of more than £10,000 be delegated to the Resources Committee; and

3. that a decision taken under the Policy with a financial cost of less than £10,000 be delegated to the Head of Paid Service in consultation with the Leader of Council.”

CM 34

FORMING A LOCAL AUTHORITY TRADING COMPANY

A report was considered that sought Council approval to the formation of a Local Authority Trading Company, with the sole shareholders being West Devon Borough Council and South Hams District Council.

In introducing the report, Cllr P R Sanders proposed that the report be deferred for consideration at a future meeting. This proposal was subsequently seconded by Cllr E H Sherrell.

In discussion, reference was made to:-

- (a) a wish for more clarification on certain aspects of the report. In supporting the proposal to defer this matter, some Members made reference to aspects for which they would appreciate more input and information. Such aspects included: the Director roles (e.g. number, period of term of office and appointment process); a formulaic approach to profit sharing between the two councils and labour costs allocated to income generation;
- (b) consulting with Members prior to re-consideration by the Council. Whilst it was recognised that there were a number of options that could be pursued, on balance it was felt that an informal Member Briefing should be held before the matter was re-considered at a future Council meeting;
- (c) some concerns at the proposal. Some Members expressed their regret at the last minute nature of this proposal and had received sufficient assurances from both the officer report and informal discussions with the lead officer to be able to support the report recommendation. In further making the point, these Members also highlighted the need to progress quickly with the income generation work stream. In reply, other Members did not believe that a relatively short term deferral would preclude income generation opportunities or prevent business plans from being prepared;
- (d) an amendment was proposed by Cllr W G Cann OBE and seconded by Cllr T G Pearce as follows:

“That the matter be deferred to a future Council meeting, with a Member Briefing being convened at 2.00pm on Tuesday, 29 July.”

In support of the amendment, Members felt that this would ensure that the issue was considered in a timely manner and, since the Planning and Licensing Committee was meeting on the morning of 29 July, a number of Members would already be in the offices. In contrast, some other Members felt that this would not provide sufficient notice for Members or officers to prepare. When put to the vote, the amendment was declared **LOST**.

- (e) an alternative motion was proposed by Cllr A Clish-Green and seconded by Cllr C R Musgrave as follows:
- (i) "That a wholly-owned Local Authority Trading Company be created with West Devon Borough Council and South Hams District Council having an equal shareholding;
 - (ii) That those priority areas identified by the Income Generation Working Group for income generation be pursued (as outlined in Appendix 1 of the presented agenda report), with officers being tasked to work up more detailed business cases where appropriate; and
 - (iii) That the details regarding the way in which the profits are distributed and the details of the Director roles appointments be dealt with separately."

In support of this proposal, Members felt that this would provide a signal of intent that the Council was committed to income generation whilst not losing sight of the main concerns which had been raised. On the advice of officers, the Mayor ruled that since the initial proposal for deferral was seconded first, then this vote would be taken now.

When put to the vote, it was then declared to be **CARRIED** and **"RESOLVED** that the report be deferred for consideration at a future meeting."

CM 35

UPDATES TO THE COUNCIL CONSTITUTION

A report was considered that sought to make amendments to the Council Constitution in relation to:-

- adopting a revised Members' Code of Conduct; and
- making changes to the Delegation Scheme and Financial Procedure Rules to ensure that approval of the Annual Governance Statement now became the responsibility of the Audit Committee.

It was then proposed by Cllr R F D Sampson, seconded by Cllr P R Sanders and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council Constitution be amended in accordance with the proposals as outlined in paragraphs 2.1 and 2.2.2 of the presented agenda report."

CM 36 AUDIT COMMITTEE – APPOINTMENT OF SUBSTITUTE MEMBERS

The Council considered a report that sought to appoint Cllrs Moyse and Sheldon to be named substitutes for the Audit Committee for the remainder of the 2014/15 Municipal Year.

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 Cllrs Moyse and Sheldon be appointed to serve as named substitutes for the Conservative Group on the Audit Committee for the remainder of the 2014/15 Municipal Year.”

CM 37 THE OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT

The Council considered the 2013/14 annual report of the Overview and Scrutiny Committee.

It was then proposed by Cllr D E Moyse, seconded by Cllr D Whitcomb and upon being submitted to the Meeting was declared to be **CARRIED** and **”RESOLVED** that the report be noted.”

CM 38 COMMON SEAL

A copy of the documents signed by the Mayor during the period 6 May 2014 to 7 July 2014 was attached to the agenda (page 90 refers) and noted by the Meeting.

It was 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 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 5.35 pm)

Mayor