

At the Special Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **7th** day of **OCTOBER 2014** at **4.30 pm** pursuant to Notice given and Summons duly served.

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

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 L J G Hockridge	Cllr A F Leech
Cllr J R McInnes	Cllr J B Moody
Cllr M E Morse	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

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

CM 39 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs S C Bailey, M V L Ewings, C Hall, N Morgan, D E Moyse, C R Musgrave, R J Oxborough and D M Wilde.

CM 40 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 recorded as follows:-

Cllr D K A Sellis declared a personal interest in Item 18: 'Dog Control Orders – West Devon' (Minute CM 53 below refers) by virtue of being a dog walker on the moor and remained in the meeting, but abstained from the vote on this item.

CM 41 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 held on 22 July 2014 as a true record”.

CM 42 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

CM 43

NOTICES OF MOTION

It was moved by Cllr P R Sanders and seconded by Cllr K Ball that:

'This Council calls upon the Secretary of State for Transport and the Chancellor of the Exchequer to support the future economic resilience of the South West Peninsula by investing in improved strategic road and rail transport links.

Our area is frequently cut off from the rest of the country because strategic transport links are adversely affected by severe weather, accidents or maintenance works. An efficient and integrated transport infrastructure is critical to ensure essential services function and the economy can grow.

We ask the Government to invest in four key areas to help Devon's economy:

- *Improvements to the A303/A30/A358 to create a reliable second strategic road link from London to the South West Peninsula;*
- *A resilient and reliable railway for the South West Peninsula;*
- *Faster rail journey times and better connections;*
- *Sufficient capacity and quality of our trains (both engines and carriages) to meet demand.'*

In presenting his motion, the proposer made specific reference to:-

- the hope that the motion would be supported by a number of local authorities throughout the region. In so doing, the motion was seen as an opportunity to put pressure on central government;
- the major economic benefits to the South West of investing in improved strategic road and rail transport links;
- the quality of the rail stock and service in the south west being well below the national average. In making this point, the proposer felt that the quality was derisory and simply not good enough.

During the ensuing debate, Members echoed the economic importance of the South West being in receipt of a fair amount of funding from central government in order to improve its rail and road infrastructure.

When put to the vote, the motion was declared **CARRIED**.

CM 44

MINUTES OF COMMITTEES

a. **Audit Committee – 22 July 2014 and 23 September 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 22 July 2014 and 23 September 2014 meeting be received and noted, with the exception of Unstarred Minutes AC 19, AC 21 and AC 22".

In respect of the Unstarred Minutes:

- i. **AC 19 – Audit of the Annual Statement of Accounts 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

1. the Financial Statements and the Technical Appendix (as outlined at Appendix A of the presented agenda report) be approved and adopted; and
2. the wording of the Letter of Representation (as outlined at Appendix B of the presented agenda report) be also approved and signed by the Chairman and Head of Finance and Audit.”

- ii. **AC 21 – Treasury Management – Annual 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

1. the Treasury Management Report for 2013/14 be received and noted;
2. the actual prudential indicators for 2013/14 as shown in Appendix A of the presented agenda report be noted; and
3. the Minimum Revenue Provision Statement (as detailed in paragraph 6.2 of the presented agenda report) be also noted.

- iii. **AC 22 – Internal Audit – Revision of and Progress Against the 2014/15 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

1. the revisions being made to the 2014/15 Internal Audit Plan and the progress towards achieving the aims of the Plan be noted; and
2. representations be sent to the Audit Commission which outline the Council’s deep reservations regarding the recommendation to no longer appoint Grant Thornton as the Council’s External Auditor.

- b. **Community Services Committee – 2 September 2014**

It was noted that the meeting scheduled to take place on 2 September had been cancelled.

c. Planning and Licensing Committee – 29 July 2014, 26 August 2014 and 23 September 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 29 July 2014, 26 August 2014 and 23 September 2014 meeting be received and noted”.

CM 45 APPOINTMENT OF EXECUTIVE DIRECTOR

A report was considered that recommended the appointment of the Executive Director – Service Delivery and Commercial Development.

In presenting the report, Cllr P R Sanders made reference to the lengthy and robust recruitment exercise and the Panel having been unanimous in its recommendations. In proposing the motion, the Leader wished to make an amendment to his published agenda report, which sought to delete the first paragraph in the exempt Appendix A. This proposal was subsequently seconded by Cllr R F D Sampson.

In discussion, it was confirmed that this proposal had already been approved at a meeting of South Hams District Council.

When put to the vote, it was then **“RESOLVED** that the appointment of the recommended successful candidate for the position of Executive Director – Service Delivery and Commercial Development (as detailed in Appendix A of the presented agenda report) be agreed.”

CM 46 TORRIDGE AND THE FUTURE OPERATING MODEL

A report was considered that brought the Council up to date on informal discussions that had been ongoing between the Leader and his counterparts at South Hams District Council and Torridge District Council.

Cllr P R Sanders introduced the report and reiterated that the recommendation only sought to instruct officers to carry out the detailed work to determine the opportunities, financial benefits and risks to the Council, West Devon Borough Council (WDBC) and Torridge District Council (TDC) of forming a partnership to deliver the Future Operating Model in a shared services relationship. Cllr P R Sanders also emphasised that the recommendation was wholly reliant upon similar recommendations being approved by WDBC and TDC.

In discussion, reference was made to:-

- (a) the workload of senior managers. Whilst there was the potential for staff time to be wasted in this regard, such was the potential benefits of forming a partnership that it was considered to be worthwhile. In addition, senior managers had given assurances that this work was manageable for them and would not impact upon the progress of the T18 Programme;

- (b) the timing of this report. Some Members expressed their view that, when considering the ongoing Senior Management Review, now was not a good time to progress this matter any further. In contrast, other Members reminded the Council that the report only sought to undertake further exploratory works and it would be foolhardy not to investigate this matter further;
- (c) further partnership opportunities. Members were given assurances that this work would not preclude from any further partnership opportunities being explored.

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 officers be instructed to formally consider the option of working with Torridge District Council to implement a combined future operating model in order to bring a report back to Council in December 2014 for a final decision. In so doing, the officers will create a:-

- (a) Refined business case;
- (b) Detailed analysis of the benefits and risks;
- (c) Governance arrangement; and
- (d) Timetable for implementation.”

CM 47

CREATING A LOCAL AUTHORITY TRADING COMPANY

The Council considered a report that requested approval of the formation of a Local Authority Trading Company with the sole shareholders being West Devon Borough Council and South Hams District Council.

Cllr P R Sanders introduced the report and highlighted the significant improvements which had been made to the report since it had been deferred at the last meeting on 22 July 2014 (CM 34 refers).

In discussion, the following points were raised:-

- (a) Members were given assurances that the list of priority areas (as outlined at Appendix 1 of the presented agenda report) was not an exhaustive list and could be added to at any given time;
- (b) It was noted that officers were currently working on some detailed business cases, but the company could, in theory, start trading as soon as it was considered appropriate.

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 agree to create a wholly-owned Local Authority Trading Company with West Devon Borough Council and South Hams District Council having an equal shareholding;

2. delegated authority be given to the Head of Paid Service, in consultation with the Leader and Deputy Leader of the two councils to decide on the final company name and the date and details of incorporation of the trading company, including finalising the Articles of Association and the Shareholder's Agreement; and
3. those priority areas identified by the Income Generation Working Group for income generation (as outlined in Appendix 1 of the presented agenda report) be pursued, with officers being tasked with working up more detailed business cases where appropriate."

CM 48

PROPOSED AMALGAMATION OF WEST DEVON HOMES WITH DEVON AND CORNWALL HOUSING

The Council considered a report that advised of the proposed restructure of West Devon Homes (WDH) within the Devon and Cornwall Housing (DCH) Group and that sought approval for the amalgamation of the two organisations.

In introducing the report, Cllr P R Sanders informed that:-

- in light of dwindling central government funding, it was becoming increasingly difficult for smaller housing organisations to survive. In addition, DCH had access to much more significant funding streams and greater negotiating power and influence with developers;
- in respect of concerns raised over a loss of Borough Council control, the Council relinquished any rights it had when it voluntarily decided to no longer appoint any Member representatives on to the Board.

In discussion, some Members commented on how useful the recent Informal Council session had been to allay concerns over this proposal. 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. Council approve the conversion of WDH from a company limited by guarantee to a community benefit society and its subsequent amalgamation as a community benefit society with DCH;
2. the Head of Environmental Health and Housing be authorised to act on behalf of the Council and to exercise the Council's vote in support of the conversion of WDH to a community benefit society and its amalgamation with DCH at special general meetings of WDH set up for these purposes; and
3. the Transfer Agreement dated 22 February 1999 between the Council and WDH be varied as set out in the presented agenda report, with the Head of Environmental Health and Housing be authorised to complete the Deed of Variation."

CM 49 BUSINESS RATES POOLING IN DEVON

The Council considered a report that recommended that the Council remained in the membership of the Devon Business Rates Pool for the financial year 2015/16.

In reply to a question, it was confirmed that the membership of the Pool was re-constituted annually.

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 the Council remains in the Devon Business Rates Pool for the financial year 2015/16."

CM 50 COUNCIL TAX REDUCTION

A report was considered that sought continuation of the existing Council Tax Reduction Scheme for 2015/16.

To provide assurance, it was noted that recommendation 2 sought agreement to grant delegated authority to reflect minor changes only and any changes which were deemed significant, would need to be re-considered by Members.

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 existing Council Tax Reduction Scheme for 2015/16 be agreed to be continued; and
2. delegated authority be given to the Head of Finance and Audit, in consultation with the Leader of Council, to make amendments to the policy document to take account of any further changes in law, government guidance or policy that require urgent amendment."

CM 51 THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

The Council considered a report that informed of the implications arising from the adoption of the Openness of Local Government Bodies Regulations 2014.

It was then proposed by Cllr R F D Sampson, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Council Constitution be amended to reflect the Regulations whereby the press and public are now able to film and to report, using social media including blogging or tweeting, public meetings of the Council and its Member Bodies; and
2. the Monitoring Officer be given delegated authority, in consultation with the Leader of Council, to develop a process by which decisions taken by officers on behalf of the Council be formally recorded and published."

CM 52

POLLING DISTRICTS/POLLING PLACES REVIEW 2014

The Council considered a report that provided an update on the Polling Districts/Polling Places Review 2014.

Cllr P R Sanders informed that he had been given the impression by the Local Government Boundary Commission for England that their final recommendations would be published on Tuesday, 14 October 2014.

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 all polling districts and polling places remain unchanged until the publication of the Local Government Boundary review, with the implementation of any consequent changes arising from the review being delegated to the Electoral Registration Officer, in consultation with the Chairman of the Political Structures Working Group."

CM 53

DOG CONTROL ORDERS – WEST DEVON

A report was considered that looked to confirm the final implementation of Dog Control Orders in West Devon, under the Clean Neighbourhood and Environment Act 2005.

Cllr R F D Sampson introduced the report and, to enable for the appropriate notice period to be given, suggested that the effective date for the Orders should be delayed by five days from 17 October 2014 to 22 October 2014.

In discussion, the Council was informed that, once established as part of the T18 Programme, the Neighbourhood Locality Officers would have a key role to play in this regard.

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 it be agreed that the final Dog Control Orders be issued for:-

1. Fouling of land by dogs and removal of dog faeces;
2. The keeping of dogs on leads;
3. Not putting a dog on a lead when directed by an authorised officer; and
4. The exclusion of dogs from land

under the Clean Neighbourhood and Environment Act 2005. Orders will be published to take account of the consultation responses received and to ensure the effective date for the Orders is 22 October 2014.”

CM 54

COMMON SEAL

A copy of the documents signed by the Mayor during the period 14 July 2014 to 26 September 2014 was attached to the agenda (page 139 refers) and noted by the Meeting.

It was moved by Cllr R F D Sampson, seconded by Cllr A Clish-Green 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 6.10 pm)