

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **9<sup>th</sup>** day of **DECEMBER 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 L J G Hockridge	Cllr D M Horn
Cllr A F Leech	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 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  
Executive Director (TW)  
Section 151 Officer  
Monitoring Officer  
Democratic Services Manager

**CM 55 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs M V L Ewings, C Hall, N Morgan, P J Ridgers, L B Rose and D M Wilde.

**CM 56 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 P R Sanders declared a personal interest in Item 14: 'iESE Transformation Limited – Member Representation' (Minute CM 66 below refers) by virtue of being an unpaid Director of iESE Transformation Limited and remained in the meeting during the debate and vote on this item.

**CM 57 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 7 October 2014 as a true record”.

**CM 58            COMMUNICATIONS FROM THE MAYOR**

In thanking Members for their continued support, the Mayor wished to remind the Council of her Christmas Quiz and the deadline for submission of completed responses.

**CM 59            BUSINESS BROUGHT FORWARD WITH THE CONSENT OF THE MAYOR**

The Mayor informed the Council that she had agreed for one urgent item to be raised at this meeting. The item sought approval to authorise Cllr Ewings' absence from Council duties and was considered urgent due to the time constraints associated with this matter. It was the intention of the Mayor for this item to be considered immediately.

In discussion, Members made reference to the health problems which Cllr Ewings had been suffering from and asked for their best wishes to be passed on to her.

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 Cllr Ewings' absence from Council duties be approved."

**CM 60            NOTICES OF MOTION**

It was moved by Cllr C R Musgrave and seconded by Cllr T G Pearce:

*'That this Council agrees to publish Members' annual attendance of all public meetings of the Council on the Council's website and where a Member fails to attend at least 65% of all meetings of the bodies to which they have been appointed, then the matter will be considered by the Monitoring Officer who will consult with the relevant Chairman of the Standards Committee. Where there are no justified reasons for the absences, the Monitoring Officer will write to the Member and request that they return a clearly defined proportion of their basic allowance.'*

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

- the role of a Borough Council Member once the Transformation Programme had been fully implemented;
- the critical importance of Members attending meetings to participate in the decision-making process;
- the practice of reporting these statistics being commonplace at other local authorities. In addition, the proposer highlighted the approach adhered to at South Hams District Council and his motion seeking to align the Council to this working practice.

During the ensuing debate, other Members raised the following points:-

- (a) In support of the motion, a Member emphasised the responsibility to the office appointed and the increased need for transparency in public life;
- (b) The motion seeking merely to request that a proportion of an allowance be returned in the event of attendance falling beneath the 65% threshold;
- (c) Whilst supporting the principle of the motion, Cllr P R Sanders wished to propose the following amendment:-

*“That the Council agrees in principle to publish Members’ annual attendance of all public meetings of the Council and its Committees on the Council’s website. With regard to setting potential meeting attendance thresholds and any consequent sanctions, this issue should be deferred to the four Group Leaders (or their nominees) for further detailed discussion, with their recommendations then being presented back to the Council meeting on 17 February 2015.”*

In explaining his reasons behind proposing this amendment, the proposer made reference to:-

- the need to get this issue right and it therefore warranting some further consideration before being implemented. In particular, the proposer wished for more consideration to be given to potential ‘sanctions’ being imposed against Members who were not adequately fulfilling the role of being a Member and whether or not the proposed 65% threshold was pitched at the right level;
- the wider issue of considering the adoption of some form of Member performance appraisal system.

In discussion on the amendment, Members made the following points:-

- It was felt that there would be much public and press interest in these statistics, which in itself would act as a deterrent;
- Some Members reiterated the point that attendance at meetings was only one barometer of their performance and the role was much wider than simply attending Borough Council Committee meetings to which they had been formally appointed.

When put to the vote, the amendment was declared **CARRIED** and therefore became the substantive motion.

When put to the Meeting, it was then declared to be **CARRIED** and **“RESOLVED** that the Council agrees in principle to publish Members’ annual attendance of all public meetings of the Council and its Committees on the Council’s website. With regard to setting potential meeting attendance thresholds and any consequent sanctions, this issue should be deferred to the four Group Leaders (or their nominees) for further detailed discussion, with their recommendations then being presented back to the Council meeting on 17 February 2015.”

## CM 61

### MINUTES OF COMMITTEES

#### a. **Audit Committee – 25 November 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 Minute AC 26.”

In respect of the Unstarred Minute:

#### i. **AC 26 – Mid Year Prudential Indicator and Treasury Management Monitoring Report 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 report, the treasury activity and the prudential indicators all be noted and approved; and
2. Council notes the reduction in investment income and the consequence that this has on the Council’s budget.”

#### b. **Community Services Committee – 28 October 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 28 October 2014 meeting be received and noted.”

#### c. **Overview and Scrutiny Committee – 14 October 2014**

It was moved by Cllr D E Moyse, seconded by Cllr D K A Sellis and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 14 October 2014 meeting be received and noted.”

#### d. **Planning and Licensing Committee – 21 October 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 21 October 2014 meeting be received and noted.”

- e. **Resources Committee – 7 October 2014 and 2 December 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 7 October and 2 December 2014 meetings be received and noted, with the exception of unstarred minutes RC 12 and RC 13.”

In respect of the Unstarred Minutes:

i. **RC 12 – Revenue and Capital Budget Proposals for 2015/16 to 2018/19**

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 following ‘minded to’ views be considered in order to guide the 2015/16 budget process:
  - (a) The level of council tax increase should not be above 1.9%;
  - (b) The use of New Homes Bonus to support the revenue budget be agreed (final amount to be agreed as part of the budget process);
  - (c) The amount of Council Tax Support Grant to be passed on to Town and Parish Councils should be reduced by the same amount that the Borough Council’s Government Grant is reduced by (currently predicted to be 15.37%); and
  - (d) Other budget savings and income generation to be looked for and considered.
2. the Council’s policy should remain as recommending a minimum level of unearmarked revenue reserves of £750,000.”

ii. **RC 13 – Council Tax Reduction**

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

**f. Standards Committee – 2 December 2014**

It was moved by Cllr A F Leech, seconded by Cllr J Sheldon and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 2 December 2014 meeting be received and noted.”

**CM 62**

**FUTURE OPERATING MODEL OPPORTUNITIES AND A REVISED T18 BUSINESS CASE**

A report was considered that summarised ongoing work in relation to the implementation of T18, in particular identifying additional savings and opportunities which had emerged during further detailed work on the future organisational design.

In discussion, reference was made to:-

- (a) the financial implications. In reply to a question, the S151 Officer provided a thorough explanation of the Investment and Financing Strategy. In her explanation, the S151 Officer emphasised the importance of Appendix C of the presented agenda report being read in conjunction with Appendix D of the same report;
- (b) the bid for £90,000 to the Department for Communities and Local Government. The Head of Paid Service advised that the Council’s bid had been submitted on 8 December 2014 and it was likely that the Council would hear if this bid had been successful during early 2015.

It was then 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:

- (i) an updated investment budget of £2.83 million be approved for the T18 Programme, to deliver annual recurring revenue savings of £1.64 million as outlined in section 4.1 of the presented agenda report;
- (ii) the net cashflow requirement of £1.408 million be financed in accordance with the Investment and Financing Strategy as shown in section 1.2 of Appendix D of the presented agenda report;
- (iii) £235,000 be transferred into an Earmarked Reserve for T18, as outlined in Section 1.3 of Appendix D of the presented agenda report;
- (iv) Authority be delegated to the S151 Officer to determine the appropriate allocation of investment costs against revenue and capital funds, including establishing a Strategic Change Earmarked Reserve as detailed in Section 4.8 of the presented agenda report;
- (v) the Transformation Challenge Funding award of £700,000 be shared with South Hams District Council, based on the same ratio as the initial investment costs, resulting in £266,000 for West Devon Borough Council and £434,000 for South Hams District Council as detailed in Section 4.3 of the presented agenda report;
- (vi) the amended senior management structure as set out in the presented agenda report be approved; and

(vii) the amended line management responsibility for the Commercial Services Group Manager be approved.”

**CM 63 APPOINTMENT OF EXECUTIVE DIRECTOR**

A report was considered that recommended the appointment of the Executive Director – Strategy and Commissioning and Head of Paid Service.

In his introduction, Cllr P R Sanders informed that the Appointments Panel had been unanimous in its recommended choice of preferred candidate.

It was then 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 appointment of the recommended successful candidate for the position of Executive Director – Strategy and Commissioning and Head of Paid Service be agreed as detailed in Appendix A of the presented agenda report.”

**CM 64 INTERIM SENIOR MANAGEMENT ARRANGEMENTS**

The Council considered a report that suggested interim senior officer arrangements to maintain progress of the T18 Transformation Programme following recent recruitment of the two Executive Director posts, as well as three Group Manager roles.

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

- the two external candidates who had been offered Group Manager roles had both accepted the job offers informally;
- the two Executive Directors would be starting in their new roles on 2 January 2015 and 2 February 2015 respectively;
- it was his personal view that the handover period should be as short as possible. In making this point, the Leader did emphasise the need for flexibility in this handover period;
- In light of the significance of the budget pressures facing the Council, there was a need to maintain the momentum of the T18 Programme.

In discussion, a Member wished to put on record his thanks to the Leader for his informative introduction, which had helped to allay a number of his initial concerns.

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. Authority be delegated to the HR Community of Practice Lead, in consultation with the Leader and Deputy Leader, to agree the detailed arrangements in relation to the interim senior management proposals; and

2. Authority be delegated to the newly appointed Executive Director (Strategy and Commissioning) and Head of Paid Service, in consultation with the Leader and Deputy Leader, to determine the appropriate timescales for handover periods.”

**CM 65**

**REVISED DEMOCRATIC ARRANGEMENTS**

The Council considered a report that presented the conclusions of the Political Structures Working Group in relation to the future governance structure for West Devon Borough Council for the new Municipal Council in May 2015.

In discussion, reference was made to:-

- (a) the legalities of the revised governance structure and establishing a ‘Council Tax Resolution Panel’. When questioned, the Monitoring Officer confirmed that the Working Group’s recommendations were legal;
- (b) the proposed Committees being politically balanced and being more reflective of the Council’s officer structure post T18;
- (c) the likelihood of the Hub Committee replacing the informal Chairs and Vice Chairs Group;
- (d) the need for Overview and Scrutiny to be more pro-active and positively utilised. In particular, some Members expressed their concerns at the increased (and in some cases unconstitutional) number of Working Groups which had been established. It was intended that in the future governance arrangements, greater use would be made of task and finish groups, who would report their findings to one of the two Overview and Scrutiny Committees;
- (e) the lead Member role. Assurances were given that role descriptions would be in place before the May 2015 elections. In addition, the importance of an extensive Member training programme following the elections was recognised;
- (f) a perceived number of unanswered questions. A Member felt that there were a number of unknowns associated with this matter and wished to see further consideration and detail given by Members to these issues. In reply, other Members felt that an in-principle decision at this meeting would enable officers to shape and build upon the detail related to these matters;
- (g) a Member citing three main reasons why he supported the findings of the Working Group. These reasons were summarised as: resulting in a more democratic form of governance; the Council becoming a more Member led authority; and the proposals representing a more effective form of governance;



(h) some concerns being raised that the proposals could result in the Council moving towards an Executive style of governance arrangement. In reply, other Members emphasised that the Working Group had been adamant from the offset of the review that it did not wish to explore adopting an Executive form of governance. In expanding upon this further, the Group had recommended that the Hub Committee should be politically balanced and its Members should have absolutely no ability to make individual decisions;

It was then proposed by Cllr J R McInnes, seconded by Cllr R E Baldwin and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that:

1. as from the Annual Council meeting in May 2015, the following governance structure be adopted for West Devon Borough Council:
  - 1 Hub Committee be introduced with 9 places on the Committee;
  - That the Hub Committee be scheduled to meet 10 times per year;
  - That 2 Overview & Scrutiny Committees be introduced to align with the T18 Model organisational structure, with 11 places on each Committee;
  - Each Overview and Scrutiny Committee will be scheduled to meet 5 times per year;
  - That each Member of Council will be a Member of either the Hub Committee or one of the two Overview and Scrutiny Committees and there will be no provision for substitutes to be appointed to any of these Committees; and
  - The Constitution be amended to take account of these changes.
2. for this municipal year (February 2015), responsibility for agreeing the Council Tax Resolution for the Borough Council for 2015-16 be transferred from the Council to a formal meeting of the Group Leaders (to be referred to as the 'Council Tax Resolution Panel')."

## **CM 66**

### **iESE TRANSFORMATION LIMITED – MEMBER REPRESENTATION**

The Council considered a report that sought to add 'iESE Transformation Limited' to the list of Outside Bodies for which the Council appointed. In so doing, the Council was also asked to appoint a Member representative on to this Outside Body for the remainder of the 2014/15 Municipal Year.

It was proposed by Cllr J R McInnes, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that:

1. iESE Transformation Limited be added to the list of Outside Bodies to which the Council appoints; and
2. the Deputy Leader be appointed as the Council's Member representative on this Outside Body."

**CM 67            AUDIT COMMITTEE MEMBERSHIP**

A report was considered that sought to appoint Cllr Sheldon as a Member of the Audit Committee for the remainder of the 2014/15 Municipal Year in place of Cllr Ball.

The Chairman of the Audit Committee wished to thank all Committee Members for their hard work and commitment and in particular, wished to record her thanks to Cllr Ball for his input and contributions during his time serving on the Committee.

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 Cllr Sheldon be appointed to serve on the Audit Committee for the remainder of the 2014/15 Municipal Year, in place of Cllr Ball, who will become a named substitute for this period."

**CM 68            COMMON SEAL**

A copy of the documents signed by the Mayor during the period 2 October 2014 to 1 December 2014 was attached to the agenda (page 91 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 6.25 pm)