

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **4th** day of **DECEMBER 2018** at **4.00pm** pursuant to Notice given and Summons duly served.

Present

Cllr M Davies – Mayor (In the Chair)
Cllr A F Leech – Deputy Mayor

Cllr R E Baldwin	Cllr K Ball
Cllr R Cheadle	Cllr D W Cloke
Cllr C Edmonds	Cllr J Evans
Cllr L J G Hockridge	Cllr N Jory
Cllr P Kimber	Cllr B Lamb
Cllr J R McInnes	Cllr J B Moody
Cllr C Mott	Cllr D E Moyse
Cllr C R Musgrave	Cllr R J Oxborough
Cllr G Parker	Cllr T G Pearce
Cllr P J Ridgers	Cllr A Roberts
Cllr R F D Sampson	Cllr L Samuel
Cllr P R Sanders	Cllr J Sheldon
Cllr J Yelland	

Head of Paid Service
Acting Lead Specialist Legal
Senior Specialist – Democratic Services
Section 151 Officer
Group Manager – Business Development

CM 35

ROS RICE

Since this was the first Council meeting since Ros Rice (a longstanding member of staff) had sadly passed away, the Council proceeded to observe a moment's reflection in her memory.

CM 36

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs W G Cann OBE, D K A Sellis, B Stephens and L Watts.

CM 37

CONFIRMATION OF MINUTES

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel 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 25 September 2018 as a true record.”

CM 38 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 C Edmonds declared a personal interest in agenda item 13: ‘Supporting the Formation of South West Mutual’ (Minute CM 44 below refers) by virtue of one of the Trustee Directors being a former bank colleague and living near him and he remained in the meeting and took part in the debate and vote thereon.

CM 39 MAYOR’S ANNOUNCEMENTS

The Mayor made the following announcements:-

1. Mayor’s Christmas Tea

The Mayor reminded the Council that his Christmas Tea was taking place upon the rising of this meeting and all Members were welcome to attend.

2. Mrs Sue Nightingale

The Mayor advised the Council that this was to be the last Council meeting before Mrs Nightingale left the employ of the Borough Council. In thanking her for her hard work and support during her time with the Council, he wished her every success in her future career. These sentiments were echoed by the wider membership.

CM 40 MINUTES OF COMMITTEES

a. Overview and Scrutiny Committee – 2 October 2018 and 6 November 2018

It was moved by Cllr J Yelland, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 2 October 2018 and 6 November 2018 meetings be received and noted”. Specifically with regard to Unstarred Minutes O&S 67 and O&S 68, it was confirmed that these were scheduled for consideration as standalone agenda items later in the meeting (Minutes CM 46 and CM 47 respectively refer)”.

b. Audit Committee – 9 October 2018

It was moved by Cllr M Davies, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 9 October 2018 meeting be received and noted, with the exception of Unstarred Minute AC 21”.

In respect of the Unstarred Minute:

i. **AC 21 Six Monthly Update – Strategic Risk Assessment**

It was moved by Cllr M Davies, seconded by Cllr K Ball and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. The strategic risks (as outlined at Appendix 1 of the agenda report presented to the Committee) had been reviewed and that no further action should be considered;
2. The Risk & Opportunity Management Strategy (as outlined at Appendix 3 of the agenda report presented to the Committee) be adopted; and
3. The Joint Management Policy 2012 and the Joint Risk Management Strategy 2013 be rescinded.

c. **Development Management and Licensing Committee – 16 October 2018 and 13 November 2018**

It was moved by Cllr P R Sanders, seconded by Cllr A Roberts and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 16 October 2018 and 13 November 2018 meetings be received and noted, with the exception of Unstarred Minutes DM&L 26 and DM&L 28”.

In respect of the remaining Unstarred Minutes:

ii. **DM&L 26 Three Yearly Review of Gambling Statement of Licensing Principles**

It was moved by Cllr P R Sanders, seconded by Cllr A Roberts and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the draft Statement of Principles, as amended, be adopted for the period 31 January 2019 to 30 January 2022.”

iii. **DM&L 28 Planning Scheme of Delegation**

It was moved by Cllr P R Sanders, seconded by Cllr A Roberts and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the amended Planning Scheme of Delegation (as set out in Appendix A of the agenda report presented to the Committee) be approved.”

d. **Hub Committee – 16 October 2018 and 20 November 2018**

It was moved by Cllr P R Sanders, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 16 October 2018 and 20 November 2018 be received and noted, with the exception of Unstarred Minutes HC 46, HC 48, HC 51 and HC 52. Specifically with regard to Unstarred Minutes HC 51 and HC 52, it was confirmed that these were scheduled for consideration as standalone agenda items later in the meeting (Minutes CM 44 and CM 45 respectively refer)”.

In respect of the remaining Unstarred Minutes:

- i. **HC 46 Annual Review of Health and Safety Policy Statement**
Having been moved by Cllr P R Sanders and seconded by Cllr L Samuel, it was confirmed that the requests that were made during the debate at the Hub Committee meeting had now been incorporated into the draft Policy Statement.

It was then submitted to the Meeting and declared to be **CARRIED** and “**RESOLVED** that the revised policy be adopted and signed by the Head of Paid Service and the Leader of the Council.”

- ii. **HC 48 Brook Street Car Park Refurbishment Contract**
It was moved by Cllr P R Sanders, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that, subject to the approval of the Section 151 Officer, in consultation with the lead Hub Committee Member, that the:
 1. contract be awarded to the Bidder who scores highest during evaluation; and
 2. 40% share of costs payable by the Council is funded from the Car Parking Maintenance Earmarked Reserve.”

CM 41 EXCLUSION OF PUBLIC AND PRESS

It was moved 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, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item of business as the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A to the Act is involved.”

CM 42 FRONTLINE SERVICES (WASTE AND CLEANSING) PROCUREMENT

Consideration was given to an exempt report that detailed the Final Tender Stage of the Frontline Services (Waste and Cleansing) Procurement process.

In discussion, a number of Members paid tribute to the work undertaken by lead officers and the Members who had served on the Frontline Services Project Board. In expressing their support for the proposed way forward, these Members felt that the project should be held up as an example of best practice.

It was then moved by Cllr R F D Sampson, seconded by Cllr L Samuel and, upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that the Council:-

1. approve the recommendation of the Frontline Services Project Board to award the waste collection, recycling and cleansing services (Lot 3) to Bidder ‘A’. In the event that a Lot 3 partnership award cannot be made, then it is recommended that a Lot 1 award is made to Bidder ‘A’;
2. approve the recommendation of the Frontline Services Project Board to adopt the outline mobilisation plan (as set out at exempt Appendix D of the presented agenda report);
3. approve the recommendation of the Frontline Services Project Board to accept a Bond as outlined at exempt paragraph 4.2 of the presented agenda report;
4. approve the recommendation of the Frontline Services Project Board to make an annual contribution of £50,000 into a Vehicle Replacement Earmarked Reserve. It is further recommended that the amounts from the Strategic Change Earmarked Reserve (as set out in exempt Appendix B of the presented agenda report) are also allocated to the Vehicle Replacement Earmarked Reserve;
5. include a Capital Budget of £150,000 within the 2019/20 Capital Programme for the Depot upgrade outlined in exempt paragraph 1.6 of Appendix B of the presented agenda report and that this is funded from the Innovation Fund (Invest to Earn) Earmarked Reserve;
6. approve the recommendation of the Frontline Services Project Board to set up a Strategic Waste Earmarked Reserve (as set out at exempt paragraph 4.6 of the presented agenda report);
7. approve the continuation of the Frontline Services Waste Project Board, with revised Terms of Reference, for the duration of the mobilisation period; and
8. instruct officers to work with the successful bidder on the implementation of a three-weekly residual waste collection trial as soon as is practicable, subject to a report detailing potential savings and timescales being approved by the Hub Committee. (NB. the report will be presented within three months of the contract start date).”

CM 43

RE-ADMITTANCE OF PUBLIC AND PRESS

It was moved 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 the public and press be re-admitted to the meeting.”

CM 44

SUPPORTING THE FORMATION OF SOUTH WEST MUTUAL

A report was considered that sought to approve the granting of £49,995 from the 2018/19 Business Rate Pilot gain in order to support the formation of South West Mutual.

During his introduction, the lead Hub Committee Member for Economy stated that, whilst there were risks associated with the proposal, he was of the view that these would be outweighed by the potential benefits. As a consequence, the Member encouraged the wider membership to consider the proposed £49,995 expenditure to be (at this stage) a grant instead of an investment.

In discussion, the following points were raised:-

- (a) When questioned, the Leader informed that there was already interest in the proposal from a number of other neighbouring local authorities that included: Cornwall Council; Exeter City Council; East Devon District Council; Mid Devon District Council; and South Hams District Council;
- (b) A Member expressed some concerns and advised that he would be more supportive of the proposal if there was a guarantee that the required initial funding had been secured;
- (c) Officers reminded the Council that the 2018/19 Business Rate Pilot Bid that was submitted to Central Government had been focused around economic regeneration objectives and this proposal met this intention;
- (d) With regard to the local economy, a number of Members felt that the Council had recently struggled to support the local West Devon economy and this proposal provided an opportunity to address one of the major barriers to economic growth and was therefore a risk worth taking.

It was then moved by Cllr P R Sanders, seconded by Cllr L Samuel and, upon being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that:

1. the granting of £49,995 be approved from the 2018/19 Business Rate Pilot gain in order to support the formation of South West Mutual (as detailed in Section 3 and Appendix 2 of the presented agenda report);
2. authority be delegated to the Group Manager (Business Development) to conclude the ordinary share acquisition; and
3. where possible, officers support the formation of the Mutual by promoting it to local authorities within the South West.

CM 45

HEART OF THE SOUTH WEST JOINT COMMITTEE UPDATE

The Council considered a report that summarised the progress made by the Joint Committee over recent months in key areas of activity and that set out actions proposed in the coming months.

In discussion, particular reference was made to:-

- (a) the Housing agenda. Members requested that consideration be given to the Council having an officer representative on the Housing Sector Task Force. The Leader also informed that he had circulated to all Members a copy of the minutes arising from the last Joint Committee because these outlined the latest position on the Housing agenda;
- (b) the Heart of the South West Partnership's key strategic asks of Government. In light of a request, the Head of Paid Service committed to providing a response outside of the meeting that indicated how many of those asks (as listed in Appendix A of the presented agenda report) were included in the Autumn Budget and how many were still being lobbied on by the Partnership.

It was then moved by Cllr P R Sanders, seconded by Cllr L Samuel and, upon being submitted to the Meeting, was declared to be **CARRIED** and **"RESOLVED** that:

1. the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018 be noted;
2. agreement be given to delegating the development and endorsement of the HotSW Local Industrial Strategy (LIS) to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership and the Government);
3. the Heart of the South West Joint Committee Budget statement for 2018/19 (as set out in Appendix B of the presented agenda report) be noted. That, in accordance with the decisions taken at the time the Committee was established, the Council also note that it will be asked to make an annual budgetary provision (£1,400 for the Borough Council) to meet the support costs of the Joint Committee in line with the 2018/19 contribution. (NB. final clarification on any additional 2019/20 Heart of the South West Joint Committee budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its Work Programme for 2019/20); and
4. the Budget and Cost-sharing Agreement (as set out in Appendix B of the presented agenda report) be agreed.

CM 46

GENERAL DATA PROTECTION REGULATION (GDPR) AND DATA PROTECTION POLICY

Consideration was given to a report that sought to approve an amended Data Protection Policy.

With no discussion ensuing, it was then moved by Cllr C Edmonds, seconded by Cllr R F D Sampson and, upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that:

1. the amended Data Protection Policy (as detailed in Appendix A of the presented agenda report) be approved;
2. approval of the related Codes of Practice and Protocol documents (as summarised in Section 3 of the presented agenda report) be delegated to the Council’s Data Protection Officer; and
3. the approach and progress made by the Information Governance Group towards GDPR readiness be noted and supported.”

CM 47

REGULATION OF INVESTIGATORY POWERS ACT 2000 POLICY AND UPDATE

The Council considered a report that:

- reviewed the Council’s Regulation of Investigatory Powers Act (RIPA) Policy;
- updated Members on the use of RIPA; and
- reported on training for officers.

During his introduction, the lead Hub Committee Member highlighted his wish to propose an adjustment to part 3 of the report recommendation.

With no debate ensuing, it was then moved by Cllr C Edmonds, seconded by Cllr R F D Sampson and, upon being submitted to the Meeting, was declared to be **CARRIED** and “**RESOLVED** that:

1. the IPCO report and recommendations (as detailed at Appendix A of the presented agenda report) be noted;
2. the updated Policy (as attached at Appendix B of the presented agenda report) be approved;
3. it be noted that there have been no RIPA Authorisations between September 2017 and November 2018; and
4. the amendments to the RIPA Act 2000 (that came into effect from 1 November 2018) be noted.

(The Meeting terminated at 5.40 pm)

Mayor