

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **26th** day of **MARCH 2019** 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 W G Cann OBE
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 L Watts	Cllr J Yelland

Chief Executive
Deputy Monitoring Officer
Senior Specialist – Democratic Services
Section 151 Officer
Devon Audit Partnership – Internal Audit Manager
Operational Manager – Environment Services

CM 59 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs K Ball, D K A Sellis and B Stephens.

CM 60 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 12 February 2019 as a true record.”

CM 61 DECLARATION OF INTEREST

At this point, the Deputy Monitoring Officer was asked to provide a statement to the Council that set out her reasons for granting a Dispensation on agenda item 10: ‘Adoption of the Plymouth and South West Devon Joint Local Plan’ (Minute CM 65 below refers). In so doing, the Deputy Monitoring Officer informed that Members could be regarded as having, as a matter of law, a Disclosable Pecuniary Interest due to land ownership within the red line settlement boundaries by virtue of being residents of the Borough.

For the avoidance of any doubt, the Deputy Monitoring Officer had deemed it appropriate to grant a Dispensation to enable Members to debate and vote on this agenda item.

However, in the event of any Member (or their spouse/partner) owning land in any of the specific areas that were to be allocated for development, then her blanket Dispensation would not apply and those Members would still be required to declare a Disclosable Pecuniary Interest.

The Mayor then proceeded to invite Members to declare any interests in the items of business to be considered during the course of the meeting and these were recorded as follows:-

Cllr T G Pearce declared a personal interest in Item 12: 'Registered Provider Application' (Minute CM 67 below refers) by virtue of being the current Chairman of Brentor Parish Council and remained in the meeting and took part in the debate and vote thereon;

Cllr J Yelland declared a personal interest in Item 13: 'Public Toilet Closures' (Minute CM 68 below refers) by virtue of being a member of Okehampton Town Council and remained in the meeting and took part in the debate and vote thereon;

CM 62 MAYOR'S ANNOUNCEMENTS

By way of a reminder, the Mayor advised the Council that his Awards presentation would be held on the rising of this meeting and confirmed that all Members were invited to attend this event.

CM 63 URGENT BUSINESS

The Mayor advised the Council that he had agreed for one urgent item of business to be raised at this meeting. The item related to a report entitled 'Appointment of Electoral Registration Officer and Returning Officer' and was deemed necessary in light of the time constraints associated with this matter.

(a) Appointment of Electoral Registration Officer and Returning Officer

The Council proceeded to consider a report that sought its approval, with immediate effect, to the appointment of the Group Manager for Support Services and Customer First as the Electoral Registration Officer and Returning Officer.

In the ensuing discussion, a number of Members recognised that this was the last Council meeting for the Council's current Electoral Registration Officer and Returning Officer and wished to put on record their thanks and appreciation to the dedication and service that she had given during her employ with the Council.

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, with effect from 1 April 2019, the Group Manager for Support Services and Customer First (Steve Mullineaux) be appointed as the Electoral Registration Officer and Returning Officer for West Devon Borough Council.”

CM 64

MINUTES OF COMMITTEES

a. **Development Management & Licensing Committee – 26 February 2019**

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 26 February 2019 meeting be received and noted”.

b. **Overview and Scrutiny Committee – 26 February 2019**

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 26 February 2019 meeting be received and noted”.

c. **Standards Committee – 5 March 2019**

It was moved by Cllr A F Leech, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Minutes of the 5 March 2019 meeting be received and noted, with the exception of Unstarred Minutes SC 3 and SC 4”.

In respect of the Unstarred Minutes:

i. **SC 3 Annual Report**

It was moved by Cllr A F Leech, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that Mr Trevor Kirkin and Mr Peter Boreham be appointed to serve as West Devon Borough Council Independent Persons from the Annual Meeting in May 2019 until the Annual Meeting in May 2023.”

ii. **SC 4 Review of Procedure for Dealing with Standards Complaints**

It was moved by Cllr A F Leech, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that:

1. with effect from the Annual Council meeting on 21 May 2019, the revised 'Dealing with Standards Complaints' procedure (as attached at Appendix A of the presented agenda report) be adopted subject to inclusion of the following minor amendments:
 - That all reference to 'dual-hatted' Members be amended to read 'multi-hatted' Members; and
 - That the email address for the Monitoring Officer be amended to read: monitoring.officer@swdevon.gov.uk; and
2. authority be delegated for the review of the associated Hearing Procedure to the Monitoring Officer."

d. Audit Committee – 12 March 2019

It was moved by Cllr M Davies, seconded by Cllr B Lamb and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 12 March 2019 meeting be received and noted, with the exception of Unstarred Minutes AC 38 and AC 39".

In respect of the Unstarred Minutes:

i. AC 38 Review of the Council's Constitution: Rules of Procedure; Members' Planning Code of Practice; and Petition Scheme

In discussion, some Members expressed their concerns over reference to the following section of the Planning Code of Practice:

'You should not agree to any formal meeting with applicants, developers or groups of objectors without first discussing with the planning case officer and agreeing a course of action in writing.'

The Members proceeded to question what constituted a 'formal meeting'. In reply, the Deputy Monitoring Officer provided an assurance that this section was not suggesting that any Member should refuse to attend such a meeting. However, Members were being advised to exercise caution in instances when they could be asked to give an opinion on the merits of a particular planning application.

Having been moved by Cllr M Davies and seconded by Cllr B Lamb, it was then submitted to the Meeting and declared to be **CARRIED** and **"RESOLVED** that:

1. the amendments to Part 4 (Rules of Procedure) of the Council's Constitution (as summarised in paragraph 2.5 of the agenda report presented to the Audit Committee and fully outlined at Appendix A to the published Committee minutes) be approved and formally adopted;
2. the draft Members' Code of Good Practice – Planning (as attached at Appendix B to the published Committee minutes) be adopted;
3. the amended Rules for the Petition Scheme (as attached at Appendix C to the published Committee minutes) be adopted; and
4. the Political Structures Working Group be reconvened to:
 - a. review the roles of Hub Committee Members (paying particular attention to the circulation of information and communication with the wider membership);
 - b. assess the circumstances in which informal Hub Committee meetings take place in private;
 - c. look at the involvement of non-Hub Committee Members in the deliberations of the Hub Committee (to include how to best make use of non-Hub Committee Members' expertise); and
 - d. review the extent of Delegation to the Hub Committee.”

ii. **AC 39 Devon Audit Partnership Non-Voting Partner**

It was moved by Cllr A F Leech, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that:

1. the Council join the Devon Audit Partnership as a Non-voting Partner from 1 April 2019 (or as soon as is reasonably practicable thereafter); and
2. details of the Service Level Agreement be delegated to the Monitoring Officer and Section 151 Officer, in consultation with the lead Hub Committee Member for Support Services and the Chairman of the Audit Committee.

e. **Hub Committee – 19 March 2019**

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 19 March 2019 meeting be received and noted, with the exception of Unstarred Minutes HC 84, HC 85 and HC 89.

In respect of the Unstarred Minutes:

i. **HC 84 Peer Challenge Action Plan**

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 a Joint Working Group be convened and the draft Terms of Reference for that Group be approved as set out in Appendix B of the agenda report presented to the Hub Committee meeting.”

ii. **HC 85 Northern Outreach**

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 Council:

1. support the Hub Committee preferred option for the Northern Outreach Service to reduce the service to a single day per week, with this being monitored for a three month period; and
2. note that a report will be presented back to the Hub Committee meeting on 16 July 2019 that includes the results of the monitoring, along with the results of the monitoring at Tavistock, to enable for a decision to be made on the future provision of the service.”

iii. **HC 89 Accommodation Strategy**

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:

1. the Council agree a future Accommodation Strategy that will consider all alternative accommodation options and get best value for the site;
2. a Member Working Group be formed comprising of six Members, to be selected by the Group Leaders, to determine their Terms of Reference and work through options and to make recommendations to the Hub Committee meeting on 16 July 2019; and
3. the Group be tasked with giving consideration to each of the Options outlined at paragraph 4.1 of the agenda report that was presented to the Hub Committee meeting.”

CM 65

ADOPTION OF THE PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN

Consideration was given to a report that sought the formal adoption of the Plymouth and South West Devon Joint Local Plan (JLP).

In their introductions, the Council's representatives on the Joint Steering Group (JSG) paid tribute to those officers, fellow JSG Members and the Leaders of the three partner local authorities who had been so instrumental and visionary in reaching this significant milestone.

During the ensuing debate, reference was made to:-

- (a) the Housing Land Supply. Once the Plan had been adopted, Members noted that the Plymouth and South West Devon Plan area would then be able to demonstrate in excess of a 7 year Housing Land Supply. As a consequence, it would now be a matter for Developers to have to demonstrate why the Council should deviate from its policy;
- (b) the Plan having already been adopted by South Hams District and Plymouth City Councils;
- (c) the production of a Design Guide Policy. In response to a request, support was expressed for swift progress to be made on the production of a Design Guide Policy to supplement the JLP.

It was then moved by Cllr C Mott, seconded by Cllr G Parker and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Plymouth and South West Devon Joint Local Plan and Policies Map be adopted; and
2. approval be given to the establishment of the Joint Local Plan Partnership Board in accordance with the Joint Local Plan governance arrangements as set out in the Plymouth and South West Devon Joint Local Plan – Delivery and Governance Paper."

CM 66

INTERNAL AUDIT REPORT – TAVISTOCK HOTEL PROPOSAL

The Council considered a report that provided Members with the conclusions of the Devon Audit Partnership (DAP) review into the recent Tavistock Hotel Proposal.

As part of his introduction, the DAP Internal Audit Manager wished to thank those Members and officers who had taken part in the review.

In the ensuing debate, the following points were raised:-

- (a) A number of Members wished to put on record their thanks to the Internal Audit Manager for conducting such a thorough and well balanced review and emphasised the importance of the Council taking the consequent recommendations seriously;

- (b) To reflect the conclusions of the Overview and Scrutiny Committee meeting earlier in the day (Minute O&S 108 refers), a recommendation was **PROPOSED** and **SECONDED** as follows:-

“That the Council:

- 1. accept the conclusions and ten recommendations contained in the Internal Audit Report (published March 2019);*
- 2. ask officers of the Council, in consultation with lead Hub Committee Members, to prepare an Action Plan and commence implementation of recommendations forthwith and to submit this Plan, together with the progress made to date, at the next Council meeting (to be held on 21 May 2019);*
- 3. request a meeting of the Political Structures Working Group during April 2019 (i.e. before the local elections on 2 May 2019) to consider in particular the use of unstarred minutes and the relationship between the Hub Committee and the Council and to report to the next Council meeting on 21 May 2019.”*

During the debate on the proposal, it became apparent that there was a difference of opinion over the timing of the Political Structures Working Group review and an amendment was therefore **PROPOSED** and **SECONDED** as follows:-

- 1. “That the conclusions and ten recommendations contained in the Internal Audit Report (March 2019) be accepted;*
- 2. That officers of the Council, in consultation with lead Hub Committee Member, be asked to prepare an Action Plan and commence implementation of the recommendations forthwith and to submit the Plan, together with progress made to date at the Council meeting on 23 July 2019; and*
- 3. That a meeting be requested (early in the 2019/20 Municipal Year) of the Political Structures Working Group to consider in particular the use of unstarred minutes and the relationship between the Hub Committee and the Council, with a report being presented back to the Council meeting on 23 July 2019.”*

In support of the amendment, Members felt it was unrealistic to undertake such an important review before the local elections were held. In addition, some Members did not feel it to be reasonable to ask the new Council (at its first meeting) to take decisions for which those newly elected Members would have no prior understanding. In contrast, other Members felt it to be absolutely vital to ensure that the knowledge and experience of all current Members was utilised.

As a compromise, it was suggested that all current Members (who were either retiring or did not retain their seat following the May elections) could provide their views to officers (either in writing or via an Exit Interview) and these would then be taken into account during the Working Group review.

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

- (c) It was agreed that, once an Action Plan had been drafted, it should be circulated to all Members;
- (d) With regard to ongoing monitoring, officers informed that Commercial Property had been identified by the Audit Committee as a matter that should be included as part of the 2019/20 Internal Audit Plan.

Upon being submitted to the Meeting, it was then declared to be **CARRIED** and **“RESOLVED** that:

1. the conclusions and ten recommendations contained in the Internal Audit Report (March 2019) be accepted;
2. officers of the Council, in consultation with lead Hub Committee Member, be asked to prepare an Action Plan and commence implementation of the recommendations forthwith and to submit the Plan, together with progress made to date at the Council meeting on 23 July 2019; and
3. a meeting be requested (early in the 2019/20 Municipal Year) of the Political Structures Working Group to consider in particular the use of unstarred minutes and the relationship between the Hub Committee and the Council, with a report being presented back to the Council meeting on 23 July 2019.”

CM 67

REGISTERED PROVIDER APPLICATION

Members gave consideration to a report that sought Council approval to make a preliminary application to Homes England for ‘Registered Provider Status’.

In discussion, a local Ward Member asked for his thanks to be formally recorded to those officers who had been involved in the recent successful South Tawton affordable housing scheme.

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

1. a preliminary application be made to Homes England for Registered Provider Status to enable the Council to apply for grant funding for affordable housing projects; and
2. officers be given delegated authority to make applications for individual schemes as and when the need arises. (NB. the initial application will be for the Tavistock Temporary Accommodation development)."

CM 68

PUBLIC TOILET CLOSURES

Consideration was given to a report that provided an update on the Public Toilet project and specifically the consultation that had been undertaken with those affected local town and parish councils.

During his introduction, the lead Hub Committee Member advised that:-

- whilst the recommendation remained in relation to the public toilets at Market Street, Okehampton, discussions were still ongoing with Okehampton Town Council. As a result, the lead Member remained hopeful that a lease could be negotiated with the Town Council to ensure that the public toilets remained open. In light of these discussions, the Member advised that these facilities would not be closed on 31 March 2019 as long as there still remained a possibility that an agreement could be reached with the Town Council;
- the local choice of Tavistock Town Council was to retain the Bedford Car Park public toilets. Therefore, the Member informed that the recommendation was that Tavistock Bus Station public toilets should be closed;
- with regard to the Princetown facility, discussions were ongoing with Dartmoor National Park Authority. The lead Member assured those in attendance that Dartmoor Forest Parish Council and the local Ward Member would be kept fully informed; and
- he was personally very appreciative of the positive approach adopted by local town and parish councils to resolve such a difficult subject matter.

In discussion, reference was made to:-

- (a) the Yelverton facilities. In respect of the Yelverton facilities, a local Ward Member advised that it was likely to be difficult for the legal agreement to be in place before 1 April 2019;
- (b) the Market Street, Okehampton facilities. A Member highlighted the importance of the Market Street facility remaining open and strongly hoped that a satisfactory agreement could be reached between the Borough Council and the Town Council;

- (c) the Princetown facilities. In emphasising the amount of time and effort that had been wasted, a local Ward Member asked that her deep frustrations be formally recorded whereby it had only recently become apparent that the facilities at Princetown could not be closed;
- (d) the impact on disabled bus users of closing the Tavistock Bus Station facilities. Some Members asked that consideration be given to retaining at least one open toilet at the Bus Station for disabled users. In reply, the lead Hub Committee Member gave an assurance that this would be given consideration;
- (e) adequate signage being erected. When questioned, officers confirmed that appropriate signage would be put in place that advised that a public toilet facility had been closed.

It was then moved 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:

1. Following consultation with all affected town and parish councils to consider alternative ways of providing the service, approval be given to the closure of the following public toilets where feasible alternatives have not been found:
 - Buckland Monachorum: Bedford Bridge;
 - Okehampton: Market Street; and
 - Tavistock: Bus Station; and
2. Whilst the recommendation to approve closure at Princetown remains, the Council continues to provide a limited facility in Princetown whilst alternative uses of the building are explored with Dartmoor National Park Authority and the Duchy of Cornwall, in line with the terms of the current lease and head lease arrangements.”

CM 69

2019/20 CAPITAL STRATEGY, 2019/20 INVESTMENT STRATEGY AND 2019/20 TREASURY MANAGEMENT STRATEGY

A report was presented that sought Council approval of the draft:

- 2019/20 Capital Strategy;
- 2019/20 Investment Strategy; and
- 2019/20 Treasury Management Strategy.

With no questions or comments raised, it was then moved by Cllr C Edmonds, seconded by Cllr P R Sanders and, upon being submitted to the Meeting, was declared to be **CARRIED** and **“RESOLVED** that approval be given to:

1. The 2019/20 Capital Strategy (as outlined at Appendix A of the presented agenda report);
2. The 2019/20 Investment Strategy (as outlined at Appendix B of the presented agenda report); and
3. The 2019/20 Treasury Management Strategy (as outlined at Appendix C of the presented agenda report)."

CM 70 COMMERCIAL INVESTMENT PROPERTY – UPDATE AND MONITORING REPORT

A report was presented that considered the performance of the Council's Commercial Investment Property portfolio to date and the associated risks moving forward.

In discussion, reference was made to:-

- (a) the recommendations of the recent Devon Audit Partnership review (Minute CM 66 above refers). When questioned, the lead Hub Committee Member confirmed that he was fully supportive of the recommendation to formalise the governance arrangements that underpinned the Invest to Earn Working Group. Furthermore, the Member was also in support of any future amendments to the Commercial Property Strategy being presented to the Council as standalone agenda items rather than unstarred Hub Committee minutes;
- (b) the intention to extend the Commercial Property portfolio in order to spread the exposure to risk. Moving forward, a number of Members expressed the importance of continuing to strive to meet this objective.

It was then moved by Cllr N Jory, seconded by Cllr P R Sanders and, upon being submitted to the Meeting, was declared to be **CARRIED** and **"RESOLVED** that the performance and risks of the Commercial Property portfolio to date be noted."

CM 71 PAY POLICY STATEMENT AND PAY AND REWARD STRATEGY 2019/20

In accordance with the Localism Act 2011, consideration was given to a report that proposed that the Council adopted its Pay Policy Statement and Pay and Reward Strategy.

With no questions or issues being raised, 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 Pay Policy Statement for 2019/20 (as attached at Appendix A of the presented agenda report) be adopted; and

2. The Pay and Reward Strategy for 2019/20 (as attached at Appendix B of the presented agenda report) be adopted.”

CM 72

REVISED POLITICAL COMPOSITION OF THE COUNCIL

Members considered a report that outlined the revised political composition of the Council for the remainder of the 2018/19 Municipal Year.

With no questions or issues raised, it was then moved 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, for the remainder of the 2018/19 Municipal Year:

1. the Political Composition of the Council be noted as follows:
 - Conservative Group: 19 Members;
 - Independent Group: 10 Members; and
 - Non-aligned: 2 Members; and
2. the membership of Council Committees be unchanged, with the political balance rules being disapplied for the Development Management and Licensing and Standards Committees.

CM 73

MAYOR’S CONCLUDING REMARKS

As this was anticipated to be the last Council meeting of the 2018/19 Municipal Year, and the local elections would have taken place before the Council was to meet again, the Mayor thanked all Members and officers for their commitment and diligence not just during his year of office, but also for the preceding four years of the current administration. The Mayor proceeded to wish those retiring Members well for the future and those Members who were seeking re-election good luck in their respective endeavours.

In reply, other Members wished to thank the Mayor for the way he had managed the office this year and too wished him every success and happiness in the future.

Finally, some longstanding retiring Members also wished to thank their fellow Members and officers for the help and support that they had received during their respective terms of office on the Borough Council.

(The Meeting terminated at 6.10 pm)

Mayor