

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 8th December, 2020 at 4.00 pm Via Teams**

Present: **Councillors:**

Chairman Cllr Leech
Vice Chairman Cllr Mott

Cllr Ball	Cllr Bolton
Cllr Bridgewater	Cllr Cheadle
Cllr Coulson	Cllr Crozier
Cllr Davies	Cllr Daniel
Cllr Edmonds	Cllr Ewings
Cllr Hipsev	Cllr Jory
Cllr Kemp	Cllr Kimber
Cllr Moody	Cllr Moyse
Cllr Musgrave	Cllr Pearce
Cllr Ratcliffe	Cllr Renders
Cllr Ridgers	Cllr Samuel
Cllr Sellis	Cllr Southcott
Cllr Spettigue	Cllr Vachon
Cllr Wood	Cllr Yelland

In attendance:

Officers:

Senior Leadership Team

Monitoring Officer

Democratic Services Manager

Senior Specialist – Climate Change

Head of Practice – Commissioning & Contracts

Senior Specialist – Parking

Head of Environmental Health & Licensing

17. **Apologies for Absence**

CM 17

Apologies for absence were received from Cllr N Heyworth.

18. **Confirmation of Minutes**

CM 18

It was moved by Cllr N Jory, seconded by Cllr R Cheadle and, upon the motion being submitted to the Meeting, was declared to be **CARRIED**

and "**RESOLVED** that the Council agree the minutes of the 22 September 2020 Meeting as a true and correct record."

19. **Declarations of Interest**

CM 19

The Mayor invited 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 D K A Sellis declared a personal interest in Item 12: 'Public Space Protection Order – Dog Controls' (Minute CM 28 below refers) by virtue of walking her dog on Dartmoor and remained in the meeting and took part in the debate and vote thereon.

20. **Business brought forward by or with the consent of the Mayor**

CM 20

The Mayor informed the meeting that he had no urgent items to be brought forward to this Meeting.

21. **To receive Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those Recommendations which require approval:**

CM 21

a. Development Management & Licensing Committee – 29 September 2020, 27 October 2020 and 24 November 2020

It was moved by Cllr J Yelland, seconded by Cllr T Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 29 September 2020, 27 October 2020 and 24 November 2020 Committee Meetings be received and noted, with the exception of Recommendation DM&L 33."

In respect of the Recommendation:

i. DM&L 33 Review of Statement of Licensing Policy for 2021-2026

It was moved by Cllr J Yelland, seconded by Cllr T Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the draft Licensing Policy (as detailed at Appendix A of the presented agenda report to the Committee meeting) be adopted for the period from 7 January 2021 to 6 January 2026."

b. Overview and Scrutiny Committee – 6 October 2020

It was moved by Cllr J Yelland, seconded by Cllr P Kimber and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 6 October 2020 Committee Meeting be received and noted."

c. Audit Committee – 13 October 2020

It was moved by Cllr M Davies, seconded by Cllr P Vachon and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 13 October 2020 Committee Meeting be received and noted."

d. Hub Committee – 20 October 2020 and 1 December 2020

It was moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 20 October 2020 and 1 December 2020 Committee Meetings be received and noted, with the exception of Recommendations HC 27, HC 29, HC 40 and HC 41."

In respect of the Recommendations:

i. HC 27 Medium Term Financial Strategy 2021/22 to 2025/26

In discussion, reference was made to:

- the financial hardship being experienced by a number of local residents. In highlighting the financial impact of the COVID-19 pandemic, the point was made that this would need to be an important consideration for all Members during the 2021/22 Budget Setting process;
- the prudent financial management of the Council. A Member emphasised the importance of a robust Communications Strategy to underpin the Budget Setting process and stated that, without prudent financial management, the Council would not have been in a position to offer financial support to Fusion Leisure.

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

1. the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax Referendum, to endeavour to continue to deliver services (NB the actual Council Tax for any given year will be decided by Council in the preceding February);
2. the Council continue to respond to Government consultations on Business Rates Reform;
3. the Council continue to actively lobby and engage with the Government, Devon MPs, South West Councils, and other Sector Bodies (such as the District Councils' Network and the Rural Services Network) for a realistic Business Rates baseline to be set for the Council for 2022 onwards, when the Business Rates reset would happen;

4. the Council continue to lobby in support of the Government eliminating Negative Revenue Support Grant in 2021/22 (and thereafter) and continue to lobby for Rural Services Delivery Grant allocations that adequately reflected the cost of rural service provision; and
5. the Council maintain an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £50 million.”

ii. **HC 29 Springhill Update**

In debate, a Member requested that consideration be given to amending part 2 of the Hub Committee recommendation to replace the word '*support*' with the word '*note*'. The proposer and seconder of the motion confirmed that they were willing to accept this amendment and it was then moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Council:

1. note the project aims and objectives (as set out in Section 3 of the attendant report presented to the Committee meeting);
2. note the current design direction (as detailed in Section 4 of the attendant report presented to the Committee meeting), recognising the opportunities for external funding; and
3. note the draft Business Case (as set out in the Exempt Appendix B of the attendant report presented to the Committee meeting).”

iii. **HC 40 Broadband Community Support**

It was moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that approval be given to the creation of a Broadband Community Support Reserve of £100,000, to be financed by transferring:

- £50,000 from the existing Business Rates Retention Earmarked Reserve; and
- £50,000 from the Business Rates Discretionary Fund (Additional Restrictions Grants (ARG) Scheme).”

iv. **HC 41 Cornwall and West Devon Mining Landscape World Heritage Site: Management Plan 2020-2025**

When questioned, it was confirmed that, once adopted, the Plan would be taken into account as part of the planning process.

A Member also asked for her appreciation that the Plan contained significant emphasis to Climate Change and Biodiversity be noted.

It was moved by Cllr N Jory, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, with immediate effect, the World Heritage Site Management Plan 2020-2025."

e. Invest to Earn Committee – 2 October 2020

It was moved by Cllr C Edmonds, 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 2020 and 1 December 2020 Committee Meetings be received and noted."

In response to a Member wishing to ask a question on the exempt agenda report, it was it was moved by Cllr C Edmonds, seconded by Cllr R Cheadle 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 paragraph 3 of Schedule 12A to the Act is involved."

In reply to the question, the Committee Chairman gave an assurance that, whilst it was not deemed appropriate in this instance, future proposals would be looked at on their own merits and the Committee would not rule out the potential to invest in future solar energy related schemes.

Once all Members were content that they had no further issues to raise on the exempt appendices, it was then moved by Cllr A F Leech, seconded by Cllr R Cheadle 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."

22.

Draft Recovery Plan

CM 22

The Council considered a report that presented the draft Recovery and Renewal Plan for adoption.

In the ensuing debate, reference was made to:-

- (a) the agricultural industry. Members recognised the reliance of the agricultural industry to the West Devon Borough area and the importance of striking a balance between retention of the existing industry whilst encouraging diversification was highlighted;
- (b) support for the Plan. A number of Members wished to thank the lead officers for compiling an excellent Plan. Of particular note, some

Members highlighted the need to consider the desire for smaller office units with access to shared boardrooms and the emphasis on tourism and prosperity was also welcomed;

- (c) the need to exploit new opportunities when they arose. In citing the return of the railway passenger service to Okehampton as an example, the point was made that the Plan must be allowed to evolve and adapt as new opportunities presented themselves.

It was consequently "**RESOLVED** that the COVID-19 Recovery and Renewal Plan (as attached at Appendix A of the presented agenda report) be adopted."

23. **Climate Change and Biodiversity Strategy and Action Plan**

CM 23

Consideration was given to a report that sought adoption of the draft Climate Change and Biodiversity Strategy and Action Plan.

In discussion, the following points were raised:

- (a) Some Members stated the importance of progress being made on the establishment of a Cycle Route along the A386;
- (b) Officers confirmed that the Plan had been produced in close liaison with colleagues at Devon County Council;
- (c) A Member felt that the Plan did not necessarily reflect the key role that could be played by South West Water in investigating the issues and capacity for hydropower in the Borough area;
- (d) In response to a request, the proposer and seconder of the motion agreed to include the following additional wording within part 1 of their recommendation:

'That the Climate Change and Biodiversity Strategy (as set out at Appendix 1 of the presented agenda report and including an updated Action Plan) be adopted, subject to point 1 on page 70 of the presented agenda report being amended to read:

'Encourage individuals to look at the impact of their diet and support the increase in the consumption of in season, locally produced food across Devon.'

- (e) The close linkages to the Council's now adopted Recovery Plan were noted by a number of Members;
- (f) In recognition of the rural nature of the Borough and the lack of public transport provision, a Member welcomed the emphasis in the Action Plan being given to Fuel Poverty;
- (g) A number of Members commended the role played by the Working Group and lead officers in producing the draft Strategy and Action Plan. In terms of next steps, it was recognised that the Working

Group would need to now focus on the delivery of some quick achievable outcomes from the adopted Action Plan.

It was then moved by Cllr M Davies, seconded by Cllr S Hipsey and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Climate Change and Biodiversity Strategy (as set out at Appendix 1 of the presented agenda report and including an updated Action Plan) be adopted, subject to point 1 on page 70 of the presented agenda report being amended to read:

'Encourage individuals to look at the impact of their diet and support the increase in the consumption of in season, locally produced food across Devon.'

2. it be noted that the Action Plan will be a continually evolving document and that delegated authority be granted to the Director of Governance and Assurance to make revisions to the Plan as and when deemed necessary;
3. the Terms of Reference of the Hub Committee and the Overview and Scrutiny Committee be updated to enable for the Strategy and Action Plan to be updated (by the Hub Committee) and reviewed (by the Overview and Scrutiny Committee) on a six-monthly basis;
4. officers be instructed to establish an officer led Community Forum and hold a quarterly Community Forum meeting with each session focused around a Climate Change and Biodiversity Strategy theme; and
5. the Council puts on record its thanks to the Members of the Climate Change and Biodiversity Working Group for developing the draft Strategy and Action Plan."

24. **Planning Delegation Scheme**

CM 24

The Council considered a report that presented an amended Planning Delegation Scheme for approval.

During her introduction, the lead Hub Committee Member informed that, at the appropriate time, she would be recommending adoption of the revised Planning Delegation Scheme subject to inclusion of the following two minor revisions:

1. That definition point 1 'HOP Lead' be amended to read 'Head' instead of 'Community'; and
2. That paragraph 5.1.2 include an (s) after 'Member' to reflect the number of multi-Member Wards in the Borough.

In discussion, some concerns remained that there was still the potential for Members to be experiencing unforeseen issues (for example their IT

equipment was not working) and not therefore able to call a planning application to Committee within the prescribed time period. In such instances, some Members felt that there was a need for pragmatism and the development of a protocol would be beneficial. As a reminder, the importance of all Members being personally responsible to inform Democratic Services at the earliest possible opportunity of any absence or unavailability (and, where appropriate, their nominated Member representative to act on their behalf) was stressed.

It was then moved by Cllr C Mott, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the changes to the Planning Delegation Scheme (as set out at Appendix A of the presented agenda report) be agreed, subject to:

- Definition point 1 'HOP Lead' reading 'Head' instead of 'Community'; and
- Paragraph 5.1.2 including an (s) after 'Member' to reflect the number of multi-Member Wards in the Borough."

25. **Resource and Waste Management Strategy for Devon and Torbay**

CM 25

A report was considered that sought approval for public consultation of the draft Resource and Waste Management Strategy for Devon and Torbay.

During the ensuing discussion, particular reference was made to:

- (a) the absence of any reference to Plymouth City Council. When questioned, officers advised that Plymouth City Council had decided to opt out of the partnership and develop their own Strategy;
- (b) 'minor changes' to the draft Strategy. Officers confirmed that the 'minor changes' referred to in part 2 of the recommendation would enable for minor typographical and grammatical errors in the draft Strategy to be amended prior to the public consultation exercise.

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

1. the draft Resource and Waste Management Strategy for Devon and Torbay be approved for public consultation; and
2. delegated authority be granted to the Head of Contracts and Commissioning, in consultation with the lead Hub Committee Member for Environment, to make any minor changes considered necessary to the draft Strategy, prior to the public consultation exercise."

26. **Car Park Charges**

CM 26

The Council considered a report that sought approval to amend the pay and display charges in long stay West Devon off-street car parks.

During discussion, reference was made to:

- (a) the proportion of parking permits to parking spaces in the Mill Road Car Park, Okehampton. In response to a request from a local Ward Member, the lead Specialist and lead Member committed to reviewing the proportion of parking permits within the Mill Road Car Park outside of this Council meeting;
- (b) the consultation exercise. A Member expressed his support for what he considered to be a reasonable set of proposals and thanked the lead Member for the extensive community consultation exercise that had been undertaken;
- (c) the impact of the COVID-19 Pandemic. A Member felt it important to reiterate the previously raised concerns (Minute CM 21 a above refers) that a number of residents were experiencing serious financial hardship as a result of the COVID-19 Pandemic. Whilst recognising the point, the lead Member replied that the proposals were intended to support local residents and businesses and the feedback gleaned from the consultation exercise did not indicate widespread concerns to these proposals.

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

1. the pay and display charges in the long stay West Devon Off-Street car parks in accordance with Appendix A of the presented agenda report; and
2. consequential changes be made to the Council's Off-Street Parking Places Order 2015."

27. **Annual Health and Safety Policy Statement**

CM 27

Members considered a report that presented the annual review (and suggested amendments) of the Health and Safety Policy

During discussion, reference was made to the Policy Statement applying to Members as well as officers. As a result, it was felt that the profile of the Policy Statement (and related policies) should be raised amongst Members. In particular, there was felt to be a need to make all related policies more electronically accessible to Members.

It was then moved by Cllr N Jory, seconded by Cllr P Ridgers and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council agree to adopt the revised Policy (as

attached at Appendix A of the presented agenda report) and that it is signed by the Head of Paid Service and the Leader of the Council.”

28. **Public Space Protection Order - Dog Controls**

CM 28

Members considered a report that asked Council to consider:

- extending the current Public Space Protection Order in relation to the Council of Dogs for a further three year period;
- removing specified sites from the current Order; and
- introducing two general articles that will apply to the whole Borough in relation to dog fouling and keeping dogs under control in the built environment.

During discussion, it was apparent that a number of Members had concerns regarding:

- the lack of reference within the presented agenda report to the consultation responses received; and
- the proposed Borough wide approach being appropriate for the towns and larger parish areas but wholly inappropriate for the Dartmoor National Park area of the Borough.

Following a detailed debate, a number of Members felt that the report required further consideration before the Council could make a final decision. As a result, it was then moved by Cllr C Mott, seconded by Cllr S Hipsey and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the report be deferred and presented back to a future Council meeting for further consideration.”

29. **Appointments to Council Bodies and Other Groups**

CM 29

Consideration was given to a report that sought to appoint, with immediate effect and for the remainder of the 2020/21 Municipal Year, replacements to a number of Member Groups.

It was then moved by Cllr N Jory, seconded by Cllr R Cheadle and upon being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that, with immediate effect and for the remainder of the 2020/21 Municipal Year:

1. Cllr J Spettigue be added to the list of Development Management & Licensing Committee Substitute Members for the West Devon Alliance Group;
2. Cllr L Wood replace Cllr R Musgrave as a Member of the Climate Change & Biodiversity Working Group;
3. Cllr R Cheadle replace Cllr R Musgrave as a Member of the Political Structures Working Group; and
4. Cllr M Ewings replace Cllr R Musgrave as a Member of the Waste Working Group.”

The Meeting concluded at 8.00 pm

Signed by:

Chairman
