

# WEST DEVON COUNCIL



West Devon  
Borough  
Council

## **Minutes** of a meeting of the **West Devon Council** held on **Tuesday, 17th September, 2019** at **4.00 pm** at the **Chamber** **- Kilworthy Park**

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 Heyworth    | Cllr Hipsey    |
| Cllr Jory        | Cllr Kemp      |
| Cllr Moody       | Cllr Musgrave  |
| Cllr Pearce      | Cllr Ratcliffe |
| Cllr Renders     | Cllr Ridgers   |
| Cllr Samuel      | Cllr Sellis    |
| Cllr Southcott   | Cllr Spettigue |
| Cllr Yelland     |                |

### **In attendance:**

Officers:  
Chief Executive  
Monitoring Officer  
Section 151 Officer  
Commissioning Manager  
Swenior Specialist – Democratic Services

30. **Apologies for Absence**  
CM 30  
Apologies for absence were received from Cllrs P Kimber, D E Moyse, Cllr P Vachon and L Wood.
31. **Declarations of Interest**  
CM 31

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:-

Cllrs K Ball and J Yelland both declared a Disclosable Pecuniary Interest in Item 9 (iv): 'Minutes of Committees: (d) Hub Committee and specifically Unstarred Minute HC 41 'Land at Okehampton' (Minute CM 35 d v below refers). Cllr Ball declared his interest by virtue of the area in question being in close proximity to his home address and Cllr Yelland declared her interest by virtue of her husband's business interests. Both Members proceeded to leave the meeting room during consideration of this Unstarred Minute.

32. **Confirmation of Minutes**

CM 32

It was moved by Cllr N Jory, 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 23 July 2019 Meeting as a true record."

33. **To receive communications from the Mayor or person presiding**

CM 33

The Mayor advised that there were still a number of Members who had not informed the lead officer as to whether or not they would be attending his Civic Service on Sunday, 6 October 2019. The Mayor requested that these Members let the office know as soon as was practically possible.

34. **To consider motions of which notice has been duly submitted by Members in accordance with Council Procedure Rule 15;**

CM 34

It was moved by Cllr L Daniel and seconded by Cllr A Coulson:

"This Council:

1. seeks to ban the use of chemical pesticide spraying including herbicides, pesticides and fungicides in the urban and public areas that the Council is responsible for maintaining, with the only exception being for the control of Japanese Knotweed that will be carried out by stem injection of herbicide not spraying; and
2. instructs the Climate Change and Biodiversity Working Group to form a detailed plan of implementation to present to the Council meeting on 10 December 2019."

The proposer introduced the motion and made reference to:-

- 97% of wildflower meadows having disappeared since the 1920s;
- Insect and bird numbers being on the decline;
- loss of biodiversity being particularly pertinent in the United Kingdom;

- Climate Change and farming pesticides being a major contributing factor to the loss of biodiversity;
- a number of pending global lawsuits that were linked to the ill health of workers in the agriculture industry who had been exposed to pesticides;
- the need for the Council to take such steps in support of its decision to declare a Climate Change and Biodiversity Emergency; and
- there being alternative systems in the market place that could be used instead.

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

(a) The seconder strongly urged the Council to support the motion and highlighted that:

- the Council had a moral responsibility to approve this motion having declared a Climate Change and Biodiversity Emergency;
- the UK's butterfly species had decreased by two-thirds in the last 43 years;
- Austria, the Czech Republic, Italy and the Netherlands had all banned the use of glyphosates and their use was to be phased out in France and Germany by 2023; and
- the potential to recover the additional costs arising from this proposal by offering rental use of the equipment to town and parish councils.

(b) Whilst supporting the sentiments of the motion, some Members felt that more research needed to be undertaken before a final decision was made. As a result, an amendment was moved and seconded that read as follows:

*'This Council recognises the need to change behaviours and policies in response to the Climate Change and Biodiversity Emergency.*

*The Council acknowledges legitimate concerns about the use of pesticides, herbicides and fungicides and recommends that the Climate Change and Biodiversity Working Group fully considers the current use of such chemicals, alternative working practices and the impact and potential consequences of a ban in its report to Council in December 2019.'*

In support of the amendment, some Members were of the view that it would enable for a detailed review to be carried out by the Working Group with an evidence based recommendation then being presented to the Council meeting on 10 December 2019.

As a contrasting view, other Members felt that the amendment diluted the sentiments of the original motion and the Council was reminded that it only *'sought to'* ban the use of chemical pesticide spraying.

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

Prior to the vote being taken on the substantive motion, a Member felt that it would provide clarity to state that it only referred to land within the stewardship of the Council. This suggestion was agreed by the proposer and seconder and when put to the vote, the motion was declared **CARRIED**.

Upon being submitted to the Meeting, it was then declared to be **CARRIED** and **"RESOLVED** that this Council recognises the need to change behaviours and policies in response to the Climate Change and Biodiversity Emergency.

The Council acknowledges legitimate concerns about the use of pesticides, herbicides and fungicides and recommends that the Climate Change and Biodiversity Working Group fully considers the current use by this Council of such chemicals, alternative working practices and the impact and potential consequences of a ban in its report to Council in December 2019."

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

CM 35

**a. Audit Committee – 23 July 2019**

It was moved by Cllr M Davies, seconded by Cllr J Yelland and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 23 July 2019 meeting be received and noted".

**b. Development Management and Licensing Committee – 30 July 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 30 July 2019 meeting be received and noted".

**c. Overview and Scrutiny Committee – 3 September 2019**

It was moved by Cllr M V L Ewings, seconded by Cllr J Spettigue and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 3 September 2019 meetings be received and noted".

**d. Hub Committee – 10 September 2019**

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 10 September 2019 meeting be received and noted, with the exception of Unstarred Minutes HC 27, HC 28 (part 2 only), HC 33, HC 37A, HC 40 and HC 41". With regard to Unstarred Minute HC 27, it was noted that these recommendations were to be considered later at this meeting (Minute CM 36 below refers).

In respect of the remaining Unstarred Minutes:

i. **HC 28 Quarter 1 Revenue Budget Monitoring 2019/20**

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 proposal to recruit two additional Planning Enforcement Level 6 Case Managers (that will cost the Council an additional £21,460 per annum) be approved. (NB. the two posts to be funded from the Planning Earmarked Reserve in 2019/20 at a maximum cost of £7,200 to the Council).”

ii. **HC 33 Corporate Strategy**

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 Corporate Strategy desired outcomes (objectives) up until 2023 be adopted as follows:

**Homes**

- Enable the delivery of at least 150 affordable homes.

**Communities**

- Actively support communities to develop and introduce their Neighbourhood Plans; and
- Fund grass roots initiatives that unite communities.

**Environment**

- Increase the percentage of waste that we recycle;
- Meet our Climate Change pledge and help to reduce carbon emissions; and
- Work with partners to encourage high quality, environmentally sound new homes.

**Enterprise**

- Provide professional and impartial business advice; and
- Lobby strategic partners to provide affordable premises, improve Broadband, develop road and rail links.

**Wellbeing**

- Working with the NHS and local charities to enhance access to Health and Wellbeing services; and
- Provide affordable and well maintained leisure centres offering a range of activities for all.

**Efficient and Effective Council**

- Ensure Value for Money without comprising customer service; and
- Improve our customer satisfaction ratings.

iii. **HC 37 Reports of Other Bodies**

**Overview and Scrutiny Committee – 3 September 2019**

### **A: O&S 30 Planning Enforcement Plan Review**

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:

1. the updated Enforcement Plan;
2. the Harm Assessment Matrix; and
3. the Enforcement Action Plan."

#### **iv. HC 40 Grounds Maintenance Review**

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 proposal for the Grounds Maintenance service be approved in accordance with paragraph 5.1 of the exempt agenda report that was presented to the Hub Committee meeting."

#### **vi. HC 41 Land at Okehampton**

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:

1. approval be given to the acquisition of a parcel of land to support the Strategic Development Plan, with the purchase being funded from the Capital Receipts Reserve and the Financial Stability Reserve; and
2. authority be delegated to the Director of Place and Enterprise, in consultation with the Section 151 Officer and the Leader of Council to conclude negotiations in accordance with paragraph 1.3 of the exempt agenda report that was presented to the Hub Committee meeting."

### **36. Medium Term Financial Strategy 2020/21 to 2024/25**

CM 36

Members considered a report that presented the Council's draft Medium Term Financial Strategy (MTFS) from 2020/21 to 2024/25.

In the ensuing debate, reference was made to:-

- (a) the minimum level of Unearmarked Reserves. Officers confirmed that it was a requirement for the minimum level to be reviewed and set annually by the Council;
- (b) the three weekly residual (black sack) collection trial. In reply to a question, officers advised that any delay in the trial would require a further report being presented to the Hub Committee. However, Members were assured that any such proposal to delay would not have an impact on the proposed implementation date of 1 April 2021;

- (c) the importance of the MTFs. A number of Members highlighted the importance of closely (and regularly) monitoring the Council's financial position;
- (d) the future of New Homes Bonus monies. The Section 151 Officer informed the Council that a decision was still awaited from Central Government in respect of whether or not New Homes Bonus funding would be retained in the future.

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

1. The strategic intention be set 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 respond to any Government announcement / consultation in September 2019 on Business Rates Reform;
3. The Council continue to actively lobby and engage with the Government, Devon MPs 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 2020 onwards, if Business Rates Reform is introduced for 2020-21 or a later timescale (it is widely thought that it will be delayed until 2021-22);
4. The Council continues to lobby in support of the Government eliminating Negative Revenue Support Grant in 2020/21 (and thereafter) and continues to lobby for Rural Services Delivery Grant allocations which adequately reflect the cost of rural service provision;
5. For modelling purposes, £200,000 of New Homes Bonus funding be used for 2020/21 (or any alternative scheme) to fund the Revenue Base Budget with this being reduced to £100,000 by 2021/22 and £50,000 by 2022-23;
6. The minimum level of Unearmarked Reserves to be retained is increased from £750,000 (2019/20 level) to £900,000 for 2020/21 to reflect the increase in financial risks which the Council faces;
7. £200,000 of Unearmarked Reserves be transferred into the Financial Stability Earmarked Reserve;
8. The Council continues dialogue with the actuaries of the Devon Pension Fund and Devon County Council on the options for the Council's Pension position, with the aim of reducing the current contributions, increasing affordability, whilst best managing the pension deficit. (NB. once the results of the Triennial Pension

Revaluation are known, a report will be presented to Members by January 2020);

9. The Council maintains an Upper Limit on External Borrowing (for all Council services) as part of the Medium Term Financial Strategy of £50 million;
10. The forecast Budget Gap for 2020/21 of £0.38 million and the position for future years be noted; and
11. The current options identified and timescales for closing the Budget Gap in 2020/21 and future years (in order to achieve long term financial sustainability) be noted."

37. **Call-In of the Hub Committee Resolution on Minute \*HC 15: 'Northern Outreach'**

CM 37

Having been referred by the Overview and Scrutiny Committee at its meeting on 3 September 2019 (Minute \*O&S 29 refers), the Council considered the future of the 'Northern Outreach' service.

By way of an introduction, the lead Hub Committee Member for Customer First highlighted that the subject matter had been rigorously debated by both the Hub and Overview and Scrutiny Committees. Having reflected on these meetings, the Member absolutely took on board the need for the Council to consider how local residents accessed services across the Borough (not just in Okehampton or Tavistock). As a result, the lead Member informed that he would welcome the opportunity to explore options further before presenting his findings to a future meeting. In so doing, the Member clarified that the current service provision would continue until a final decision was taken.

In the ensuing discussion, the following points were raised:

- (a) With regard to timescales, the lead Member confirmed that, if Council was minded to approve his proposed way forward, it would be his intention to present his findings to the Hub Committee at its meeting on 5 November 2019. After this meeting, the Hub Committee recommendations would then be determined at the Council meeting to be held on 10 December 2019;
- (b) The lead Member assured the Council that local ward Members would be given the opportunity to be involved in the review prior to the report being presented to the Hub Committee meeting on 5 November 2019;
- (c) Whilst acknowledging that the timescales were tight, officers were confident that they were realistic and, in light of the potential budget implications, it was felt important to reach a decision at the Council meeting on 10 December 2019;
- (d) A Member who had instigated the Scrutiny Call-in thanked the lead Member for his comments and felt that the item had been a good



example of effective scrutiny in the Council's decision-making process.

It was then proposed by Cllr J B Moody, seconded by Cllr L Samuel and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that, at its meeting on 5 November 2019, the Hub Committee consider the Borough wide accessibility of Council services and makes recommendations to the Council meeting on 10 December 2019 on future service delivery."

38. **Heart of the SW - Joint Committee Governance Review**

CM 38

Consideration was given to a report that sought to approve the amendments to the Joint Committee's list of functions and note the updated budget position for 2019/20.

In discussion, Members recognised the importance of the Council having a presence (and vote) on the Joint Committee.

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

1. the amendments to the Committee's list of functions in the Arrangements document be approved and the updated budget position for 2019/20 for the Heart of the South West Joint Committee be noted; and
2. Somerset County Council be reappointed as the Administering Authority to the Joint Committee for the period from 22 January 2020 to 21 January 2022."

39. **Appointment of a Substitute Member to the Devon Authorities Strategic Waste Committee for the Remainder of the 2019/20 Municipal Year**

CM 39

The Group Leaders had been invited to submit their nominations to the role of Substitute Member to the Devon Authorities Strategic Waste Committee for the remainder of the 2019/20 Municipal Year. The Council noted that the deadline had now expired and Cllr S Hipsey had been nominated.

It was then proposed by Cllr R Cheadle, seconded by Cllr N Jory and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that Cllr S Hipsey be appointed as Substitute Member to the Devon Authorities Strategic Waste Committee for the remainder of the 2019/20 Municipal Year."

The Meeting concluded at 5.30 pm

**Signed by:**

**Chairman**

