

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 22nd September, 2020** at **12.00 pm Via Skype**

Present: **Councillors:**

Chairman Cllr Leech
Vice Chairman Cllr Mott

Cllr Ball	Cllr Bridgewater
Cllr Cheadle	Cllr Coulson
Cllr Crozier	Cllr Davies
Cllr Daniel	Cllr Edmonds
Cllr Ewings	Cllr Hipsey
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:
Chief Executive
Section 151 Officer
Director – Place & Enterprise
Director – Governance & Assurance
Deputy Monitoring Officer
Democratic Services Manager

6. **Apologies for Absence**
CM 6
Apologies for absence were received from Cllrs T Bolton and N Heyworth.
7. **Confirmation of Minutes**
CM 7

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 9 June 2020 Meeting and the 29 July 2020 Special Meeting as a true and correct record."

8. **Declarations of Interest**

CM 8

The Mayor invited Members to declare any interests in the items of business to be considered during the course of the meeting but there were none made.

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

CM 9

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

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

CM 10

a. **Hub Committee – 30 June 2020, 28 July 2020 and 15 September 2020**

It was 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 the Minutes of the 30 June 2020, 28 July 2020 and 15 September 2020 Committee Meetings be received and noted, with the exception of Recommendations HC 07, HC 16 and HC 18."

In respect of the Recommendations:

i. **HC 07 Changes to Pest Control Services**

It was 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:

1. the free pest control (rats and mice treatments) service for residents be removed and replaced with a free service for benefit recipients only; and
2. the tender to deliver the service in West Devon Borough Council areas from Terminix be accepted and approved."

ii. **HC 16 Amended Draft Budget 2020/21**

Cllr N Jory informed that this recommendation was to be considered later in this meeting (Minute CM 10 below refers).

iii. **HC 18 Council Tax Premium for Long-term Empty Property**

In reply to a question, the Section 151 Officer informed that, as at August 2020, the Council had 47 properties that were subject

to the long-term Empty Property Premium, which was out of a total of 26,051 properties that were banded for Council Tax.

In addition, on 1 April 2021, of these 47 properties:

- 4 would have been 'long-term' empty for longer than 5 years, with a further 8 properties reaching five years during the 2021 Financial Year; and
- 4 would have been 'long term' empty for longer than 10 years, with 3 of the 4 properties highlighted above reaching ten years during the 2021 Financial Year.

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. an increase in the Council Tax long-term Empty Property Premium be approved from the current 50% to the relevant maximums as set out in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018;
2. with effect from 1 April 2021 onwards, the Council Tax long-term Empty Property Premium be increased to 100% for properties that have been empty for 2 years or more*;
3. with effect from 1 April 2021 onwards, the Council Tax long-term Empty Property Premium be increased to 200% for properties that have been empty for 5 years or more*; and
4. with effect from 1 April 2021 onwards, the Council Tax long-term Empty Property Premium be increased to 300% for properties that have been empty for 10 years or more*.

(* Any period not exceeding six weeks, where the property is not empty, shall be disregarded for the purposes of calculating the 2, 5 or 10 year empty period)."

b. Development Management and Licensing Committee – 30 June 2020 and 28 July 2020

It was moved by Cllr J Yelland, seconded by Cllr P Crozier and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 30 June 2020 and 28 July 2020 Committee Meetings be received and noted."

c. Overview and Scrutiny Committee – 23 June 2020, 4 August 2020 and 1 September 2020

It was moved by Cllr M Ewings, seconded by Cllr P Kimber and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that the Minutes of the 23 June 2020, 4 August 2020 and 1 September 2020 Committee Meetings be received and noted, with the exception of Recommendation O&S 9."

i. O&S 9 Overview and Scrutiny Annual Report 2019/20

It was moved by Cllr M Ewings, seconded by Cllr P Kimber and upon being submitted to the Meeting was declared to be **CARRIED** and "**RESOLVED** that its Annual Report for 2019/20

(as outlined at Appendix A of the agenda report presented to the Committee) be approved.”

d. Audit Committee – 23 June 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 23 June 2020 Committee Meeting be received and noted.”

11. **Amended Budget 2020/21**

CM 11

The Council considered a report that presented a draft amended Budget for 2020/21 in light of the impact of the COVID-19 Pandemic.

In the ensuing debate, reference was made to:-

- (a) any proposed use of Council Reserves. A Member wished to make the point that the Council could only spend its Reserves once and felt it important for this to be continually borne in mind by his fellow Members both today and in the future;
- (b) the work undertaken by the Section 151 Officer. A number of Members wished to thank the Section 151 Officer and her finance team for their hard work in preparing this draft amended Budget. In particular, these Members felt that the recent Member Budget Setting Workshop had been an excellent session.

At the conclusion of the debate and, in accordance with statutory legislation, the Mayor then called for a recorded vote on the recommendation. The vote was subsequently recorded as follows:-

For the motion (27): Cllrs Ball, Bridgewater, Cheadle, Coulson, Crozier, Daniel, Davies, Edmonds, Ewings, Hipsey, Jory, Kemp, Kimber, Leech, Moody, Mott, Moyse, Ratcliffe, Renders, Ridgers, Samuel, Sellis, Southcott, Spettigue, Vachon, Wood and Yelland

Against the motion (0):

Abstentions (0):

Absent (4): Cllrs Bolton, Heyworth, Musgrave and Pearce.

It was consequently **“RESOLVED** that:

1. the following five options (totalling £501,000) be approved in order to produce an Amended Revenue Budget for 2020-21:
 - To use the third tranche of COVID-19 funding received from Central Government (£89,000);
 - To use the New Burdens Government Grant funding received for the administration of the Business Rates Grants (£130,000);
 - To utilise the 2019/20 Statement of Accounts underspend (£133,000);
 - To allocate the uncommitted New Homes Bonus from 2020/21 to further fund the Revenue Base Budget (£69,000); and

- To reduce the Capital Budget for the remedial works to the Tavistock Viaduct from £100,000 to £20,000 (NB. this Capital Budget was being funded by New Homes Bonus which is revenue funding) (£80,000);
- 2. it be noted that the future capacity of Reserves (as set out in Sections 5.8 and 5.9 of the presented agenda report) may have to be called upon to meet any future financial challenges and/or additional requirements;
- 3. £70,000 be used from the Business Rates Retention Earmarked Reserve to fund the Town Centre Support initiative (as set out in Section 6 of the presented agenda report); and
- 4. approval be given to Tranche 4 of the Discretionary Business Grants Policy (as attached at Appendix 2 of the presented agenda report), to confirm that, in accordance with the Central Government guidance, Town and Parish Councils are able to apply to the scheme if they meet the eligibility criteria (as set out at Section 11 of the presented agenda report)."

12. **Corporate Debt Recovery Policy Update ** Item deferred until the December Council meeting****

CM 12

The Mayor informed that this agenda item had been deferred for consideration at the next Council meeting to be held on 8 December 2020.

(At this point, the meeting was adjourned until 2.00pm).

13. **Fusion Support & Alternative Options**

CM 13

Consideration was given to a report that set out the challenging conditions for all leisure providers due to the COVID-19 Pandemic. In particular, the report considered the alternative management options for the Council and provided a series of options for Members to consider over the long term future for the Leisure Centre provision.

The Leader introduced the report and made particular reference to:-

- the most recent Central Government announcements having had no impact on this agenda report. In addition, the Leader emphasised the importance of the Council continuing to lobby Central Government to ensure that leisure providers were in receipt of financial support;
- the extensive tender process that had been undertaken before Fusion had been awarded the Leisure Contract;
- the close linkages with the Council's Health and Wellbeing agenda;
- it being his wish to continue to support Fusion and to recommend that both Leisure Centres be re-opened; and
- his intention to request that the Financial Stability Review Group assess the impact of the Leisure Contract on the Council's financial position.

In discussion, the following points were raised:

- (a) Officers agreed to provide Members with high level mapping information regarding the location of where Fusion members lived within the Borough;
- (b) In the event of the Council opening both Leisure Centres, it was envisaged that they would be re-opened within the next two weeks;
- (c) Some Members were of the view that Fusion should review its current Centre opening hours and particularly requested that consideration be given to reinstating the 7.00am opening times. Furthermore, the importance of re-instating the GP Referrals Scheme was also reiterated by a number of Members;
- (d) Officers recognised the views expressed by a number of Members whereby Fusion needed to drastically improve its Communications Strategy. In response, officers advised that this point had already been relayed to Fusion representatives in the strongest possible terms;
- (e) In acknowledging the significance of the decision, some Members stated that there were no absolute guarantees that this would be the last request made by Fusion for additional funding from the Council. As a result, a number of Members wished to warn Fusion that the Council did not have the financial resilience to continually support the organisation;
- (f) In light of the meeting wishing to raise issues in relation to the exempt appendices, it was 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, 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."

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."

- (g) Some Members made the point that this discretionary service (that was being used by approximately 5% of residents) was being funded by every Council Taxpayer and the importance of the Centres therefore being used by as many residents as was practically possible was stressed;

- (h) The Chairman of the Overview and Scrutiny Committee felt that there may be a need to receive more frequent performance reports than the current annual monitoring arrangement;
- (i) The introductory comments of the Leader in respect of the moral duties associated with health and wellbeing and social prescribing implications of the Leisure Contract were repeated by several Members;
- (j) The lead officers were thanked by a number of Members for producing such a comprehensive and balanced agenda report.

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

1. agree to continue with the Fusion Contract as set out in Section 3 of the presented agenda report ('Strategic Options Appraisal') as being the most appropriate means of supporting Health and Wellbeing objectives within the West Devon Borough area;
2. provide further financial support to Fusion through to March 2021 amounting to £92,000 to cover the minimum level of support to Fusion (this is the amount to mothball both Leisure Centres), to be funded from the Budget Surplus Contingency Earmarked Reserve; and
3. agree to extend the minimum level of financial support so as to deliver improved Health and Wellbeing outcomes by opening Meadowlands (Tavistock) as well as Parklands. (To have both Leisure Centres fully open would cost an extra £200,000 as well as the £92,000 – a total of £292,000)).

(NOTE. any extension of financial support from the minimum level is recommended to be funded from the Business Rates Retention Earmarked Reserve)."

14. **Climate Change and Biodiversity Strategy**

CM 14

As a result of an updated version of the draft Strategy now being worked on, it was moved by Cllr T Leech, seconded by Cllr M Davies and upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that consideration of this agenda item be deferred until the next Council meeting on 8 December 2020 to enable for further amendments to be made to the draft Strategy."

15. **Designation of Monitoring Officer**

CM 15

A report was considered that proposed a route for changing the designation of the Monitoring Officer role and recommended that, once appointed, it be allocated to the role of the Head of Legal Services.

During the ensuing discussion, particular reference was made to:

- (a) the proposed salary protection. A Member commented that the 18 month salary protection was generous;
- (b) the emphasis on good governance. The proposals were felt to reflect the importance of good governance, which was welcomed;
- (c) the legal organisational structure. In response to a request, officers agreed to circulate a copy of the current legal organisational structure chart to Members outside of this meeting.

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

1. the Monitoring Officer responsibilities and duties be removed from the Business Manager (Specialists) role upon the appointment of a Head of Legal Services;
2. the role of the Monitoring Officer be designated to a Level 3 Head of Legal Services (once appointed);
3. the role of Head of Legal Services and Monitoring Officer be appointed to via an external recruitment process; and
4. the Chief Executive be requested to carry out a review of the Legal Services team, including a review of the role(s) and remuneration of the Deputy Monitoring Officer(s) and the resources needed to provide an effective legal service."

16. **Appointment of Electoral Registration Officer and Returning Officer**

CM 16

The Council considered a report that sought approval to confirm the appointment of the Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) as the Electoral Registration Officer and Returning Officer for the Council.

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, with immediate effect:

1. the Deputy Chief Executive and Director of Customer Service and Delivery (Steve Mullineaux) be confirmed as the Electoral Registration Officer and Returning Officer for West Devon Borough Council; and
2. the Director of Place and Enterprise (Chris Brook) be appointed as the Deputy Returning Officer for West Devon Borough Council."

The Meeting concluded at 4.15 pm

Signed by:

Chairman
