

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 25th May, 2021** at **11.00 am** 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 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
Monitoring Officer
Democratic Services Manager

1. **Minute's Reflection** CM 1/21

As this was the first Full Council meeting since both the Duke of Edinburgh and Ms Tracy Winser (who had worked for the Council up until 2015 and had led on the successful Transformation Programme) had sadly passed away, the Mayor asked those in attendance, as a mark of respect, to observe a minute's reflection in their memory.

2. **To elect The Mayor of the Borough for the ensuing year and to provide an opportunity for the Mayor to say thanks to the Council**

CM 2/21

Cllr R Cheadle moved the appointment of Cllr C Mott as Mayor for the ensuing year and Cllr N Jory subsequently seconded the motion.

No other nominations were received and, upon the motion being submitted to the meeting, it was declared to be **CARRIED** and "**RESOLVED** that Cllr C Mott be appointed Mayor for the ensuing year".

The retiring Mayor transferred the Chain of Office to the newly elected Mayor, who then made the Declaration of Acceptance of Office, signed the Register and addressed the Council.

Cllr C Mott then chaired the remainder of the meeting.

Cllr C Mott proceeded to propose a vote of thanks to the retiring Mayor. The proposition was seconded by Cllr R Cheadle.

Cllr C Mott then invested Cllr A Leech with the Past Mayor's and his Consort's Medallions.

The retiring Mayor, Cllr A Leech proceeded to address the meeting.

3. **To elect The Deputy Mayor of the Borough for the ensuing year and to provide an opportunity for the Deputy Mayor to say thanks to the Council**

CM 3/21

The Mayor called for nominations for the position of Deputy Mayor.

One nomination was received as follows:

Cllr T Pearce	proposed:	Cllr N Jory
	seconded:	Cllr R Cheadle

There being no other nominations, it was declared to be **CARRIED** and "**RESOLVED** that Cllr T Pearce be appointed as Deputy Mayor for the ensuing year".

The Deputy Mayor then made the Declaration of Acceptance of Office and signed the register and the Mayor invested Cllr T Pearce with the Deputy Mayor's Insignia.

Cllr T Pearce then addressed the Council.

4. **Apologies for Absence**

CM 4/21

There were no apologies for absence presented to the Meeting.

5. **Declarations of Interest**
CM 5/21
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.

6. **To approve and adopt as a correct record the Minutes of the Meeting of the Council held on 30 March 2021**
CM 6/21
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 30 March 2021 meeting as a true record."

7. **Business brought forward by or with the consent of the Mayor**
CM 7/21
The Mayor advised that she had no items of urgent business for consideration at this meeting.

8. **The Mayor or the person presiding to answer questions which people in West Devon can ask and to receive deputations or petitions under Council Procedure Rule 21**
CM 8/21
The Mayor informed the Meeting that no Public Questions had been received in accordance with the Council Procedure Rules.

9. **To consider (any) questions submitted under Council Procedure Rule 21**
CM 9/21
Members noted that no Questions on Notice had been received from the membership in accordance with the Council Procedure Rules.

10. **To receive the Minutes of the following Committees, to note the delegated decisions and to consider the adoption of those Minutes which require approval:**
CM 10/21
 - a. **Development Management & Licensing Committee – 23 March 2021**
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 23 March 2021 meeting be received and noted".

 - b. **Audit Committee – 6 April 2021**
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 6 April 2021 meeting be received and noted".

c. Hub Committee – 27 April 2021

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 27 April 2021 meeting be received and noted".

11. **To appoint a Leader of the Council for the ensuing year**

CM 11/21

a. Leader

It was moved by Cllr R Cheadle, seconded by Cllr C Edmonds and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that Cllr N Jory be appointed Leader of the Council for the ensuing year."

b. Deputy Leader

It was moved by Cllr N Jory, seconded by Cllr T Pearce and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that Cllr R Cheadle be appointed Deputy Leader of the Council for the ensuing year."

12. **Annual Adoption of the Council's Constitution**

CM 12/21

The Council considered a report that proposed limited changes to the Council Constitution, but set out a broad aspiration to improve the clarity, efficiency and accountability of decision-making that would ultimately produce a more user-friendly document.

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

- (a) It was confirmed that it was a current requirement for the Constitution to be reviewed (and approved) at the Annual Meeting of the Council;
- (b) Some Members expressed their disappointment that the Audit Committee had not been given the opportunity to consider the annual review prior to its consideration at this meeting;
- (c) A Member expressed his serious reservations at the lack of information that has been forthcoming to date in relation to the revised Hub Committee Member roles and responsibilities. Such were the concerns of the Member that the following amendment was **PROPOSED** and **SECONDED**:

'That the decision of the Council to adopt an updated Constitution be postponed until such time as:

1. *The review of the Constitution by the Monitoring Officer has been completed;*
2. *The adoption of the new Corporate Strategy by the Council;*
and

3. *A report is presented that sets out the proposed revised Hub Committee Member roles and responsibilities.*

In the meantime, the Council adopt the current Council Constitution.'

In discussion, the proposer questioned how the Council could make such an important decision at this meeting without any detail being available to Members. In reply, officers gave an assurance that they were committed to consulting with all Members who wished to engage in the ongoing development of the Council Constitution.

When put to the vote, the amendment was declared **LOST**.

Having been moved by Cllr N Jory, seconded by Cllr R Cheadle and upon the motion then being submitted to the Meeting, it was declared to be **CARRIED** and **"RESOLVED** that:

1. the revised Constitution (as set out at Appendix A of the presented agenda report) be adopted subject to:
 - (a) the replacement of the words and table in Article 6.01(3) by the words: *'The remaining 7 Hub Committee Members will be appointed by the Council and allocated such areas of responsibility reflecting the Plan for the West Devon as the Council may decide from time to time'*;
 - (b) the list of Committees, Sub-Committees and Other Bodies in Article 7.01 being replaced by those Committees; Sub-Committees and Other Bodies to be agreed by the Council later in the meeting; and
 - (c) the Head of Legal Services and Monitoring Officer making any consequential amendments (if any) needed to give effect to 1(a) and 1(b) above; and
2. it be noted that further reports will be brought to the Council as work progresses in reviewing and reformatting the Constitution so that it provides a simpler and easier document."

13. **Draft Calendar of Meetings for 2021/22**

CM 13/21

Consideration was given to a report that sought approval of the draft Calendar of Meetings for 2021/22.

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 the draft Calendar of Meetings for 2021/22 (as set out at Appendix A) be approved."

14. **To report on the composition of political groups (**subject to approval of agenda item 13 **)**

CM 14/21

Members noted the schedule of officially appointed political groups as follows:

- 15 Conservative Group Members;
- 15 West Devon Alliance Group Members; and
- 1 Non-aligned Independent Member.

15. **To approve the Committee Structure for the coming year (**subject to approval of agenda item 13**)**

CM 15/21

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 Committee structure be as follows for the coming year:

Audit	7 Members;
Hub	9 Members;
Overview & Scrutiny	15 Members;
Development Management & Licensing	10 Members;
Standards	5 Members; and
Invest to Earn	3 Members.

with all of the appointments to the above Committees being politically balanced".

16. **To receive the appointments from the Political Groups of the Members they have selected to serve on the Committees. To appoint (if any) the requisite number of Members from the Members of the Council who, at the date of this meeting, are not members of a Political Group (**subject to approval of agenda item 13**)**

CM 16/21

A list of appointments made to the Committees by the two political groups for the ensuing year had been circulated and were **PROPOSED** and **SECONDED** to be duly approved.

In the ensuing discussion, reference was made to:-

- (a) the work of the retiring Hub Committee Members. On behalf of the Council, the Leader wished to put on record his thanks for the tireless work undertaken by Cllrs Moody, Samuel and Sellis during their terms serving on the Hub Committee;
- (b) the proposed revisions to the Hub Committee Member portfolio areas. The Member who had expressed his serious reservations when considering the Annual Review of the Council Constitution earlier in the meeting (Minute CM 12/21 above refers) reiterated his concerns. The Member felt that, by asking the Council to take a decision at this meeting, despite having limited information on

the proposed revisions to the portfolio areas, represented poor governance. As a consequence, the Member was firmly of the view that the status quo in respect of Hub Committee membership (and portfolio areas) should be retained until the next Council meeting on 20 July 2021 at which the new draft Corporate Strategy was to be presented;

- (c) the nominations for the Hub Committee. In response to some specific concerns over the nominations list, Members were encouraged to discuss these further with their Group Leader outside of this Council meeting.

When put to the vote, the circulated list was duly approved and the Leaders of the two political groups were also named as:

Conservative	Cllr N Jory
West Devon Alliance Group	Cllr R Cheadle

17. **Dartmoor National Park Authority**

CM 17/21

It was noted that the two Council representatives appointed to the Dartmoor National Park were:-

Cllr D E Moyse (Conservative); and
Cllr M Renders (West Devon Alliance Group).

(NOTE: These appointments formed part of the Political Balance Table.)

18. **To appoint the Chairman and Vice-Chairman to the Committees of the Council for the ensuing year**

CM 18/21

The following appointments were proposed by Cllr N Jory and seconded by Cllr R Cheadle and when put to the vote were declared to be

CARRIED:

- | | |
|---|--|
| - Audit Committee: | Cllr M Davies (Chairman);
Cllr K Ball (Vice Chairman); |
| - Development Management & Licensing Committee: | Cllr J Yelland (Chairman);
Cllr T G Pearce (Vice-Chairman); |
| - Hub Committee: | Cllr N Jory (Chairman);
Cllr R Cheadle (Vice Chairman); |
| - Overview & Scrutiny Committee: | Cllr M Ewings (Chairman)
Cllr P Kimber (Vice-Chairman); |
| - Invest to Earn Committee: | Cllr C Edmonds (Chairman); |
| - Standards Committee: | Cllr P Kimber (Chairman); and
Cllr L Wood (Vice Chairman). |

19. **To appoint representatives to the list of Outside Bodies for the ensuing year**

CM 19/21

In recognition of the intention for the draft Corporate Strategy to be presented to the next Council meeting and the consequent wish for the appointments to the list of Outside Bodies to be aligned to the revised Hub Committee Member portfolio areas, it was 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 the status quo be retained in respect of both the List of Outside Bodies and the consequent appointments to these Bodies until the date of the July Full Council meeting."

20. **To appoint representatives to the list of Governance Boards/ Panels for the ensuing year**

CM 20/21

It was 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 the appointments as presented to the meeting be approved for the period until the date of the July Full Council meeting at which they will be reviewed again".

21. **To consider (any) Motions of which notice has been duly submitted by Members in accordance with Council Procedure Rule 15:**

CM 21/21

It was moved by Cllr C Mott and seconded by Cllr R Cheadle:

"This Council will lobby the Secretary of State and local MP's, while working closely with neighbouring authorities and agencies, to secure the protection of woodlands vulnerable to the effects of lotting."

Cllr Mott introduced the motion and made reference to:-

- lotting (the subdivision of large forests and woodlands) not being a new practice, but one that often realised larger returns for those selling;
- owning woodland had become an aspiration for many and was becoming an increasingly fashionable trend stimulated by companies buying large areas of woodland and subdividing them into smaller lots for sale;
- prices could often reach £20,000 per hectare, thereby making it unfeasible for local communities to regain control over their surroundings;
- the growing concern at the resulting lack of woodland management and the influx of huts, sheds and other development on these small patches of land; and
- her main concerns being summarised as:
- in the event of a woodland fire, the number of people that could be affected and who would know that they were there;

- conservation issues, including the removal of trees and habitats and the disturbance of wildlife, flora and fauna;
- issues around the management of human waste;
- farm security, livestock and equipment due to the anonymity of those occupying the land; and
- trespass because some people were of the view that they had the right to roam anywhere.

In conclusion, Cllr Mott stated that woodland recreation was certainly beneficial but that intensive clearance, development and noise was detrimental to the environment and to wildlife with important corridors being disrupted. Therefore, Cllr Mott called for the introduction of a wider strategy to protect, restore and manage woodlands and one that ensured that woodland owners were made aware of the importance of the habitat and any historical features contained within it to ensure that these features were better understood, conserved and protection. Finally, Cllr Mott stated the need for a more co-ordinated approach to dealing with this issue at a local and national level.

During the debate, some Members expressed their surprise that this practice was still taking place and it was noted that only 11% of England had any forest cover, which was significantly less than many other European countries.

Upon being submitted to the Meeting, it was declared to be **CARRIED** and **"RESOLVED** that this Council will lobby the Secretary of State and local MP's, while working closely with neighbouring authorities and agencies, to secure the protection of woodlands vulnerable to the effects of lotting."

22. **Sydenham Damerel Parish Council - Filling of Vacancies by Order**

CM 22/21

A report was presented that informed Members of the making of an Order that made sufficient appointments to ensure that Sydenham Damerel Parish Council was quorate and therefore able to act.

In discussion, a Member hoped that the experiences of Sydenham Damerel Parish Council would serve as lesson to be learned for other parish councils.

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

1. the action taken by the Monitoring Officer under urgency powers in making the Order under section 91 of the Local Government Act 1972 in respect of Sydenham Damerel Parish Council be noted; and
2. delegated authority be granted to the Monitoring Officer (in consultation with the Leader and relevant local Ward Member(s)) to make Orders for temporary appointments under section 91 of

the Local Government Act 1972 where there are so many vacancies in the office of Parish/Town Councillor that a Parish/Town Council is no longer able to act. Such a decision will be reported to the Council via the Members' Newsletter."

23. **Highampton Neighbourhood Plan**

CM 23/21

The Council was presented with a report that sought approval to the making (adoption) of the Highampton Neighbourhood Development Plan.

It was proposed by Cllr C Mott, seconded by Cllr C Kemp and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Highampton Neighbourhood Development Plan be made (adopted)."

24. **North Tawton Neighbourhood Plan**

CM 24/21

Members considered a report that sought approval to the making (adoption) of the North Tawton Neighbourhood Development Plan.

It was proposed by Cllr C Mott, seconded by Cllr B Ratcliffe and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the North Tawton Neighbourhood Development Plan be made (adopted)."

The Meeting concluded at 1.15 pm

Signed by:

Chairman
