



West Devon
Borough
Council

West Devon Council

Title:	Summons																														
Date:	Tuesday, 21st April, 2020																														
Time:	2.00 pm																														
Venue:	Remote -Skype																														
Full Members:	<p style="text-align: center;">Mayor Cllr Leech Deputy Mayor Cllr Mott</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Ball</td> <td style="width: 33%;">Cllr Moody</td> </tr> <tr> <td>Cllr Bolton</td> <td>Cllr Moyse</td> </tr> <tr> <td>Cllr Bridgewater</td> <td>Cllr Musgrave</td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Coulson</td> <td>Cllr Ratcliffe</td> </tr> <tr> <td>Cllr Crozier</td> <td>Cllr Renders</td> </tr> <tr> <td>Cllr Davies</td> <td>Cllr Ridgers</td> </tr> <tr> <td>Cllr Daniel</td> <td>Cllr Samuel</td> </tr> <tr> <td>Cllr Edmonds</td> <td>Cllr Sellis</td> </tr> <tr> <td>Cllr Ewings</td> <td>Cllr Southcott</td> </tr> <tr> <td>Cllr Heyworth</td> <td>Cllr Spettigue</td> </tr> <tr> <td>Cllr Hipsey</td> <td>Cllr Vachon</td> </tr> <tr> <td>Cllr Jory</td> <td>Cllr Wood</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Yelland</td> </tr> <tr> <td>Cllr Kimber</td> <td></td> </tr> </table>	Cllr Ball	Cllr Moody	Cllr Bolton	Cllr Moyse	Cllr Bridgewater	Cllr Musgrave	Cllr Cheadle	Cllr Pearce	Cllr Coulson	Cllr Ratcliffe	Cllr Crozier	Cllr Renders	Cllr Davies	Cllr Ridgers	Cllr Daniel	Cllr Samuel	Cllr Edmonds	Cllr Sellis	Cllr Ewings	Cllr Southcott	Cllr Heyworth	Cllr Spettigue	Cllr Hipsey	Cllr Vachon	Cllr Jory	Cllr Wood	Cllr Kemp	Cllr Yelland	Cllr Kimber	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.																														
Committee administrator:	Democratic.Services@swdevon.gov.uk																														

1. Apologies for Absence

2. Confirmation of Minutes

1 - 12

To approve and adopt as a correct record the Minutes of the Meeting of Council held on 18 February 2020

3. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Summons, then please contact the Monitoring Officer in advance of the meeting.

4. To receive communications and any Business brought forward by or with the consent of the Mayor

5. Remote Meetings:Draft Procedure Rules

13 - 20

6. Appointment of Head of Paid Service

21 - 26

Agenda Item 2

At the Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **18th** day of **FEBRUARY 2020** at **4.00pm** pursuant to Notice given and Summons duly served.

Present

Cllr A F Leech – The Mayor (In the Chair)

Cllr K Ball	Cllr T Bolton
Cllr A Bridgewater	Cllr R Cheadle
Cllr P Crozier	Cllr L Daniel
Cllr M Davies	Cllr C Edmonds
Cllr M Ewings	Cllr N Heyworth
Cllr S Hipsey	Cllr N Jory
Cllr C Kemp (part)	Cllr P Kimber
Cllr J B Moody	Cllr D E Moyse
Cllr C R Musgrave	Cllr T G Pearce
Cllr B Ratcliffe	Cllr M Renders
Cllr L Samuel	Cllr D K A Sellis
Cllr T Southcott	Cllr J Spettigue
Cllr P Vachon	Cllr L Wood
Cllr J Yelland	

Chief Executive
Monitoring Officer
Section 151 Officer
Senior Specialist – Democratic Services

CM 58 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A Coulson, C Mott and P Ridgers.

CM 59 DECLARATION OF INTEREST

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 M Davies both declared a personal interest in agenda item 8(b): 'Notice of Motions' (Minute CM 62 below refers). Cllr Ball declared his interest by virtue of being an Executive member of the OkeRAIL Forum and remained in the meeting and took part in the debate and vote thereon. Cllr Davies declared his interest by virtue of formally being the Chairman of the OkeRAIL Forum and also remained in the meeting and took part in the debate and vote thereon; and

Cllrs R Cheadle, P Crozier, C Edmonds, M Ewings, T Leech, J Moody, T Pearce, M Renders, P Ridgers, T Southcott, P Vachon, L Wood and J Yelland all declared a personal interest in agenda item 10: 'Revenue Budget Proposals' (Minute CM 64 below refers) and specifically part 17 of the recommendation by virtue of also serving on a town or parish council. All of these Members remained in the meeting and took part in the debate and vote thereon.

CM 60 CONFIRMATION OF MINUTES

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 17 December 2019 as a true and correct record."

CM 61 MAYOR'S ANNOUNCEMENTS

(a) The Chief Executive

The Mayor reminded the meeting that this was to be the last Council meeting before the Chief Executive left the employ of the Council. Both the Mayor and Leader of the Council proceeded to pay tribute and offer their sincere thanks for the work that had been undertaken by the Chief Executive during her five years of service with the Council.

In particular, the Leader stated that, whilst there had been a number of challenges during the last five years, it was testament to the Chief Executive that the Council was now a more leaner and efficient organisation than when she had first joined the authority.

In response, the Chief Executive thanked the Mayor and Leader for their kind words and stated that the achievements that had been made by the Council were largely due to the foresight of Members and the ability of the Council's excellent workforce.

(b) The Civic Dinner

In highlighting that his Civic Dinner was to be held on Friday, 27 March 2020, the Mayor asked that any Members who were still to reply to his invitation do so before Friday, 21 February 2020.

CM 62 NOTICE OF MOTIONS

(a) It was moved by Cllr N Jory and seconded by Cllr L Samuel:

"With immediate effect, this Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism that reads as follows:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Cllr Jory introduced the motion and highlighted the importance of the issue and that the motion sought adoption of the recognised international definition of Antisemitism.

With no further debate ensuing, it was declared to be **CARRIED** and **RESOLVED** that, with immediate effect, this Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism that reads as follows:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

(b) It was moved by Cllr J Yelland and seconded by Cllr K Ball:

“This Council will write to the Secretary of State for Transport, The Rt Hon Grant Shapps and the Prime Minister urging the government to set and announce the date for the re-opening of the railway line between Okehampton and Exeter as a matter of urgency.

OkeRAIL Forum has been lobbying central government since 2015 for the re-introduction of a regular daily passenger service between Okehampton and Exeter. The work that OkeRAIL Forum has undertaken has provided evidence of the demand for the service and the positive impact it would have directly on the wider area from North Devon to Cornwall. The benefits include the following:

- 1. The establishment of a complementary line to the Dawlish route which is seriously disrupted by severe weather on a regular basis. This will future proof and ensure resilience for the South West Peninsular.*
- 2. Reduce the reliance on the private car*
- 3. Improve air quality and reduce traffic congestion.*
- 4. Reduce the carbon footprint business owners, employers, residents and visitors to the area wishing to travel for work, education and/or leisure.*
- 5. Open up the South West to new investment in terms of job creation and business opportunities which will, in turn, stimulate the economy, increase productivity and reduce poverty.*
- 6. Instill confidence in those who wish to move to the area that access to the South West is sustainable.*

There is strong evidence from the community and stakeholders in the emerging Neighbourhood Plan for Okehampton and the Hamlets of the need for the railway line and WDBC's Joint Local Plan fully supports it through Spatial Priority SP4 and Policy TTV13."

Cllr Yelland introduced the motion and made particular reference to:-

- the amount of work that had been undertaken to ensure that the line was reinstated and the project was now so close to being completed. As a result, it was considered to be vitally important for the momentum to be maintained with the motion urging Central Government to set a date for the re-opening of the line;
- reinstatement of the line would have significant social, economic and environmental benefits to the area;
- there being absolutely no impact arising from the leaseholder (who had not owned any assets) recently going into administration; and
- the similar importance of the reinstatement of the Tavistock to Bere Alston line.

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

- (a) The lack of resilience of the existing Dawlish to Teignmouth rail line was highlighted;
- (b) Having declared a Climate Change and Biodiversity Emergency, it was felt to be incumbent upon the Council to keep the pressure on Central Government;
- (c) Assurances were given that copies of the letter would be sent to the local MPs as well as to the Secretary of State for Transport and the Prime Minister;
- (d) A Member thanked the proposer for also highlighting the Tavistock to Bere Alston line in her introduction and, whilst acknowledging that the two projects were at different stages, emphasised that they were both of equal importance to the Council;
- (e) With regard to the reference in the motion to the phrase '*complementary line*', some Members were of the view that this could weaken the motion. In response, other Members stated that the intention of including this phrase was to highlight that the Okehampton to Exeter line would add to the resilience of the South West peninsula;
- (f) The seconder highlighted that Plymouth was currently the only major city with one major rail line and emphasised the economic benefits that would arise from the re-establishment of both the Exeter to Okehampton and Tavistock to Plymouth rail lines.

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

"This Council will write to the Secretary of State for Transport, The Rt Hon Grant Shapps and the Prime Minister urging the government to set and announce the date for the re-opening of the railway line between Okehampton and Exeter as a matter of urgency.

OkeRAIL Forum has been lobbying central government since 2015 for the re-introduction of a regular daily passenger service between Okehampton and Exeter. The work that OkeRAIL Forum has undertaken has provided evidence of the demand for the service and the positive impact it would have directly on the wider area from North Devon to Cornwall. The benefits include the following:

- 1. The establishment of a complementary line to the Dawlish route which is seriously disrupted by severe weather on a regular basis. This will future proof and ensure resilience for the South West Peninsular.*
- 2. Reduce the reliance on the private car*
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- 4. Reduce the carbon footprint business owners, employers, residents and visitors to the area wishing to travel for work, education and/or leisure.*
- 5. Open up the South West to new investment in terms of job creation and business opportunities which will, in turn, stimulate the economy, increase productivity and reduce poverty.*
- 6. Instill confidence in those who wish to move to the area that access to the South West is sustainable.*

There is strong evidence from the community and stakeholders in the emerging Neighbourhood Plan for Okehampton and the Hamlets of the need for the railway line and WDBC's Joint Local Plan fully supports it through Spatial Priority SP4 and Policy TTV13."

CM 63

MINUTES OF COMMITTEES

a. Hub Committee – 17 December 2019

It was moved by Cllr N P 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 17 December 2019 meeting be received and noted".

b. Invest to Earn Committee – 17 December 2019

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 17 December 2019 meeting be received and noted".

c. Development Management and Licensing Committee – 7 January 2020

It was moved by Cllr J Yelland, seconded by Cllr T G Pearce and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the 7 January 2020 meeting be received and noted”.

d. Overview and Scrutiny Committee – 14 January 2020

It was moved by Cllr M V L 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 14 January 2020 meeting be received and noted”.

e. Audit Committee – 21 January 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 21 January 2020 meeting be received and noted”.

f. Hub Committee – 28 January 2020

It was moved by Cllr N P 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 28 January 2020 meeting be received and noted, with the exception of recommendations HC 66, HC 71, HC 72, HC 74 and HC 77”.

In respect of the Committee recommendations:

i. HC 66 Revenue Budget Monitoring Report Quarter 3

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 £30,000 of the Homelessness Prevention underspend be transferred into the Homelessness Prevention Earmarked Reserve at the end of the 2019/20 Financial Year.”

ii. HC 67 Pre Application Process in Planning

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 Pre-Application process, as detailed in Appendix 1 of the agenda report presented to the Hub Committee, be approved.”

iii. HC 72 Electric Charging Points

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. the Council signs up to the Collaboration Agreement with Devon County Council for the installation of Electric Vehicle Charging Points;
2. the potential sites where the Electric Vehicle Charging Points should be installed be as listed at paragraph 1.3 of the agenda report presented to the Hub Committee;
3. the Council enter into a lease with the appointed supplier for a ten year period; and
4. funding (£8,000) for the charging points be obtained from the Car Park Maintenance Reserve.

iv. HC 74 Future IT Procurement

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 use of £65,000 from the IT Development Earmarked Reserve and £18,000 from the Budget Surplus Contingency Earmarked Reserve for the Future IT Project Implementation.”

**v. HC 77 Reports of Bodies – Overview and Scrutiny Committee
14 January 2020: O&S 72: Safeguarding: Annual Update**

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 revised Safeguarding Policy (as attached at Appendix A of the presented agenda report to the Overview and Scrutiny Committee meeting) be adopted.

CM 64

REVENUE BUDGET PROPOSALS FOR 2020-21

Consideration was given to a report that presented the Hub Committee draft recommendations on the Revenue Budget for 2020-21.

In discussion, reference was made to:-

- (a) car parking fees. It was confirmed that car parking should be cost neutral to the Council and assurances were given that a 4% increase was justifiable to offset additional staffing costs (that had been frozen since 2018) to the Council and the cost of resurfacing works. For clarity, it was confirmed that local businesses and stakeholders were being consulted with and a further report on this matter was scheduled to be presented to the Council meeting on 24 March 2020
- (b) the Budget proposals. A number of Members welcomed the report and felt that its contents reflected the hard work that had been put in by both officers and Members to reach this point;

- (c) the Communications Strategy to underpin the Budget. When publicising the Council's budget proposals for 2020-21, Members emphasised the need for the Council to adopt a positive media campaign. In response, the Leader informed that he had already been working with the Communications Team and he fully recognised the importance of the Council giving further explanations to the public about its budget;
- (d) the Dartmoor National Park Sustainable Community Fund. In support of the continuation of this Fund, some Members advised that these monies were incredibly well received by the local town and parish councils;
- (e) an alternative part 17 of the recommendation. The proposer and seconder of the original motion **PROPOSED** and **SECONDED** an alternative to part 17 of their recommendation that read as follows:

'the increase in charges to Town and Parish Councils for the emptying of dog waste and litter bins (as outlined at paragraph 5.15 of the presented agenda report) be deferred for a year. During 2020/21, a consultation exercise will be carried out with Town and Parish Councils, with the recommendations then being presented to the Council as part of the Budget Setting process for 2021-22, with a view to the full charge being applied from 1 April 2021.'

During the ensuing debate on this alternative, it became apparent that there were contrasting views. In support, some Members highlighted the amount of negative feedback that had been received from town and parish councils. This, coupled with the lack of advanced notice that had been given by the Borough Council, had left them to conclude that a deferral for one year would be appropriate.

In contrast, other Members emphasised the financial pressures that were being faced by the Borough Council and, when considering that the initiative had been subject of informal Member discussion for twelve months, there was surprise expressed that Members had not been consulting with their local town and parish councils. Indeed, as a result of these consultations, some town and parish councils had already increased their respective precepts to offset the additional costs.

The Mayor advised that, such was the difference in opinion, it was his intention for the alternative proposal to be subject to a separate recorded vote.

At the conclusion of the debate and, in accordance with statutory legislation, the Mayor then called for a recorded vote on parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of the recommendation. The vote was subsequently recorded as follows:-

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

Against the motion (0):

Abstentions (0):

Absent (4): Cllrs Coulson, Kemp, Mott and Ridgers

and the vote on parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of the recommendation was therefore declared **CARRIED**.

In accordance with statutory legislation, the Mayor then called for a recorded vote on revised part 17 of the recommendation. The vote on this part was subsequently recorded as follows:-

For the motion (18): Cllrs Ball, Cheadle, Crozier, Davies, Edmonds, Heyworth, Jory, Kimber, Leech, Moyse, Musgrave, Ratcliffe, Samuel, Sellis, Southcott, Spettigue, Vachon and Yelland

Against the motion (8): Cllrs Bolton, Bridgewater, Daniel, Ewings, Hipsey, Moody, Pearce and Wood

Abstentions (1): Cllr Renders

Absent (4): Cllrs Coulson, Kemp, Mott and Ridgers

and the vote was therefore declared **CARRIED**.

It was consequently "**RESOLVED** that:

1. the Council Tax for 2020/21 be increased by £5 (Band D of £236.63 for 2020/21 – an increase of 10 pence per week or £5 per year – equating to a 2.16% increase);
2. the financial pressures (as shown in Appendix A of the presented agenda report (amounting to £663,500) be approved;
3. the contributions to Earmarked Reserves of £87,500 be approved;
4. the savings of £530,200 (as shown in Appendix A of the presented agenda report and to include the investment of a further £500,000 in the CCLA Property Fund) be approved;
5. £228,135 of New Homes Bonus funding be used to fund the 2020/21 Revenue Budget (as set out in paragraph 2.20 of the presented agenda report);

6. the deficit recovery period of the Pension Deficit be maintained at 17 years (as outlined at paragraph 2.25 of the presented agenda report);
7. an Economy Officer post (to be shared with South Hams District Council) be included within the staffing establishment in accordance with Section 1.7 of the presented agenda report;
8. delegated authority be granted to the Section 151 Officer, in consultation with the Leader and Deputy Leader of Council, to agree the final amount of New Homes Bonus funding for the Dartmoor National Park Sustainable Community Locality Fund for 2020/21;
9. a collection fund surplus of £67,000 be utilised in 2020/21;
10. it be noted that the Total Net Expenditure of the Council is £7,211,895 for 2020/21;
11. the level of Reserves (as set out within the presented agenda report) and the assessment of their adequacy and the robustness of budget estimates be noted (NB. this is a requirement of Part 2 of the Local Government Act 2003);
12. the proposed Environmental Health Charges (as set out in Appendix D of the presented agenda report) be approved;
13. the Fees and Charges for Development Management (as set out in Appendix C of the presented agenda report) remain unchanged;
14. charges be introduced for the use of the existing Electric Charging Points at Kilworthy Park, Tavistock;
15. with immediate effect, Proof of Life charges be introduced (in accordance with paragraph 5.13 of the presented agenda report);
16. with immediate effect, the changes to S257 Footpath Diversion Orders be approved (in accordance with paragraph 5.14 of the presented agenda report);
17. the increase in charges to Town and Parish Councils for the emptying of dog waste and litter bins (as outlined at paragraph 5.15 of the presented agenda report) be deferred for a year. During 2020/21, a consultation exercise will be carried out with Town and Parish Councils, with the recommendations then being presented to the Council as part of the Budget Setting process for 2021-22, with a view to the full charge being applied from 1 April 2021; and
18. delegated authority be given to the Section 151 Officer, in consultation with the lead Hub Committee Member, to set the Local Land Charges as appropriate to ensure cost recovery.”

CM 65

CAPITAL BUDGET PROPOSALS 2020/21

A report was considered that presented the draft Capital Programme Proposals for 2020/21.

In discussion, Members recognised the importance of the Council leading by example and ensuring that its Community Housing schemes were seen as being exemplars within the industry. In response to a number of Members stating the importance of all developers striving to obtain 'decent homes standards', it was agreed that officers would provide a Briefing Note to all Members outside of this meeting;

In accordance with statutory legislation, the Mayor then called for a recorded vote on parts 1, 2 and 3 of the recommendation. The vote was subsequently recorded as follows:-

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

Against the motion (0):

Abstentions (0):

Absent (4): Cllrs Coulson, Kemp, Mott and Ridgers

And the vote was therefore declared **CARRIED**.

It was consequently "**RESOLVED** that:

1. the Capital Programme for 2020/21 (totalling £910,000 and as set out in Appendix A of the presented agenda report) be approved;
2. the Capital Programme for 2020/21 (totalling £140,000 and as set out in Exempt Appendix C of the presented agenda report) be approved; and
3. the 2020/21 Capital Programme of £1,050,000 be financed from the funding sources as set out in Section 4 of the presented agenda report."

(The Meeting terminated at 5.35 pm)

Mayor

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Report to: **Council**

Date: **21 April 2020**

Title: **Remote Meetings: Draft Procedure Rules**

Portfolio Area: **Leader of the Council – Cllr Jory**

Wards Affected: **All**

Urgent Decision: **Y** Approval and clearance obtained: **Y**

Date next steps can be taken: Remote Meetings Procedure Rules to be implemented on adoption

Author: **David Fairbairn** Role: **Senior Legal Specialist and Deputy Monitoring Officer**

Contact: **Telephone: 01803 861359**
email: david.fairbairn@swdevon.gov.uk

RECOMMENDATION

It is RECOMMENDED that Council adopts the Remote Meetings Procedure Rules set out at Appendix A.

1. Executive summary

- 1.1 Prior to 4 April 2020 under the then-existing legislation the Council had to hold an annual meeting within the period between March and May each year together with such other meetings as it decided. Those meetings had to be held in person, so required attendance of all the members of the Council in one place. Accordingly, since the restrictions on the movement of people and public gatherings came into force to contain the spread of Covid-19, the Council, along with all other local authorities, had been unable to hold meetings.
- 1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. The Regulations made amendments to the existing legislation to enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming. The Regulations further modified existing legislative provisions to remove the requirement for local authorities to hold annual

meetings, and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

- 1.3 This report proposes the adoption of Remote Meeting Procedure Rules which modify the application of existing procedure rules so that the Council can make decisions by remote means. Unless the Council adopts the Remote Meetings Procedure Rules any decisions that it might make will not accord with its Constitution and would be unlawful. The Remote Meetings Procedure Rules proposed for adoption by the Council are set out at Appendix A to this report. The Procedure Rules will be underpinned by a protocol for those taking part in meetings by remote access which will be circulated to all Councillors before the meeting with the aim of ensuring that from a practical perspective the meeting proceeds smoothly.

2. Background

- 2.1 In response to the Covid-19 virus the Government announced on 16 March 2020 that it would consider bringing forward legislation to remove the requirement for annual council meetings to take place and to allow local authority meetings to be held virtually for a temporary period. Without that legislation being in place, the restrictions on movement and the gathering of people in one place, meant that local authorities were unable to meet.
- 2.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April 2020. The Regulations make amendments to existing legislation to enable local authorities to hold meetings that are required remotely. The ability to hold meetings should be seen in the context of the provisions of the regulations being “measures will help local authorities redeploy their resources to deal with the pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance.”
- 2.3 To give effect to the Regulations, the Council needs to amend temporarily, a number of procedure rules within its Constitution which are inconsistent with the purpose of the Regulations or would prevent/restrict remote attendance.

3. Outcomes/outputs

- 3.1 As the Council would like to make decisions on 21 April 2020, the draft Remote Meetings Procedure Rules must be adopted before that business can be transacted. Adoption of the Procedure Rules will enable the current meeting to proceed in accordance with the Council’s Constitution with both Councillors and members of the public able to hear the proceedings.

- 3.2 Adoption of the Procedure Rules will enable further meetings that are required to take place while enabling the Council to maintain its priority of responding to the Covid-19 pandemic. Given the primary purpose of the Regulations is to relieve local authorities from the burden of unnecessary meetings so that their staff are able to deal with assisting the response to the pandemic, the Rules suggest that as a matter of policy the threshold for a meeting being required should be a high one.

4. Options available and consideration of risk

- 4.1 The alternative of not adopting the Remote Meetings Procedure Rules would be that meetings could not take place and decisions, other than those that can be made under delegated powers, would not be taken. This would particularly affect those decisions that are reserved to Council exclusively, such as the designation of an officer as Head of Paid Service, but other decisions too eg delays in issuing planning decisions. This may result in damage to the Council's reputation, customer satisfaction and performance.

5. Proposed Way Forward

- 5.1 The report proposes the adoption of the Remote Meeting Procedure Rules which modify the application of existing procedure rules so that the Council can make decisions by remote means. Unless the Council adopts the Remote Meetings Procedure Rules any decisions that it might make will not accord with its Constitution and would be unlawful.
- 5.2 The Remote Meeting Procedure Rules are consistent with the corporate priorities of responding to the Covid-19 pandemic and protecting the health and safety of Councillors and officers, while balancing this with the needs of the democratic process.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The report sets out all the legal implications of the decision including the legal background to and legal authority for the decision; and the legal and governance issues to be addressed.
Financial implications to include reference to value for money	N	There are no financial implications arising directly out of this report

Risk	Y	The report identifies the risks in paragraph 4.1
Supporting Corporate Strategy	Y	The report identifies the corporate priorities in paragraphs 3.2 and 5.2
Climate Change - Carbon / Biodiversity Impact	Y	The adoption of the Remote Meetings Procedure Rules allows Councillors and members of the public to access meetings without needing to travel to a particular place.
Comprehensive Impact Assessment Implications		
Equality and Diversity	Y	While the technology will develop, it is expected that initially, meetings will be limited to those attending being able to hear each other and therefore those with a hearing impairment may be disadvantaged.
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	Y	One of the principal purposes of the Regulations and the Council adopting the Remote Meetings Procedure Rules is to protect Councillors, officers and members of the public from Covid-19 by avoiding any unnecessary meetings and where meetings are required, enabling them to be held by remote access.
Other implications	N	

Supporting Information

Appendices:

Appendix A – Draft Remote Meetings Procedure Rules

Background Papers:

None

Rules of Procedure: Remote Meetings Procedure Rules

1. INTRODUCTION

1.1 General

These Remote Meetings Procedure Rules have been adopted by the Council and have been made under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

These Remote Meetings Procedure Rules are aimed at helping the Council to redeploy its resources to deal with the Covid-19 pandemic and ensure essential business continues whilst upholding democratic principles and protecting the health and safety of members, officers and the public in line with official public health guidance.

1.2 Application

The Remote Meetings Procedure Rules will apply to all meetings of the Council, the Hub/Executive and their committees and sub-committees and other bodies of the Council that are required to be held up to 7 May 2021 or such other date as may be prescribed. Accordingly, Article 11 is to be read subject to these Remote Meetings Procedure Rules and any of the following Rules of Procedure take effect as if varied or disapplied by these Remote Meetings Procedure Rules:

- (a) Access to Information Procedure Rules
- (b) Council Procedure Rules
- (c) Executive Procedure Rules
- (d) Rules for other bodies of the Council
- (e) Overview and scrutiny Procedure Rules.

Save as varied or disapplied by these Remote Meetings Procedure Rules, the above Rules of Procedure shall continue to apply to relevant meetings.

2. Interpretation

In these Remote Meetings Procedure Rules references to the 2020 Regulations are to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and the words “remote access” and “remote attendance” have the meaning given to them by the 2020 Regulations.

3. Timing and business

3.1 Meetings only to be held where required

- (a) While these Remote Meetings Procedure Rules apply, the Council will not hold an Annual Meeting and the only meetings of the Council that will be held are those that are expressly required by law or where in the opinion of the Head of Paid Service (or Deputy in his/her absence) in consultation with the Leader decides are required due to the nature and urgency of the business to be transacted being such that it cannot be dealt with under delegated powers.

- (b) Meetings of the Overview and Scrutiny Committee/Panel shall only be held where they are required by law or in the opinion of the Head of Paid Service in consultation with the Chairman of that Committee decides are required due to the nature and a meeting of the Overview and Scrutiny Committee/Panel would not overstretch the Council's resources.
- (c) Any requirement in any procedure rule or otherwise for a committee, sub-committee or other body of the Council to provide an annual report to the Council or to produce an annual work plan shall be postponed.
- (d) Any requirement in any procedure rule or otherwise for a committee, sub-committee or other body of the Council to meet a particular number of times in any year or with a particular frequency are disapplied.

3.2 Time and place

Meetings will be held at the time notified in the agenda but may be held in more than one place and may include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. Meetings may also be live-streamed.

3.3 Business

- (a) In keeping with the rationale for holding meetings only where they are required, agendas for any such meetings required to be held shall not include any items for questions or motions on notice from Councillors.
- (b) Where the Council Procedure Rules provide for questions from members of the public, deputations and petitions to be asked, heard or received at a meeting of the Council, the Head of Paid Service may, having regard to the nature of the question, deputation or petition, deal with any such questions, deputations and petitions without referring them to a meeting of the Council.

4. Notice of meetings

- 4.1 At least five clear working days before a meeting save in cases of urgency and/or where following such notice the meeting is moved or cancelled, the Head of Paid Service (or Deputy in his/her absence) (or for bodies other than Council where no other officer is required to do so, the Monitoring Officer (or Democratic Services Manager in his/her absence)) will send an agenda by electronic means to every councillor of the Council or relevant body. The agenda will give the date and time of each meeting together with the details for remote access. The agenda will also specify the business to be transacted, and be accompanied by such reports as are available.
- 4.2 At such time as sending the notice of the meeting and the agenda, the relevant officer shall arrange for the notice of the meeting and the agenda together with copies of such reports as are available to be published on the Council's website.

- 4.3 Where a report becomes available after publication of the notice and agenda, the relevant officer shall send it electronically to all Councillors and arrange for a copy to be published on the Council's website as soon as practicable.
- 4.4 Where members of the public have the right to inspect any agendas, reports, background documents or minutes of previous meetings at the Council's offices, the right shall be deemed to have been met by publication on the Council's website.

5. **Quorum**

The number of Councillors required to be present for a quorum for a meeting shall be as set out in the Constitution. However, for the purposes of determining whether a quorum of Councillors is present at a meeting the Mayor/Chairman shall include all those Councillors in remote attendance. If at any time during the meeting the Mayor/Chairman counts the number of Councillors present and declares that there is not a quorum present, the meeting will adjourn immediately. The remaining business will be considered on a date and time set by the Head of Paid Service in consultation with the Mayor/Chairman and the Leader.

6 **Voting at meetings**

6.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and in remote attendance at the time the question was put. If there are equal numbers of votes for and against, the person presiding will have a second or casting vote.

6.2 **Method of voting**

On a motion being put to the vote, the Mayor/Chairman will ask each member, taking each in alphabetical order, to say if they are for or against the motion or whether they abstain. The Mayor/Chairman or the clerk to the meeting will announce the numerical result of the vote immediately the result is known. For the avoidance of doubt there shall not be any voting by ballot.

7. **Interests**

- 7.1 A Councillor who would ordinarily be required to leave the room during the consideration of an item of business due to the Councillor having a disclosable pecuniary interest or to having such other interest as the Council's Code of Conduct may require the Councillor to do so, shall be deemed to have done so if the Councillor disconnects their remote access and remains disconnected until such time as the Mayor/Chairman invites the Councillor to re-join the meeting.
- 7.2 Where reasonably practicable to do so, a Councillor who has an interest under Remote Meeting Procedure Rule 7.1 that would require him/her to leave the meeting, should notify the Monitoring Officer or the Democratic Services Manager, Strategy & Commissioning 2 days in advance of the meeting.

8. **Member access to meetings**

- 8.1 Where any procedure rule confers the right on a member to attend a meeting, that right is to be interpreted as a right to attend by remote access only. The rights of a

member in remote attendance are unaffected unless disapplied by or in conflict with these Remote Meetings Procedure Rules.

9. Remote access to meetings by the public and the Press

9.1 Right to be present at a meeting by remote access

Members of the public and the Press have the right to hear and where practicable to do so, to see those formal meetings of the Council, the Executive and other bodies of the Council by remote access except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.

9.2 Details of remote access to be included on agenda

The Head of Paid Service (or for bodies other than Council where no other officer is required to do so, the Monitoring Officer (or Democratic Services Manager in his/her absence)) will include the details of how members of the public and of the Press can hear and where practicable to do so, to see the meeting on the notice of the meeting.

9.3 Discussion of confidential business and disclosure of exempt information.

Upon the Council, the Executive, a Committee or Sub-Committee passing a motion to exclude the public and Press from the meeting due to the discussion of confidential business or exempt information, the right of the public and the Press to see or see and hear, the meeting shall cease and their electronic access will be disconnected.

10. Conduct during meetings

10.1 Councillors in remote attendance or any member of the public exercising a right to speak in remote attendance shall only speak when called upon to do so by the Mayor/Chairman and shall cease to speak when told to so by the Mayor/Chairman.

10.2 Subject to Remote Meetings Procedure Rule 10.1, when a Councillor is speaking no other Councillor or member of the public in remote attendance shall interrupt that Councillor or seek to speak over that Councillor.

10.3 If a Councillor or any member of the public interrupts or seeks to speak over a Councillor who has been called upon to speak by the Mayor/Chairman, the Mayor/Chairman will warn the person concerned. If the person concerned persists in doing so at any time during the remainder of the meeting, the Mayor/Chairman shall adjourn the meeting.

NOT FOR PUBLICATION

Appendix A to this report contains exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972

Report to: **Council**
Date: **21 April 2020**
Title: **APPOINTMENT OF CHIEF EXECUTIVE**
Portfolio Area: **Leader of the Council, Cllr Neil Jory on behalf of Appointment Panel**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: *following the South Hams District Council meeting to be held on 23 April 2020*

Author: **Andy Wilson** Role: **Head of HR Practice**

Contact: **Email: andy.wilson@swdevon.gov.uk**

RECOMMENDATION

That the Council RESOLVES to agree:

- 1. The appointment of the recommended successful candidate for the position of Chief Executive and Head of Paid Service (as detailed in Exempt Appendix A); and**
- 2. The interim appointment of the Deputy Chief Executive as the Interim Chief Executive and Head of Paid Service until the new Chief Executive and Head of Paid Service commences employment with the Council.**

1. Executive summary

- 1.1 To consider the recommendations of the Appointment Panel for the appointment of a Chief Executive and Head of Paid Service.
- 1.2 To consider the interim appointment of the Deputy Chief Executive to the role of Chief Executive and Head of Paid Service until a new Chief Executive and Head of Paid Service commences employment with the Council.

NOT FOR PUBLICATION

Appendix A to this report contains exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972

2. Background

- 2.1 Following the resignation of the current Chief Executive and Head of Paid Service, the Council has undertaken a recruitment process to select a new Chief Executive and Head of Paid Service.
- 2.2 The role Head of Paid Service is required under the provisions of section 4 of the Local Government and Housing Act 1989.
- 2.3 The appointment will be to a shared post with South Hams District Council.
- 2.4 The Leader convened an Appointment Panel in conjunction with the Leader of South Hams District Council for the purpose of selecting a new Chief Executive. The Panel was politically balanced and comprised of three senior members from each Council, including the Leader.
- 2.5 Following a selection process, the Appointment Panel recommended the appointment of the successful candidate (see Exempt Appendix A).
- 2.6 in accordance with the Local Authorities' (Standing Orders) (England) Regulations 2001 as set out in the Council's Constitution (Officer Employment Procedure Rules) the name of the person to be offered the appointment was sent to all Members of the Hub Committee asking for any objections to the making of an offer to be submitted by 9 am on Friday, 20 March 2020. No objections have been received.
- 2.7 The salary for the position of Chief Executive and Head of Paid Service was agreed by Special Council on 23 July 2019 at £120,000pa.
- 2.8 The successful candidate will need to serve a contractual notice period at their current employers and it is necessary to make interim arrangements to cover this period. The Appointment Panel recommend that the Deputy Chief Executive is appointed to the role on an interim basis.

3. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The appointment to the role of Head of Paid Service is required under the Local Government and Housing Act 1989. Only full Council can make this appointment.

NOT FOR PUBLICATION

Appendix A to this report contains exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972

		The Local Government (Standing Orders) (England) Regulations 2001 require that Members of the Hub Committee are informed of the proposal to make an offer of appointment to the successful candidate and be given an opportunity to raise an objection.
Financial implications to include reference to value for money	Y	Special Council on 23 July 2019 agreed the salary for the role of Chief Executive and the cost will be met from within existing salary budget.
Risk	Y	The failure to appoint a Chief Executive and Head of Paid Service will be unlawful and heighten the risk that the Council will not be successfully led by an appropriate senior officer.
Supporting Corporate Strategy		The appointment supports all of the Council's Corporate Strategies
Climate Change - Carbon / Biodiversity Impact		The recommendations will have no direct impact on delivering our climate change programme
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no Equality and Diversity implications
Safeguarding		There are no Safeguarding implications
Community Safety, Crime and Disorder		There are implications crime and disorder reduction
Health, Safety and Wellbeing		There are no implications on Health, Safety and Wellbeing
Other implications		There are no other implications

Supporting Information

Appendices:

A – Appointment of Chief Executive and Head of Paid Service

Background Papers:

Local Government and Housing Act 1989

Local Government (Standing Orders) (England) Regulations 2001.

Report to Special Council, 23 July 2019 – Restructure of the Senior Leadership Team

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