

WEST DEVON COUNCIL



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Council** held on **Tuesday, 21st February, 2023** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Mott
Vice Chairman

Cllr Ball	Cllr Blackman
Cllr Bridgewater	Cllr Cheadle
Cllr Crozier	Cllr Davies
Cllr Daniel	Cllr Edmonds
Cllr Ewings	Cllr Heyworth
Cllr Jory	Cllr Kemp
Cllr Kimber	Cllr Leech
Cllr Moody	Cllr Moyse
Cllr Ratcliffe	Cllr Renders
Cllr Ridgers	Cllr Samuel
Cllr Sellis	Cllr Southcott
Cllr Spettigue	Cllr Turnbull
Cllr Vachon	Cllr Wood
Cllr Yelland	

In attendance:

Councillors:
Cllr T Pearce (via Teams)

Officers:
Chief Executive
Deputy Chief Executive
Section 151 Officer
Director of Strategy & Governance
Director of Place & Enterprise (via Teams)
Monitoring Officer
Democratic Services Manager
Head of Revenues & Benefits

58. **Apologies for Absence**
CM 58/22
Apologies for absence were received from Cllrs A Coulson and T G Pearce (who joined the meeting via Teams in a non-voting capacity)
59. **Confirmation of Minutes**
CM 59/22
The minutes of the Council meeting held on 22 November 2022 were confirmed as a true and correct record.
60. **Declarations of Interest**
CM 60/22
Members were invited to declare any interests in the items of business to be discussed and the following were made:

Cllrs A F Leech and J Yelland both declared an 'Other Registrable Interest' in agenda Item 14 'Community Governance Review – Draft Terms of Reference (Minute CM 71/22 below refers) by virtue of being members of Okehampton Town Council. They both proceeded to leave the meeting during consideration of this item.
61. **Business brought forward by or with the consent of the Mayor**
CM 61/22
The Mayor proceeded to remind Members of her Civic Dinner that was taking place on Friday, 17 March 2023.

The Mayor also informed that she was holding a coffee morning for her chosen charity on Saturday, 25 February 2023 at Charter Hall, Okehampton. It was her intention for the event to also be an opportunity for those contemplating standing for Town, Parish or the Borough Council in the forthcoming Elections taking place in May 2023 to learn more. To that end, the Mayor advised that the Democratic Services Manager would be in attendance to provide information and answer questions and she proceeded to invite all Members along to offer their insights on being a Councillor.
62. **The Mayor or person presiding to answer questions which people in West Devon can ask and to receive deputations or petitions under Council Procedure Rule 21**
CM 62/22
The Mayor informed the Meeting that no Public Questions had been received in accordance with the Council Procedure Rules.
63. **To consider (any) questions submitted under Council Procedure Rule 21**
CM 63/22
Members noted that no Questions on Notice had been received from the membership in accordance with the Council Procedure Rules.

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

CM 64/22

The Mayor advised that no Motions on Notice had been received from the membership in accordance with the Council Procedure Rules.

65. **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 65/22

(a) Audit and Governance Committee - 22 November 2022

It was moved by Cllr K Ball, seconded by Cllr M Davies and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the meeting held on 22 November 2022 be received and noted.

(b) Development Management & Licensing Committee – 8 November 2022, 13 December 2022 and 24 January 2023

It was moved by Cllr J Yelland, seconded by Cllr N Heyworth and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 8 November 2022, 13 December 2022 and 24 January 2023 meetings be received and noted, with the exception of Recommendation DM&L.39".

In respect of the Recommendation:

DM&L.39 Hackney Carriage and Private Hire Policy – Proposal to Delay Implementation of the Euro NCAP Safety Rating Standard

It was moved by Cllr J Yelland, seconded by Cllr N Heyworth and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the amended Hackney Carriage and Private Hire Policy as presented to the Development Management & Licensing Committee Meeting, be adopted."

(c) Hub Committee – 13 December 2022 and 31 January 2023

"It was moved by Cllr N Jory, seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Minutes of the 13 December 2022 and 31 January 2023 meetings be received and noted with the exception of Recommendation HC.64/22, HC.75/22 and HC.77/22 parts 2-6".

In respect of the Recommendations:

HC.64/22 Draft Revenue and Capital Budget Proposals 2023/24

"It was moved by Cllr N Jory seconded by Cllr C Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Council continue to be part of the Devon

Business Rates Pool for 2023/24, subject to there being no announcements within the Finance Settlement, which in the opinion of the S151 Officer (in consultation with the Leader of the Council and the Hub Committee Member for Resources), would change this recommendation."

HC.75/22 Draft Revenue and Capital Budget Proposals for 2023/24

It was noted that the Recommendations contained therein were to be considered at standalone agenda item 9 'Draft 2023/24 Revenue and Capital Budget Proposals' (Minute CM 66/22 below refers).

HC.77/22 Council Tax Reduction Scheme 2023-24 And Other Council Tax Discounts And Premiums

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

2. the Council Tax Reduction Scheme for 2023/24 be approved as follows:
 - no changes be made to Band 1 of the current banded scheme;
 - Bands 2, 3 and 4 be uplifted by 20% (above current inflation) to take into account the Cost of Living crisis;
 - the current range of earnings disregards be replaced with a single £25.00 disregard; and
 - change the Minimum Income Floor by adjusting the income calculation for self-employed claimants who receive carer's allowance, personal independence payments or disability living allowance;
3. delegated authority be given to the Director of Strategic Finance, in consultation with the Lead Member for Benefits and the Head of Revenues and Benefits, to agree the uprating of working age regulations incorporated into the local Council Tax Reduction Scheme in line with those announced by the Department for Work and Pensions;
4. officers be instructed to take immediate steps to apply the £25.00 Council Tax Support Fund payment to the 2023/24 council tax bills of eligible council taxpayers, as announced by the Government on 19 December 2022, and bring forward proposals for a discretionary scheme in late spring 2023."

It was noted that the Recommendations 5 and 6 were to be considered at standalone agenda item 10 'Council Tax Discounts and Premiums' (Minute CM 67/22 below refers).

(d) Overview & Scrutiny Committee – 15 November 2022 and 17 January 2023

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 meetings held on 15 November 2022 and 17 January 2023 be received and noted."

66. **Draft 2023/24 Revenue and Capital Budget Proposals**

CM 66/22

The Council was presented with a report that outlined the recommendations of the Hub Committee in respect of a series of draft revenue and capital budget proposals for 2023/24 (Minute HC.75/22 refers).

In discussion, the following points were raised:

- a) Some Members who had previously been opposed to the proposed increase in annual subscription for the Garden Waste Service indicated that, as the increase was a cost recovery measure, needed to cover the cost of providing the service, they were now minded to support the proposal;
- b) Whilst expressing his regret over the need to increase Council Tax, a Member indicated that he considered this to be a measured and prudent set of budget proposals.

It was then moved by Cllr N Jory, seconded by Cllr C Edmonds and, in line with statutory requirements, a recorded vote was then undertaken on the substantive motion. The voting was recorded as follows:

For the motion (28):- Cllrs Ball, Blackman, Bridgewater, Cheadle, Crozier, Daniel, Davies, Edmonds, Ewings, Heyworth, Jory, Kemp, Kimber, Leech, Moody, Mott, Moyse, Ratcliffe, Renders, Ridgers, Samuel, Sellis, Southcott, Spettigue, Turnbull, Vachon, Wood and Yelland.

Against the motion (0).

Abstentions (0).

Absent (3): Cllrs Bolton, Coulson and Pearce.

and it was therefore declared **CARRIED** and **"RESOLVED** that:

- i) approval be given to an increase in Council Tax for 2023/24 of £7.37 (a 2.99% increase). This equated to a Band D Council Tax of £254.00 for 2023/24 (which is an increase of 14 pence per week or £7.37 per year). This equated to a Council Tax Requirement of £5,391,371;
- ii) the financial pressures (as shown in Appendix A of the presented agenda report) of £1,928,800 be approved;

- iii) the net contributions to/(from) Earmarked Reserves of £(45,567) (as shown in Appendix A of the presented agenda report), including the proposed use of £150,000 from the Business Rates Retention Earmarked Reserve as set out in section 3.17 of the presented agenda report be approved;
- iv) the proposed use of £150,000 of New Homes Bonus funding in 2023/24 to fund the Revenue Base Budget (as set out in section 3.22 of the presented agenda report), and the proposed allocation of £78,500 of New Homes Bonus funding to the Dartmoor National Park Authority (as set out in section 3.23 of the presented agenda report) be approved;
- v) the savings of £1,110,500 (as shown in Appendix A of the presented agenda report) be approved;
- vi) the Total Net Expenditure of the Council for 2023/24 be set at £8,587,995 (as shown in Appendix B of the presented agenda report);
- vii) a garden waste subscription annual charge of £52 from April 2023 be approved (as set out in section 5.3 and Appendix G of the presented agenda report);
- viii) the proposed Capital Programme Proposals for 2023/24 of £910,000 and the proposed financing of the Capital Programme (as set out in Appendix D of the presented agenda report) (being £700,000 from the Better Care Fund funding from Devon County Council, £160,000 from NHB funding and £50,000 revenue funding from the Vehicles and Plant Earmarked Reserve) be approved;
- ix) Unearmarked Reserves should continue to have a minimum level of £900,000 (as set in the Medium Term Financial Strategy in September 2022), but an operating level of a minimum of £1.25million;
- x) in line with the requirements of Part 2 of the Local Government Act 2003, 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;
- xi) with effect from 31 March 2023, the Servaco dormant company which the Council jointly owns with South Hams District Council, be closed down."

67.

Council Tax Discounts and Premiums

CM 67/22

Consideration was given to a report that made recommendations on the changes to the levying of Council Tax premiums with effect from 1 April 2024 and also provided confirmation of the Council Tax discounts already in place.

The report also highlighted the changes contained within the Levelling Up and Regeneration Bill currently progressing through Parliament which would impact on Council Tax relating to second homes and long term empty dwellings.

In the ensuing discussion, a number of questions of clarity were raised that included:

- (a) A Member queried the status of empty properties that were subject to Probate. In reply, it was confirmed that such circumstances were covered within Council Tax Exemption Schemes that were already in operation nationally;
- (b) In response to questions relating to specific definitions contained within the presented agenda report, the Head of Revenues and Benefits confirmed that a 'second home' was confirmed as a property that was not the owner's main residence but was furnished. In addition, whilst there was no specific definition of 'substantially unfurnished', for a property to be deemed furnished, it must be fit for occupation and include items such as beds, tables and chairs and white goods;
- (c) A Member sought information on how many Second Homes and Air BnB properties were located within the Borough area. In reply, the Leader confirmed this to be 650 second homes which, in the event of recommendation part 2 being approved, would generate an extra £157,000 in Council Tax for West Devon Borough Council;
- (d) A Member queried as to whether there was any evidence of how much of an impact the double Council Tax levy would make in deterring the ownership of second homes, thereby releasing properties to be homes for local people. Officers responded that there had been no detailed research or analysis into this subject;
- (e) In view of the Council having declared a Housing Crisis, a Member enquired as to whether it would be Council policy to direct the additional funds raised from Council Tax payments, to a programme of developing new affordable housing. In reply, the Leader advised that this would be a matter for the next Council administration to consider;
- (f) Members were keen to close existing loopholes that permitted Air BnB's to not only avoid all quality standards required as part of other Tourist Board accreditation schemes, but also to ensure that these properties were returned to Council Tax payment and not Business Rates liability as soon as possible.

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

1. with effect from 1 April 2023, Council Tax discounts be adopted as follows:

- The discount for unoccupied and substantially unfurnished dwellings be 100% for a maximum period of 1 month;
 - The discount for unoccupied and substantially unfurnished dwellings for 1 month to 2 years be zero;
 - The discount for dwellings which are vacant and require major repair work to render them habitable be 50% for a maximum period of 12 months;
 - The discount for unoccupied furnished dwellings (second homes) be zero;
 - An empty homes premium of an additional 100% be levied on dwellings that have remained unoccupied and substantially unfurnished for at least two years, but less than 5 years;
 - An empty homes premium of an additional 200% be levied on dwellings that have remained unoccupied and substantially unfurnished for at least five years, but less than 10 years; and
 - An empty homes premium of an additional 300% be levied on dwellings that have remained unoccupied and substantially unfurnished for at least 10 years.
2. subject to the Levelling Up and Regeneration Bill receiving Royal Assent, from 1 April 2024, the current 100% premium for dwellings which are unoccupied and substantially unfurnished be levied after a period of one year.
 3. subject to the Levelling Up and Regeneration Bill receiving Royal Assent, from 1 April 2024, a premium of 100% be levied on all dwellings which are unoccupied and substantially furnished (second homes)."

68.

Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme and 2023 Supporting Small Business Relief

CM 68/22

The Council considered a report that set out changes to discretionary relief for business rates announced as part of the Autumn Budget 2022.

In discussion, Members sought further detail on what types of business were eligible for Business Rate Relief as a result of the changes and whether or not small independent chains would qualify.

Members were disappointed to learn that Air BnBs would qualify for Rate Relief if they were entered in the Rating List and reiterated their wish for the existing loopholes permitting this to be closed as soon as was practically possible.

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

1. the Business Rates Relief: 2023/24 Retail, Hospitality and Leisure Scheme Policy (as set out at Appendix A to the presented agenda report) be approved; and
2. the implementation of the 2023 Supporting Small Business Relief scheme be approved."

69. **Civic Allowances Review**

CM 69/22

Further to the Council meeting of 22 November 2022 at which the Independent Remuneration Panel were requested to convene to consider the Allowances payable to the Borough Mayor and Deputy Mayor (Minute CM 52/22 refers), the Council considered a report that presented the recommendations of the Independent Remuneration Panel on the Civic Allowances.

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

1. the Civic Allowances be retained at:
 - Mayor: £3,000 per annum; and
 - Deputy Mayor: £825 per annum; and
2. the Civic Allowance be reviewed again as part of the detailed review to be undertaken by the Independent Panel on Members Allowances during the early Autumn of 2023."

70. **Draft Calendar of Meetings 2023/24**

CM 70/22

Consideration was given to a report that presented the draft Calendar of Meetings for 2023/24 for adoption.

In discussion, Members queried the planned start time of meetings listed in the proposed calendar, suggesting that meetings held later in the day might help to encourage more working people to stand for Council. In response, it was suggested that this would be a matter for the new Council to consider following the forthcoming election in May 2023.

It was then proposed by Cllr Jory, seconded by Cllr Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the draft Calendar of Meetings for 2023/24 set out at Appendix A of the presented report be approved."

71. **Community Governance Reviews - Draft Terms of Reference**

CM 71/22

The Council considered a report that sought approval for the Terms of Reference for two Community Governance Reviews, for Sydenham

Damerel and Okehampton respectively, instigated by the receipt of two public Petitions submitted to the Council meeting of 22 September 2022 (Minute CM 38/22 refers)

It was then proposed by Cllr Jory, seconded by Cllr Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Community Governance Review draft Terms of Reference (as set out at Appendix A of the presented agenda report) be approved."

72.

Pay Policy Statement

CM 72/22

In line with the requirements of the Localism Act 2011, Members considered a report proposing adoption of the Pay Policy Statement for 2022/23.

During the ensuing discussion, Members stated that the Council's Senior Leadership Team represented excellent value for money particularly when compared to private sector equivalents and bearing in mind that they were shared across two local authorities.

It was then proposed by Cllr Jory, seconded by Cllr Edmonds and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the Pay Policy Statement for 2022/23 as set out at Appendix A of the presented report be agreed."

The Meeting concluded at 3.15 pm

Signed by:

Chairman
