

West Devon Annual Council



West Devon
Borough
Council

Title:	Summons																																													
Date:	Tuesday, 21st May, 2024																																													
Time:	11.00 am																																													
Venue:	Chamber - Kilworthy Park																																													
Full Members:	<p style="text-align: center;">Mayor Cllr Daniel Deputy Mayor Cllr Sellis</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 Kimber</td> <td style="width: 33%;">Cllr Leech</td> </tr> <tr> <td>Cllr Blackman</td> <td>Cllr Mann</td> <td>Cllr Moody</td> </tr> <tr> <td>Cllr Bridgewater</td> <td>Cllr Mott</td> <td>Cllr Oxborough</td> </tr> <tr> <td>Cllr Calder</td> <td>Cllr Renders</td> <td>Cllr Saxby</td> </tr> <tr> <td>Cllr Casbolt</td> <td>Cllr Southcott</td> <td>Cllr Vachon</td> </tr> <tr> <td>Cllr Cheadle</td> <td>Cllr Wakeham</td> <td>Cllr Watts</td> </tr> <tr> <td>Cllr Cunningham</td> <td>Cllr Viney</td> <td>Cllr West</td> </tr> <tr> <td>Cllr Dexter</td> <td></td> <td></td> </tr> <tr> <td>Cllr Edmonds</td> <td></td> <td></td> </tr> <tr> <td>Cllr Elliott</td> <td></td> <td></td> </tr> <tr> <td>Cllr Ewings</td> <td></td> <td></td> </tr> <tr> <td>Cllr Greenberry-Pullen</td> <td></td> <td></td> </tr> <tr> <td>Cllr Guthrie</td> <td></td> <td></td> </tr> <tr> <td>Cllr Johnson</td> <td></td> <td></td> </tr> <tr> <td>Cllr Jory</td> <td></td> <td></td> </tr> </table>	Cllr Ball	Cllr Kimber	Cllr Leech	Cllr Blackman	Cllr Mann	Cllr Moody	Cllr Bridgewater	Cllr Mott	Cllr Oxborough	Cllr Calder	Cllr Renders	Cllr Saxby	Cllr Casbolt	Cllr Southcott	Cllr Vachon	Cllr Cheadle	Cllr Wakeham	Cllr Watts	Cllr Cunningham	Cllr Viney	Cllr West	Cllr Dexter			Cllr Edmonds			Cllr Elliott			Cllr Ewings			Cllr Greenberry-Pullen			Cllr Guthrie			Cllr Johnson			Cllr Jory		
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Cllr Jory																																														
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. To elect The Mayor of the Borough for the ensuing year**
- 3. To elect The Deputy Mayor of the Borough for the ensuing year**
- 4. Vote of thanks to the Retiring Mayor**
- 5. Response by the Retiring Mayor**

6. Declarations of Interest

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;

7. Confirmation of Minutes

1 - 6

To approve and adopt as a correct record the Minutes of the Meeting of the Council held on 26 March 2024.

8. To appoint a Leader of the Council for the ensuing year

9. To appoint a Deputy Leader of the Council for the ensuing year

10. To report on the composition of political groups

11. To approve the Committee Structure for the coming year

Audit & Governance	7 Members
Hub	9 Members (to include Leader and Deputy Leader)
Overview & Scrutiny	15 Members
DM & Licensing	10 Members + Named Substitutes
Council Tax Setting Committee	4 Members
Investment & Regeneration	3 Members

with all of the Borough Council Member appointments to the above Committees and the Dartmoor National Park Authority being politically balanced and each Member of Council being

appointed to serve on one of the Audit & Governance; Hub; or Overview & Scrutiny Committees.

12. Appointment of Members (and Substitute Members) of the Bodies of the Council

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.

To follow

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

To follow

14. To appoint representatives to the list of Governance Boards for the ensuing year

To follow

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

To follow

16. Hub Advisory Groups 7 - 10

17. Appointment of Independent Persons - Standards and the Audit & Governance Committee 11 - 16

18. Reports of Bodies

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

(a) Development Management & Licensing Committee 17 - 30

Meeting held on 27 February 2024; and

Meeting held on 16 April 2024

(b) Audit & Governance Committee 31 - 36

Meeting held on 19 March 2024

(c) Hub Committee 37 - 40

Meeting held on 9 April 2024

(d) Overview & Scrutiny Committee

41 - 46

Meeting held on 23 April 2024

19. Council Constitution

47 - 56

Agenda Item 7

At a Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **26th** day of **MARCH 2024** at **4.00pm** pursuant to Notice given and Summons duly served.

Members in attendance

- * Denotes attendance
- ∅ Denotes apology for absence
- ** Denotes attendance via Teams

∅ Cllr L Daniel – The Mayor (In the Chair)

∅ Cllr K Ball	* Cllr T Leech
* Cllr A Blackman	* Cllr U Mann
* Cllr A Bridgewater	* Cllr J Moody
* Cllr M Calder	∅ Cllr C Mott
* Cllr M Casbolt	* Cllr R Oxborough
* Cllr R Cheadle	* Cllr M Renders
* Cllr A Cunningham	* Cllr I Saxby
* Cllr G Dexter	∅ Cllr D Sellis (Deputy Mayor)
* Cllr C Edmonds	* Cllr T Southcott
* Cllr J Elliott	* Cllr P Vachon
* Cllr M Ewings	* Cllr N Viney
* Cllr S Guthrie	* Cllr S Wakeham
* Cllr A Johnson	* Cllr L Watts
* Cllr N Jory	* Cllr C West
* Cllr P Kimber	

Officers in attendance

Senior Leadership Team; Deputy Monitoring Officer; Head of Democratic Services; Head of Environmental Health; and Head of Finance

CM 77/23 APPOINTMENT OF MAYOR AND DEPUTY MAYOR

In the absence of both the Mayor and Deputy Mayor, nominations were sought to fulfil both of these roles for the duration of this meeting.

Having sought nominations, it was then moved by Cllr M Ewings, seconded by Cllr M Renders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that Cllr C Edmonds be appointed to the role of Mayor for the duration of this Full Council meeting and Cllr A Bridgewater be appointed to the role of Deputy Mayor for the duration of this Full Council meeting.”

CM 78/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Ball, Daniel, Mott and Sellis.

CM 79/23 CONFIRMATION OF MINUTES

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon the motion being submitted to the Meeting was declared to be **CARRIED** and **“RESOLVED** that the Council agree the Minutes of both the Meeting held on 20 February 2024 and the Special Meeting held on 5 March 2024.”

CM 80/23 DECLARATIONS OF INTEREST

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.

CM 81/23 COMMUNICATIONS FROM THE MAYOR

The Mayor proceeded to inform the meeting of:

- the wishes of Cllr Daniel to thank those Members who had attended her recent Civic Dinner;
- a reminder that the annual Mayoral Awards presentation would be held following this Full Council meeting. To that end, all Members were encouraged to stay for this event; and
- the results of the recent Peer Challenge Review. Officers and Members alike were thanked and congratulated for their tireless efforts that had been reflected in such positive feedback following the recent Review. In terms of next steps, it was intended that a copy of the Review Report would be received by the Council within the next four weeks before it was then formally published for consideration at the next Hub Committee Meeting (to be held on 22 June 2024).

CM 82/23 TO RESPOND TO ANY QUESTIONS SUBMITTED BY THE PUBLIC AND TO RECEIVE DEPUTATIONS OR PETITIONS UNDER COUNCIL PROCEDURE RULES

The Mayor advised that no Public Questions had been received from the public in accordance with the Council Procedure Rules.

CM 83/23 QUESTIONS ON NOTICE

Members noted that no Questions on Notice had been received from the membership in accordance with the Council Procedure Rules.

CM 84/23 MOTIONS ON NOTICE

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

CM 85/23 MINUTES OF COMMITTEES

(a) Overview And Scrutiny Committee; 13 February 2024

It was moved by Cllr P Kimber, seconded by Cllr A Johnson and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the meeting held on 13 February 2024 be received and noted.”

(b) Council Tax Setting Committee; 22 February 2024

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the meeting held on 22 February 2024 be received and noted.”

(c) Hub Committee – 5 March 2024

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Minutes of the meeting held on 5 March 2024 be received and noted, with the exception of recommendations HC 57/23, HC 60/23 (Part 2) and HC 66/23 (Part 1)”

In respect of the Recommendations:

HC 57/23: Devon, Cornwall and the Isles of Scilly Climate Adaptation Plan:

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Devon, Cornwall and Isles of Scilly Climate Adaptation Plan (as set out at Appendix A of the agenda report presented to the Hub Committee meeting) be endorsed.”

HC 62/23: Housing Benefit War Pensions Disregard Policy

It was moved by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and “**RESOLVED** that the Housing Benefit War Pensions Disregard Policy (as set out at Appendix A of the agenda report presented to the Hub Committee meeting) be approved.”

HC HC.67/23: Fusion Lifestyle – Leisure Contract Update

Members noted that this recommendation was to be considered at Exempt agenda item 16 (Minute CM 91/23 below refers).

The Council considered a report that recommended approval of the proposed Capital Strategy, Investment Strategy and Treasury Management for 2024/25, together with their associated prudential indicators.).

During the ensuing discussion, there was widespread praise and thanks extended to the Section 151 Officer and her Finance Team for their excellent financial management in ensuring that the Council was in a sound financial position.

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

1. the following strategies for 2024-25 be approved:
 - a. the Capital Strategy (as at Appendix A of the published agenda report);
 - b. the Treasury Management Strategy (as at Appendix B of the published agenda report); and
 - c. the Investment Strategy (as attached at Appendix C of the published agenda report); and
2. authority be delegated to the Section 151 Officer, in consultation with the Leader of the Council and the lead Hub Committee Member for Resources, to make any minor amendments to these Strategies if required throughout the 2024/25 Financial Year."

CM 87/23 ANNUAL REVIEW OF HEALTH AND SAFETY POLICY STATEMENT

Council considered a report that sought approval to adopt an updated Health and Safety Policy Statement.

During debate, it was confirmed that a health and safety focused Member training session was to be convened in the upcoming weeks, which would include reference to lone working. This confirmation was welcomed by Members.

It was then proposed by Cllr M Ewings, seconded by Cllr M Renders and upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the updated health and safety policy statement be adopted and signed by the Head of Paid Service and the Leader of the Council."

CM 88/23 PAY POLICY STATEMENT

In line with the requirements of the Localism Act 2011, Members considered a report that proposed adoption of the Pay Policy Statement for 2023/24.

It was then proposed by Cllr M Ewings, seconded by Cllr M Renders upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that:

1. the Pay Policy Statement for 2023/24 (as set out at Appendix A of the presented agenda report) be adopted; and
2. the narrowing in pay differentials compared to the previous 12 months be noted."

CM 89/23 CALENDAR OF MEETINGS 2024/25

Consideration was given to a report that presented the draft Calendar of Meetings for 2024/25 for adoption.

It was then proposed by Cllr M Ewings, seconded by Cllr M Renders upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the draft Calendar of Meetings for 2024/25 (as set out at Appendix A of the presented agenda report) be approved."

CM 90/23 POLITICAL COMPOSITION AND SIX-MONTH MEMBER MEETING ATTENDANCE RULE

A report was considered that requested the Council note the revised political composition of the Council following the resignation of Mr Peter Squire from the Council.

It was then proposed by Cllr M Ewings, seconded by Cllr M Renders upon being submitted to the Meeting was declared to be **CARRIED** and **"RESOLVED** that the revised political composition of the Council (as set out in paragraph 2.1 of the published agenda report) be noted."

CM 91/23 EXCLUSION OF PUBLIC AND PRESS

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.

CM 92/23 FUSION LIFESTYLE - LEISURE CONTRACT UPDATE

Members considered an Exempt report seeking approval for a variation to the Council's existing contract with Fusion Leisure.

In discussion, a number of Members expressed their support for the proposals contained within the Exempt agenda papers and it was then

proposed by Cllr T Leech, seconded by Cllr M Ewings upon being submitted to the Meeting was declared to be **CARRIED** and **RESOLVED** that:

1. the contract variation and payment profile for the years 2023-24 to 2027-28 (as set out in section 4 of the published exempt agenda report) be approved;
2. the funds from the Leisure Earmarked Reserve (as specified in the published exempt agenda report) be used to fund the shortfall of the payment fee between the two years of 2023/24 and 2024/25; and
3. authority be delegated to the Director of Place and Economy, in consultation with the Section 151 Officer and the Leader of Council, to finalise the terms of the profit share agreement for the five years 2023-24 to 2027-28.”

(The Meeting terminated at 5.05 pm)

Mayor

Report to: **Annual Council**
Date: **21 May 2024**
Title: **Hub Advisory Groups**
Portfolio Area: **Council – Leader**

Wards Affected: **All**

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

Date next steps can be taken: Immediately following this meeting

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: **Email: darryl.white@swdevon.gov.uk**

RECOMMENDATION:

That Council be RECOMMENDED to note that, as part of the consideration by the Hub Committee of the 'Local Government Association (LGA) Corporate Peer Challenge Feedback Report' (23 July 2024 Committee Meeting), and the recommendations arising from that, the Hub Committee will consider the Terms of Reference for Advisory Groups (and membership lists).

1. Executive summary

1.1 With its partner authority (South Hams District Council), the Council was subject to a Local Government Association (LGA) Corporate Peer Challenge from 19 to 22 March 2024;

1.2 Recommendation 8 that arose from the Peer Challenge reads as follows:

'8. Review the Role, Function and Purpose of Advisory Panels and Working Groups'

Narrative:

'Members welcomed their close working and engagement but were not sufficiently clear how your current arrangements add the value you want.'

2. Background

- 2.1 At the meeting of Full Council held on 21 July 2021, the Council formally established 8 Hub Advisory Groups that were aligned to each of the eight thematic areas in the adopted Council Plan at that time ('A Plan for West Devon') (Minute CM 32/21 refers).
- 2.2 At that Council meeting, Members adopted Terms of Reference for each Hub Advisory Group, with the primary role and function of them being to:
- *advise and support the lead Hub Committee Member with the delivery of targets within the adopted 'A Plan for West Devon' and;*
 - *look forward and horizon scan in order to identify future issues and challenges that relate to the thematic area, generate new ideas and solutions and to plan ahead over the longer-term.*
- 2.3 Given the recent adoption of a new Council Plan (coupled with the recommendation arising from the Corporate Peer Challenge), it is now considered timely to review the role, function and purpose of the Hub Advisory Groups.
- 2.4 It is therefore recommended that a review be undertaken in the upcoming months that then forms part of the Outline Action Plan arising from the Peer Challenge. In accordance with the Hub Committee Forward Plan, this is due for consideration by the Hub Committee at its meeting to be held on 23 July 2024.
- 2.5 As part of the review (and the wider Outline Plan), it is intended that an updated set of draft Terms of Reference (and membership lists) for the Hub Advisory Groups will be presented to that Hub Committee meeting for approval.

3. Options available and consideration of risk

- 3.1 A thorough review into all aspects of the Hub Advisory Group model will ensure that they remain both fit for purpose and provide an opportunity for all Members to effectively engage in this aspect of the Council's work.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	Statutory Powers – Local Government Act 1972
Financial implications to include reference	N	There are no direct financial implications

to value for money		
Risk	N	These are addressed in the report
Supporting Corporate Strategy		Efficient and Effective Council
Climate Change - Carbon / Biodiversity Impact		Not applicable
Comprehensive Impact Assessment Implications		
Equality and Diversity		Not applicable
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable
Other implications		Not applicable

Supporting Information

Appendices:

None

Background Papers:

LGA Corporate Peer Challenge – Feedback Report

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Report to: **Council**

Date: **21 May 2024**

Title: **Appointment of Independent Persons – Standards and the Audit & Governance Committee**

Portfolio Area: **Council Leader**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: **Immediately**

Author: **Darryl White** Role: **Head of Democratic Services**

Contact: **darryl.white@swdevon.gov.uk**

RECOMMENDATIONS

That the Council:

- 1. agrees to the re-appointment of the following persons as 'Independent Persons' to assist in the discharge of the Council's arrangements for dealing with standards complaints:**
 - George Barnicott;**
 - Peter Boreham;**
 - Martin Gleed;**
 - Trevor Kirkin; and**
 - Victoria Spence; and**
- 2. delegates authority to the Section 151 Officer, in consultation with the Chairman and Vice-Chairman of the Audit & Governance Committee, to appoint the 'Independent Person' to serve on the Audit & Governance Committee.**

with each of these appointments being in place for the remainder of the 2023/27 Council administration.

1. Executive summary

Standards Matters

- 1.1 The appointment of at least one Independent Person is an important part of the arrangements for dealing with complaints that councillors have breached their code of conduct. Their independence contributes to an objective and impartial assessment of complaints.
- 1.2 The Council shares its Independent Persons with South Hams District Council.
- 1.3 The current Independent Persons have each been asked if they wish to continue in the role. All of them have expressed an interest in continuing and it is therefore recommended that they each be re-appointed for the remainder of the 2023/27 Council administration.

Audit & Governance Committee

- 1.4 In 2022, CIPFA (The Chartered Institute of Public Finance) issued a position statement that stated that '*The Audit Committees of Local Authorities should include co-opted independent members in accordance with the appropriate legislation.*'
- 1.5 The Audit & Governance Committee considered a detailed report on this matter at its meeting held on 25 July 2023 (Minute AC 9/23 refers).

2. Background

Standards Matters

- 2.1 Under the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct by its Members and Co-Opted Members. As part of discharging the duty, the Council has to have adopted a Code dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in their capacity as Members (that is in an official capacity).
- 2.2 In addition, the Council must have arrangements in place to deal with complaints that its code of conduct has been breached, including arrangements for:
 - (a) Complaints to be investigated.
 - (b) Decisions on allegations to be made.
- 2.3 The arrangements for dealing with code of conduct complaints must include the appointment of one or more Independent Persons to assist in the standards process. The functions of the Independent Persons are:

- (a) to be consulted by the Council before it makes a finding as to whether a councillor has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member;
 - (b) to be consulted by the Council in respect of a standards complaint at any other stage and they may be consulted by a councillor or a Co-opted Member; and
 - (c) separately from the standards arrangements, under the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 to advise a panel of the Council on matters relating to dismissal of the Council's Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 2.4 The Council's arrangements for dealing with allegations that councillors have breached their Code of Conduct are set out in Chapter 6 of the Council's constitution (<https://westdevon.gov.uk/constitution>).
- 2.5 The Council shares its Independent Persons with South Hams District Council. The current Independent Persons have been asked if they wish to continue and it is proposed that the following persons, who have served the Councils as Independent Persons are re-appointed for the remainder of this Council administration:
- George Barnicott;
 - Peter Boreham;
 - Martin Gleed;
 - Trevor Kirkin; and
 - Victoria Spence,

Audit & Governance Committee

- 2.6 At its meeting held on 25 July 2023, the Audit & Governance Committee noted the intention for Devon Local Authorities to work together in a joint exercise to seek and recruit up to two Independent (**non-voting**) Persons to serve on that Committee;
- 2.7 Following a debate, the Committee proceeded to resolve that:
1. *The Section 151 Officer be asked to work with the Devon Audit Partnership in progressing the appointment of up to two Independent Persons to the Audit & Governance Committee as soon as is reasonably practicable;*
 2. *Consideration to be given to joint appointments of Independent Persons to more than one Devon Local*

Authority Audit (and Governance) Committee (through a joint exercise with neighbouring Local Authorities in Devon – co-ordinated through the Devon Audit Partnership);

3. *Devon Local Authority partners consider setting a consistent remuneration value to avoid competing with one another in what may be a limited pool of candidates;*
4. *It be noted that Independent Persons would not have voting rights at meetings of the Audit & Governance Committee; and*
5. *The Section 151 Officer present a report to Full Council following the conclusion of the recruitment exercise to formally appoint the successful co-opted Independent Members to the Audit & Governance Committee.'*

2.8 Following an advertisement and recruitment exercise organised by the Devon Audit Partnership (DAP), a prospective candidate for the role of Independent Member has applied and has had an initial meeting with officers from DAP and the Section 151 Officer. The next stage will be for the candidate to meet with the Chairman and Vice-Chairman of the Audit & Governance Committee. It is therefore recommended that the Council gives delegated authority to the Section 151 Officer, in consultation with the Chairman and Vice-Chairman of the Audit & Governance Committee, to appoint the 'Independent Person' to serve on the Audit & Governance Committee.

2.9 This timeline will ensure that all involved are comfortable that a positive, constructive and supportive working relationship can be formed, in order to both aid the Audit & Governance Committee and meet the CIPFA guidance.

3. Outcomes/outputs

Standards Matters

3.1 The appointment of the Independent Persons ensures that the Council's arrangements comply with the Localism Act 2011, while also ensuring that complaints are assessed objectively and impartially.

Audit & Governance Committee

3.2 The appointment of an Independent Person to serve on the Audit & Governance Committee will ensure compliance with the CIPFA requirements in this regard.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>Standards Matters: These are set out in the report at paragraphs 2.1 – 2.5.</p> <p>Audit & Governance Committee: The Redmond Review proposed legislation requiring Audit & Governance Committees to have at least one Independent Member on the Audit Committee.</p>
Financial implications to include reference to value for money	Y	<p>Standards Matters: Under the Council's Allowances Scheme each Standards Independent Person is entitled to an annual allowance of £500.</p> <p>Audit & Governance Committee: The appointed Independent Person will be entitled to claim an annual allowance set at 0.5 x the Council's Basic Allowance (currently £2,749 per annum).</p>
Risk	N	
Supporting Corporate Strategy	Y	<p>The Council Plan states that <i>'our Plan will be underpinned by Good Governance' and sets out our commitment to 'make sure that we have a robust governance framework, effective decision making, and that we shape our policies and strategies in consultation with our communities and key stakeholders.'</i></p> <p>Each of the recommendations in this report help to ensure that the Council has a robust governance framework in place.</p>
Consultation & Engagement Strategy	N	
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	

Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

None

Background Papers:

Audit & Governance Committee agenda and minutes – 25 July 2023 Meeting.

Agenda Item 18a

Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **27th** day of **February 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr R Cheadle – Chairman
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr J Moody
Cllr M Ewings	Cllr C Mott
Cllr P Kimber	Cllr S Wakeham

Head of Development Management (JH)
Senior Planning Officer (BH)
Principal Planning Officer (PW)
Assistant Director – Planning (AW)
Senior Democratic Services Officer (KH)
Principal Highways Development Management Officer (PT)

***DM&L.43 APOLOGIES FOR ABSENCE**

Apologies were received from Cllr T Leech, Cllr S Guthrie and U Mann. It was noted that Cllr M Ewings substituted for Cllr U Mann.

***DM&L.44 DECLARATION OF INTEREST**

There were no declarations of interests.

***DM&L.45 URGENT BUSINESS**

There was no urgent business brought forward to this meeting.

***DM&L.46 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 12 December 2023 were agreed as a true and correct record. The minutes from the Licensing Sub Committee meeting held on 6 February 2024 were agreed as a true and correct record.

***DM&L.47 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and also considered the comments of the Parish Councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 2215/22/FUL Ward: Bere Ferrers

Site Address: Land North of B3257, Bere Alston, Yelverton

**Development: Readvertisement (revised plans & documents)
Erection of community convenience retail store (Co-op)
access, vehicle parking & landscaping.**

The Principal Planning Officer gave a presentation to the Members. He had clarification that the proposed opening times were 7am to 10pm, not 6am to 11pm as stated in the report. An amended lighting plan had been supplied showing the impact of hedging to the site boundaries. This indicated that light would not spill into Highfield's garden and impact upon residential amenity in this way. The reason for refusal was thus amended to delete the reference to light impact.

He referred to SPT6(3) in the Joint local Plan (JLP) which sets out that:

For the Thriving Towns and Villages Policy Area:

- i. The town centres of the Main Towns – primarily main food/convenience shopping and other retail and services as appropriate to the role of the centre.
- ii. Retail and community centres of the smaller towns and larger villages – primarily to top-up food shopping and local services

Reference was also made to DEV16(3) which sets out that any proposal which would have a significant adverse impact on the vitality and viability of an existing centre would not be permitted.

Policy Dev16 (in the JLP) states that any development outside the settlement area that has a significant adverse impact on the investment and vitality on and investment in an existing centre would not be acceptable.

Any permission granted would be for a convenience store and not specific to a Co-op store. The council's retail consultant stated that no evidence has been shown that there is sufficient local expenditure to support both a larger Co-op store and the remaining stores in the centre. The proposed store was significantly smaller than those in the nearby town of Tavistock and that questioned whether shoppers would change their shopping patterns and no longer rely on shopping outside the catchment should the application be approved.

Recommendation: Refusal

Key issues for Committee consideration:

Principle of development/sustainability, Retail considerations: sequential test and retail impact, impact upon natural environment, highways/access, sustainable location, neighbour amenity, impact upon historic environment, land contamination, biodiversity, drainage, low carbon development, crime and anti-social behaviour

The Principal Planner said in his view the edge of the settlement boundary would be the houses to the west of the proposed site. A

Member questioned if policy SPT1 and SPT2 could be met on this application by virtue of business growth and enabling a sustainable local community with a mix of local services along with a vibrant mixed-use centre. The Principal Planner responded by stating his concern was on the overall impact of the proposal on the centre of the village and the more specific retail shops in the centre such as the butchers.

Another Member commented that development was taking place in Bere Alston primarily for younger people and the allocated sites on the opposite side on the B3257 and they could walk to the store or call in on their way to work and asked if the bus route was altered would it make it a more viable site. The Planning Officer indicated that the site was further away from the houses on the western side of the village and the concerns of the retail consultant was that the site on the eastern edge of the village would draw trade from the centre of the village, to the centres' detriment and potentially increase car use. The Head of Development Management pointed out that although the two residential development sites mentioned were allocated in the Neighbourhood Plan they had yet to be approved. Therefore, Members needed to focus of the application before them. The Principal Planner stated if Members were minded to grant Permission, then delivery times and opening times could be conditioned.

Speakers included the agent, Parish Councillor and Ward Member

The applicant stated that he had lived in the area and was passionate about what was best for the village. The proposal would significantly reduce the need to travel to the nearest store located in Tavistock and would enhance the sustainability of Bere Alston. The current Co-op store was not fit for purpose and delivery lorries block the main street. The proposed site immediately abuts the current settlement boundary and cannot be seen from anywhere without seeing the existing adjacent buildings. He stated the Council's retail consultant based in Glamorgan had clearly not been to Bere Alston.

In response to a question from the committee he stated staff would catch the bus or walk to work at the proposed site. He commented on the poor disabled access at the current store in the village.

The Parish Councillor stated the proposal was well supported when it was presented at the Parish Council meeting. He said there was a regular bus service currently passing the site and that Stagecoach had confirmed that buses could drive into the site.

He said the proposal from Devon Highways to move the 30 mph speed limit to Quarry Corner was welcomed. He voiced concern for the visibility of the pedestrian crossing, especially at night.

The Principal Planning Officer in reply to a Member questions confirmed the retail study for the council was a desk top study.

The Ward Member said the proposal would give people job opportunities. It is a growing village and adequate services need to be in place. She stated an average family would save an average of £5.64 per week with not travelling to Tavistock to do their weekly shop.

It would ease congestion and promote walking. The new bus stop that would be put in would help people visiting family and friends at the other end of the village. A hand delivered survey of the village revealed 66% wanted the new Co-op.

In debate a Member commented that Highways would look for a sum of £5k for investigation of the moving of the speed limit further out along the B3257, however this was subject to the approval of the County Councils democratic process. Therefore, there was no guarantee should the application be approved, that the speed limit would be moved. The Principal Planning Officer stated the current footway was in line with guidance for the current speed limit.

The Highways Officer said should the 30mph speed limit be extended it would come with street lighting along the road. However, the store would have overspill of lighting should the speed limit not be moved.

A member said they were balancing policy whilst being mindful that the Bere peninsula was an isolated area. Another Member said that when voting the committee needed to reflect on how there could be potential damage to the core of the village if the life of the village is drawn away. The Head of Planning reminded the Committee it was a balanced decision that wouldn't be easy and to bear in mind the JLP policies that were relevant. If smaller shops in the village were to close because of the creation of a store on the proposed site then that would be contrary to planning policies.

After the debate, Members were asked to vote on the Planning Officer's recommendation.

The vote went against the recommendation of refusal and the Head of Planning asked the Committee to make another proposal. A Member made the recommendation to approve the application subject to a suitable LVIA Assessment. The Head of Planning stated that an LVIA had already been submitted, which was why there was a reason for refusal based on the impact of the development proposal on the National Landscape (Tamar Valley AONB)

The Head of Planning made a recommendation to the Committee that they defer the decision as there would need to be consideration of a S106 agreement which could look to secure obligations on the use and goods in relation to the proposed store and to secure restrictions on the use of the existing store within the centre of the village. In addition, the conditions needed further consideration and discussion with the applicant.

There may be more carbon reductions measures that

could be put forward. A Member asked that consideration was also given to the National Landscape and to the lighting. Another Member suggested native, semi-mature specimens for landscaping.

The Assistant Director for Planning suggested that the application is brought back to Committee as a refusal but with measures in place that were appropriate should the application be approved.

Committee Decision: Deferred – the application to be brought back to committee as a refusal but with conditions in place should the Committee wish to approve.

(b) Application No. 3349/23/FUL

Ward : Bere Ferrers

Site Address: Five Acres, Woolacombe Road, Bere Alston

Development: Demolition of two agricultural outbuildings & erection of new dwelling

Recommendation: Refusal

Key issues: Location, principle of development, housing need, design, scale and massing, drainage, highways, biodiversity, low carbon

The Senior Planning Officer gave a presentation to the Committee. The poor pedestrian connectivity to the village centre was seen as an issue. As was the current over provision of 3-bedroom property in Bere Alston.

The applicant had not submitted enough evidence to comply with planning policy DEV32 with regard to low carbon. A Member asked why an application with insufficient detail was brought to Committee. The Senior Planner responded by saying it is difficult to invalidate an application if the applicant has submitted the required information. It could be seen as partly determining the application at the validation stage. As the application was being recommended for refusal for other reasons, it would not have been fair to the applicant to seek further information on carbon measures, when the outcome would have been a recommendation for refusal.

The application was called in by a Ward Member for issues of scale and siting. The application did go through pre application planning advice and unfortunately the applicant was misdirected to apply a policy that wasn't relevant to this application.

Speakers included the agent, Parish Councillor and Ward Member

The agent stated that the applicants lived on the site in a

two-bedroomed bungalow with their father and two children
In pre-application it was stated that it may be plausible to propose a modest single dwelling in or part of the same footprint as the existing agricultural buildings and to use the existing access onto the road. One of the reasons for refusal was that the site was not well connected to the village, although in the Neighbourhood Plan the proposed site was adjacent to and opposite two allocated sites at Woolacombe Road providing for a proposed 20 and 30 dwellings.

The Parish Councillor outlined the proposed development sites in the Neighbourhood Plan on a slide so that the Committee could see how close they were to the application site. He stated that Woolacombe Road was one of the quietest roads in the village. He stated that recently there were 60 applications for the two 3-bedroom properties advertised in the village, which outlined the need for 3-bedroom properties.

The Ward Member stated the application would be for an infill between two bungalows. It would be on a brown field site.

The Senior Planning Officer stated the proposal was for an independent 3-bedroom open market dwelling. When considering policy DEV8 the Senior Planner Officer stated smaller properties are required.

Committee Decision: Refusal

***DM&L.48 PLANNING APPEALS UPDATE**

The Head of Planning took Members through the appeal on Collaven Manor, Sourton for an oak framed gym and annex outbuilding within the setting of a Listed Building. It was refused for being a harm on the setting of a Listed Building. The appeal was dismissed.

A householder application for the Old Rectory at Bratton Clovelly for a garage and loft to a 2-storey assisted dwelling went to appeal due to non-determination. The Officer wrote a report which recommended refusal. The appeal was dismissed. The Old Mill site, Okehampton, had an application to demolish some derelict buildings on the site. The chimney is listed and the buildings were within the curtilage of the listed chimney. Within the application the buildings were described as A,B,C & D. The inspector concluded a split decision. The Inspector allowed for demolition of building D but not for buildings A,B & C. He felt that building D was in a bad structural state.

***DM&L.49 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Chairman stated that the application on Hazledon was due to come to that Committee meeting, however the applicant wanted to provide more information so asked for more time.

(The Meeting ended at 12.50pm)

Chairman

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Minutes of a meeting of the **WEST DEVON DEVELOPMENT MANAGEMENT & LICENSING COMMITTEE** held on **TUESDAY** the **16th** day of **April 2024** at **10.00am** in the **COUNCIL CHAMBER, KILWORTHY PARK**

Present Cllr R Cheadle – Chairman
Cllr T Southcott – Vice-Chairman

Cllr A Cunningham	Cllr U Mann
Cllr S Guthrie	Cllr J Moody
Cllr N Jory	Cllr C Mott
Cllr T Leech	Cllr S Wakeham

Other Members in attendance:

Cllrs Johnson, Kimber, Renders and West

Officers in attendance:

Head of Development Management (JH)
Planning Case Officers (HE and LH)
Deputy Monitoring Officer (CB)
Head of Democratic Services (DW)
Devon County Council Highways representative (PT)

***DM&L.50 APOLOGIES FOR ABSENCE**

There were no apologies received from Committee Members for this meeting.

***DM&L.51 DECLARATION OF INTEREST**

Cllr N Jory declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Jory declared his interest by virtue of having attended (in his capacity as Leader of the Council from 2019-23) an exhibition at The Sculpture School and meeting the applicants at this time and remained in the meeting and took part in the debate and vote thereon.

Cllr C Mott also declared a personal interest in planning application 0054/24/FUL (The Sculpture School, Moorview Farm, Bondleigh EX20 2AP) (Minute *DM&L.54 (a) below refers). Cllr Mott declared her interest by virtue of having attended The Sculpture School on a number of occasions during her terms of office as Mayor of the Council and proceeded to remain in the meeting and take part in the debate and vote thereon.

***DM&L.52 URGENT BUSINESS**

There were no items of urgent business brought forward to this meeting for consideration.

***DM&L.53 CONFIRMATION OF MINUTES**

The Minutes from the Development Management and Licencing Committee meeting held on 27 February 2024 were agreed as a true and correct record.

***DM&L.54 PLANNING, LISTED BUILDING, TREE PRESERVATION ORDER AND ENFORCEMENT REPORTS**

The Committee proceeded to consider the reports and presentations that had been prepared by the relevant Planning Officer on the following applications and also considered the comments of the local town and parish councils together with other representations received, which were listed within the presented agenda report and summarised below:

(a) Application No. 0054/24/FUL Ward: North Tawton

Site Address: The Sculpture School, Moorview Farm, Bondleigh EX20 2AP

Development: Retention of 3 holiday lets in the form of 2 shepherds huts, conversion of attic space above sculpture school and addition of photovoltaic panels.

Recommendation: Refusal

Key issues for Committee consideration:

Holiday accommodation, Sustainability, Design, Landscape, Trees, Biodiversity and Ecology, Highways and Low Carbon Development

Case Officer Introduction:

The Planning Case Officer conducted a detailed presentation to the Committee and, in summary, informed that this application was a finely balanced one. That being said, the Case Officer advised that her recommendation was that the application be refused due to the development *'resulting in tourism accommodation in an unsustainable rural location with restricted access to services and amenities whereby users would be reliant on the private car'*.

Public Speakers:

Supporter – Mr Sherry (Agent)

In summary, Mr Sherry stated that:

- the huts had been constructed to a particularly high standard;
- the officer reason for reason being countered by the information set out in the Carbon Reduction Statement;
- no objections had been raised by Devon County Council Highways Authority; and
- the business employed 8 individuals and this application was very important to ensure the ongoing sustainability and viability of this rural business.

Mr Sherry proceeded to respond to some Committee Member questions highlighting that:

- the priority use for the huts was for the Sculpture School students and, on the rare occasions that any were vacant, then the application sought to enable them to be used for tourism purposes;
- the Sculpture School had an excellent national (and international) reputation and had even commissioned work for the Royal Family. As a result, Mr Sherry felt that the Council should be very proud that such a renowned business was based in the West Devon Borough area.

Bondleigh Parish Council representative – Cllr Dr Warre

During his address, Cllr Warre reiterated the success of the local business and advised that the Parish Council was strongly of the view that all steps should be taken to support such rural businesses and he therefore called on the Committee to approve this application.

Local Ward Members: statement read on behalf of Cllrs Casbolt and Watts that included reference to:

- the planning history that saw the School originally being granted planning permission;
- the huts not looking out of place and in no way being detrimental to the open countryside.
- Students being allowed to reside on site would in fact reduce the daily travel to and from local hotels and holiday accommodation;
- Carbon emissions would be further reduced through the on-site Electric Vehicle Car Charging points;
- Policy SPT1 (Delivering Sustainable Development). The local Ward Members were of the view that the use of Shepherd Huts was both in-keeping and a sustainable solution to support a thriving rural business;
- the local Ward Members wholehearted support for the application. The Members were of the view that, should the Committee refuse this application, then it would be putting in jeopardy not only the great work and international recognition already gained by the School, but also the future of its fantastic students.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- the dilemma of balancing the intentions of policies SPT1 and SPT2 against the contents of policy DEV15. In addition, a Member highlighted that the cultural emphasis associated with this planning application had to be borne in mind;
- the relevance of the previous decision to refuse an on-site planning application in August 2023;
- the lack of local amenities (e.g. restaurants and shops) in the vicinity of the application site;
- the wish to take every possible step to support such a successful local rural business; and

- the usages associated with the Shepherds Huts. In acknowledging the Case Officer concerns relating to tourism use, Members questioned whether it would be possible (if the Committee was minded to conditionally approve the application) to impose a condition whereby they could only be used by students. Officers replied that this was a possibility.

A motion to refuse the application (in line with the case officer recommendation) was **PROPOSED** and **SECONDED** and, when put to the vote, was declared **LOST**.

Committee Decision: Conditional approval, with delegated authority being granted to the Head of Development Management, in consultation with the Committee Chairman and Vice-Chairman, to approve the exact wording of the associated conditions.

Committee Reasons:

In line with Joint Local Plan Policy DEV15, the Committee was satisfied that the proposals constituted appropriate and proportionate expansion of a successful rural business.

By imposing a condition to remove reference to tourism accommodation, the Committee felt that this overcame some of the officer concerns in respect of the sustainability of the rural location.

(b) Application No. 2435/23/FUL

Ward : Bere Ferrers

Site Address: Land at SX 453 669

Development: 31 no new dwellings, associated access road, pedestrian link, landscaping, public open spaces & drainage

Recommendation: Conditional approval

Key issues for Committee consideration: allocated site; proposed access; impact on national landscape and housing mix; and Section 106.

Case Officer introduction:

The Planning Case Officer provided an update to the Committee in relation to a clarification email that had been received since the agenda had been published. Whilst the email had been circulated to all Committee Members, the Officer provided a summary of its contents to the meeting.

Public Speakers:

Objector – Mr Crozier

In summary (and with the aid of visuals), Mr Crozier made reference to:

- the poor (and dangerous) access on to the highway from the application site and the surrounding junctions, which were at severe angles;
- the adopted Neighbourhood Plan being disregarded by these proposals; and
- this application site representing the worst possible alternative.

Supporter – Mr Coles (Agent)

During his address to the Committee, Mr Coles advised that:

- discussions had taken place with the Bowling Club in respect of a shared access point but these talks had proven to be unsuccessful;
- any proposed extension to the 30mph speed limit area was purely speculation at this current time; and
- there were design benefits associated with the southern access proposal.

Bere Ferrers Parish Council Representative – Cllr Lamb

With the support of photos, Cllr Lamb informed the Committee that:

- it was the understanding of the Parish Council that the Bowling Club had not been approached by the applicants. Further, both the local Housing Association and the Bowling Club had indicated a willingness to speak to the developers. To support this point, the representative shared copies of relevant correspondence with the Committee; and
- the Parish Council was of the view that feasibility had not been sufficiently demonstrated and the northern access alternative was a viable option.

Local Ward Member: Cllr Isabel Saxby

Cllr Saxby stated that:

- it was her opinion that nothing had changed in this application in comparison to the previous decision to refuse that had also been dismissed on appeal;
- the access point on to blind corners was incredibly dangerous;
- the lack of collaborative work on the proposals was a disappointment;
- there was a desperate need for additional housing in the parish; and
- there were ramifications on overriding the adopted Neighbourhood Plan.

Committee Debate:

In the ensuing debate, the Committee made particular reference to:

- disappointment being expressed that the developers could not produce a scheme that saw both developments linked to the existing access point on to the road; and
- this being a very finely balanced decision for Members.

Committee Decision: Conditional approval (as per the published agenda report).

***DM&L.55 PLANNING APPEALS UPDATE**

The Head of Development Management took the Committee through each of the planning appeal cases listed in the published agenda papers and Members proceeded to note the contents of the update.

***DM&L.56 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The Committee received an update from the Head of Development Management on the Undetermined Major Planning Applications that were listed in the published agenda papers and proceeded to note the contents of the update given.

(The Meeting ended at 12.25pm)

Chairman

Agenda Item 18b

At a Meeting of the **AUDIT COMMITTEE** held in the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19th** day of **March 2024** at **2.00pm**

Present:
Cllr G Dexter (Chairman)
Cllr R Cheadle
Cllr A Cunningham
Cllr D Sellis
Cllr L Watts

Officers in attendance: Section 151 Officer
Deputy Section 151 Officer
External Auditor
Head of Devon Audit Partnership
Assistant Director of Strategy & Governance
Senior Democratic Services Officer

Also in attendance:
Cllr C Edmonds

***AC 35 APOLOGIES FOR ABSENCE**

There were apologies forwarded to the meeting from Cllrs K Ball and Oxborough

***AC 36 DECLARATIONS OF INTEREST**

There were no declarations of interest forwarded to this meeting.

***AC 37 ITEMS REQUIRING URGENT ATTENTION**

There were no items requiring urgent attention.

***AC 38 CONFIRMATION OF MINUTES**

The Minutes of the Committee Meeting held on 5 December 2023 were confirmed by the Committee as a true and correct record.

The S151 Officer updated the Committee and confirmed that the Procurement Officer was now in place.

***AC 39 GRANT THORNTON EXTERNAL AUDIT OPINION ON THE 2022/23 STATEMENT OF ACCOUNTS**

The External Auditor took Members through the report. He confirmed that for all intents and purposes the 2022/23 audit had been concluded and he was proposing to provide an unqualified audit opinion following the meeting, meaning that the accounts give a true and fair view. The External Auditor commented that the report was a very clean audit report and thanked the finance team for their help and support during the audit. The materiality level remained at £570k, with the trivial level being £29k. Anything under the trivial level was not included in the report formally, however any findings would be discussed with the S151 Officer. He spoke on the control areas and cyber security training was highlighted as a medium risk as some Members had not completed the required

training. Retention of Councillor information was also highlighted. Every Councillor must respond annually to request for information required. A recommendation was made around creating a change in circumstances report to enable the auditors to test the payroll system for changes in working patterns and hours.

Journal system controls were in place although with the number of journals posted, only journals over £25,000 are reviewed, hence it being flagged as a risk. However, the controls are proportionate to the risks. The External Auditor confirmed that no audit adjustments to any of the main financial statements were required.

In response to a Member question around how the audit report compares to others, the auditor explained there was no formal benchmarking however, he stated that the audit was one of the cleanest he would be issuing this year, and it would be near the top of the pile.

In the future external audit recommendations will be added to the audit tracker to be monitored alongside internal audit recommendations.

It was then **RESOLVED** that the Grant Thornton External Audit Opinion on the 2022/23 Statement of Accounts was Noted.

***AC 40 ANNUAL STATEMENT OF ACCOUNTS 2022/23**

The Lead Member introduced the report to the Committee. He confirmed that Grant Thornton started the audit in September 2023 and completed in February 2024. He stated they would be giving an unqualified audit opinion. Both he and the Chairman thanked the finance team for their hard work.

It was then **RESOLVED** that the Annual Statement of Accounts for 2022/23 were approved

1. The wording of the Letter of Representation (Appendix A)
2. The audited Statement of Accounts for the financial year ended 31 March 2023 (Appendix B)
3. The Annual Governance Statement post audit (Appendix C)
4. The audited Summary of Accounts for the financial year ended 31 March 2023 (Appendix D)

***AC 41 BISHOP FLEMING AUDIT PLAN FOR 2023/24 STATEMENT OF ACCOUNTS**

The External Auditor introduced himself and Bishop Fleming to the Committee. He confirmed that the handover between themselves and Grant Thornton would take place with minimal disruption. A Member made a request for their reports to be published without pale colours in the future as they make it a difficult read. The External Auditor would feed this back to the marketing team to correct in future. He spoke on revenue and fraud and expenditure recognition and possible risk areas. Audit fees were questioned by a Member and the auditor confirmed that these are the PSAA scale fee.

It was then **RESOLVED** that the Audit Plan was Noted.

***AC 42 PROPOSED INTERNAL AUDIT PLAN FOR 2024-25**

The Lead Hub Member introduced the report to the Committee. This year Members are being shown a 4-year plan rather than the 12-month plan.

In response to a Member question the S151 Officer spoke on housing projects such as Spring Hill in Tavistock where the pandemic impacted with increased construction costs. This impacted on the viability of the project. The Internal Auditor spoke on lessons learnt and good practice with projects such as these that had not been able to progress. The S151 Officer commented that during the pandemic when issuing payments for business grants at pace, being able to consult colleagues at DAP was invaluable. She outlined the Member event that is run annually by DAP that included Best Practice and that all Members are entitled to attend. A Member commented on the Okehampton Railway Station and transport hub being a high-profile project and asked that a recommendation be made to Council for further Special Council meetings to be arranged to keep Members up to speed on the project. The S151 Officer in response to a Member question explained that the Freeport was a partnership between three authorities, being Plymouth City Council, Devon County Council and South Hams District Council. The business rates generated would be mainly in the SHDC area and so they would have to set up business rates accounts that would be ring fenced to SHDC. They are looking to borrow £5.5m for the Freeport and that would be paid back by the additional business rates collected. West Devon's accounts will not be impacted by the Freeport.

It was then **RESOLVED** that the proposed Internal Audit Plan for 2024/25 was Approved.

***AC 43 UPDATE ON PROGRESS OF INTERNAL AUDIT PLAN 2023/24**

The Hub Lead Member took Members through the report. He stated the Head of Internal Audit was looking to deliver a reasonable assurance on the adequacy and effectiveness of the Councils internal control framework. The assurance was underpinned by the six substantial and 17 reasonable assurance reports made so far in the 2023/24 year. There were 6 reports that with the agreement of management were deferred to 2024/25.

The debt management software upgrade was due in autumn 2023, however due to the late audit, it would take place as soon as the 2023/24 accounts were closed.

It was then **RESOLVED** that the progress against the 2023/24 internal audit plan was Noted.

***AC 44 2024/25 CAPITAL STRATEGY, 2024/25 TREASURY MANAGEMENT STRATEGY AND 2024/25 INVESTMENT STRATEGY**

The Hub Lead Member presented the strategies to the Committee. He stated the Capital Financing requirement, the Council's underlying need to borrow for the capital programme was projected as £23.7m for

2024/25. At the end of March 2024, the council were projected to have an external borrowing of £27m, reducing to £26.371m by the end of March 2025. The maximum level of borrowing would remain at £50m. On 31 January 2024 the Council held £34m in investments. External treasury management training was arranged for all Members in November 2023 to ensure all Members were up to date with their skills to continue to make capital and treasury management decisions.

It was then **RESOLVED** that:

1. Capital Strategy (Appendix A)
2. Treasury Management Strategy (Appendix B)
3. Investment Strategy (Appendix C)
4. Delegated authority was given to the Section 151 Officer, in consultation with the leader of the Council and the Hub Committee Members for Finance, to make any minor amendments to these Strategies if required throughout the 2024/25 Financial year.

***AC 45 BUDGET BOOK 2024/25**

The Lead Hub Member presented the report to Committee.

The S151 Officer explained the additional 7.5% cost pressure on the waste service was due to contract inflation (the inflation calculation is based on CPI, wage increases and fuel cost). There were also additional properties added to the contract to collect waste from as well as extra rounds.

She also stated that both household and major planning applications were on track. A report had been taken to Members two years ago, asking for more resource to be put to that service area, due to the difficulty in recruitment and staff retention. Planning income was dropping, however the government had set out that the fees for planning applications were increased in December 2023 by 25% and by 35% for major applications. The authority was successful in gaining £170k grant money which was used to address the backlog in processing applications.

A review of car parking fees in long stay car parks charges resulted in an increase in the fees and a projected increase in budgeted income of £150k, which would bring income back to the pre-pandemic level.

It was then **RESOLVED** that the content of the Budget Book for 2024/25 was noted.

***AC 46 SHARED SERVICES METHODOLOGY 2023/24**

The Lead Hub Member presented the report to the Committee. He outlined the reduction in staffing costs in West Devon in 2023/24. These were in the areas of the customer contact team, Head of Legal Practice and planning enforcement.

It was then **RESOLVED** that the Committee noted the methodology of the shared services apportionment of costs between West Devon Borough Council and South Hams District Council for 2023/24

***AC 47 INTERNAL AUDIT RECOMMENDATIONS TRACKER**

The Lead Hub Member presented the report to the Committee. He pointed out that the number of high-risk recommendations outstanding had fallen from 22 in October 2023 to just 8 at the time of the report. A progress report would be brought to Committee in 6 months time.

It was then **RESOLVED** that the Committee Noted the progress made against implementations of Internal Audit recommendations.

***AC 48 PROPOSED WORKPLAN FOR THE AUDIT & GOVERNANCE COMMITTEE FOR THE 2023/24 MUNICIPAL YEAR**

Members commented on the size of the meeting's agenda. The S151 Officer stated that the accounts that the Members considered in July have to be formally re-presented at the Committee by law. There was a suggestion that the briefing meeting could be opened up to all Members of the A&G Committee Members. The Chairman suggested he go through the content of the coming years meetings with the S151 Officer and bring the outcome back to the next meeting.

(The Meeting terminated at 3.30 pm)

Dated this

Chairman

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Agenda Item 18c

At a Meeting of the **HUB COMMITTEE** held in the **Council Chamber, Kilworthy Park, Tavistock** on **TUESDAY** the **9th** day of **April 2024** at **2.00 pm**.

Members in attendance:

* Denotes attendance

Ø Denotes apology for absence

* Cllr A Bridgewater	* Cllr T Leech
* Cllr L Daniel	Ø Cllr J Moody (attended via Teams)
* Cllr C Edmonds	* Cllr C Mott
* Cllr M Ewings (Leader)	* Cllr M Renders (Deputy Leader)
* Cllr N Jory	

Other Member(s) also in attendance in a non-voting capacity:

Cllrs Cunningham; Dexter; Johnson and West

Officers in attendance

Chief Executive; Director – Place & Enterprise; Director - Governance and Assurance; Section 151 Officer; Monitoring Officer; Assistant Director – Strategy; Head of Housing; Community Development Manager; Principal Community Services Officer; Interim Head of Community Services; Locality Engagement Officers; and Specialist - Democratic Services;

***HC 68/23 APOLOGY FOR ABSENCE**

An apology for absence had been received from Cllr Moody, who joined the meeting online in a non-voting capacity.

***HC 69/23 DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be discussed but there were none made.

***HC 70/23 MINUTES**

The Minutes of the Hub Committee meeting held on 5 March 2024 were confirmed as a correct record.

***HC 71/23 PUBLIC QUESTION TIME**

It was noted that no Public Questions had been received in accordance with the Hub Committee Procedure Rules.

***HC 72/23 HUB COMMITTEE FORWARD PLAN**

Members were presented with the latest version of the Hub Committee Forward Plan that set out items on the agenda for Hub Committee meetings for the next four months and the contents were duly noted.

***HC 73/23 THE WEST DEVON HOUSING OFFER**

The Hub Committee considered a report that sought approval for the implementation of a new housing initiative to support the delivery of community housing development in the Borough, known as the “West Devon Housing Offer”.

The report also set out the progress made on the Princetown site jointly owned by the Council and DNPA.

During the ensuing debate, reference was made to:

- a) Setting up of Community Land Trusts was raised. The Head of Housing said the setting up of these community led trusts would be supported and money would be available, and the report set out how this can be achieved.
 - b) Self builds would not be discounted at this stage and the Head of Housing suggested anyone interested should speak to the Council.
 - c) The Head of Housing hoped that the Housing Offer would work with Neighbour Plans to achieve affordable housing where it was needed.
 - d) The housing need survey and Parish profiles had identified specific areas of need. A Council owned brown field site in the north of the area was queried as a potential site but other options were being looked at for that.
 - e) It was noted that any scheme would stop at any point where it wasn't deemed viable.
-
- x) a Member sought clarity regarding recommendation 4 which, as worded, implied that there were additional affordable housing Schemes approved by DNPA, when only the Princetown scheme had in fact received approval. As a result, an amendment to the recommendation was proposed and seconded such that the Hub Committee:

"4. Agrees to utilise a grant payment from DNPA s106 receipts of £173,000 for the purpose of affordable housing delivery in Princetown"

It was then:

RESOLVED

1. that the West Devon Housing Offer be launched to communities to support affordable housing delivery;
2. that the initial budget of £50,000 agreed as part of The Council Plan to fund the West Devon Housing Offer be noted;
3. that the update and progress on the Princetown scheme at Moorland View be noted; and
4. that a grant payment from DNPA s106 receipts of £173,000 be utilised for the purpose of affordable housing delivery in Princetown.

***HC 74/23 WORKING WITH OUR COMMUNITIES – OUR FRAMEWORK FOR COMMUNITY DEVELOPMENT**

Members considered a report that set out the ways in which the Council intended to support community development across West Devon.

In discussion, the following points were raised:

- a) The Parish Links meetings would be re-established. All Members would be encouraged to get the message out to their Town and Parishes. Community Development cuts across all portfolio areas.
- b) Benefit on the economy of communities with arts and culture.
- c) The hard work of staff was recognised to bring the Community Development Team together.
- d) Advisory Group to look at areas where there is a lack of councillors and support within a parish.

It was then:

RESOLVED

1. that the Community Development Framework as set out in Appendix A of the presented report, be endorsed; and
2. that the establishment of a new Community Development Team be noted

***HC 75/23 LONG STAY PAY & DISPLAY CHARGES CONSULTATION REVIEW**

Consideration was given to a report that provided Members with an update on the recently held consultation regarding a series of proposed amendments to the West Devon Borough Council Off Street Parking Places Order 2022. The report also sought approval for the amendments to be implemented.

In discussion, particular reference was made to:-

- a) The majority of objections to the consultation were from Tavistock. It was felt that it could be due to the recent issues generated around the on-street parking.
- b) It was felt that Devon County Members should be copied into any future consultation responses to future proposals from Devon County Council for on-street parking charges and ask them to pursue DCC to ensure a response is given.

It was then:

RESOLVED

1. that the results of the statutory public consultation be noted;
2. that the following amendments to the West Devon Borough Council (Off-Street Parking Places) (Variation No.1) Order 2022 be approved:-

- i. the Pay and Display charges be amended in accordance with Appendix A of the presented agenda report;
 - ii. Abbey car park be changed from a 4-hour maximum stay to a 6-hour maximum stay car park; and
 - iii. Brentor car park and Lydford car park be removed from the West Devon Borough Council (Off Street Parking Places) Order 2022; and
3. that the lead Hub Committee Member for People and Communities write to Devon County Council to request that the Council is proactively consulted on any future proposed changes to the on-street parking in Tavistock or Okehampton to ensure that these can be considered by the Council in relation to the economic impact on the respective towns.

(The meeting terminated at 3.05 pm)

Chairman

(NOTE: THESE DECISIONS, WILL BECOME EFFECTIVE FROM 5.00PM ON THURSDAY, 18 APRIL 2024, UNLESS CALLED IN, IN ACCORDANCE WITH SCRUTINYPROCEDURE RULES)

Agenda Item 18d

At a Meeting of the **OVERVIEW & SCRUTINY COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **23rd** day of **April 2024** at **2:00 pm**.

Present:

Cllr P Kimber – Chairman
Cllr A Johnson – Vice-Chairman

Cllr M Calder	Cllr T Southcott
Cllr M Casbolt	Cllr P Squire
Cllr J Elliott	Cllr P Vachon
Cllr S Guthrie	Cllr N Viney
Cllr U Mann	Cllr S Wakeham (Via Teams)
Cllr I Saxby	Cllr C West

Director of Customer Services and Delivery
Assistant Director of Strategy and Organisational
Development
Principal Waste Officer
Assistant Director, Waste and Operations, Environment
Services
Head of Housing
Executive Director of Development & Investment,
Livewest
Head of Municipal Collections and Streetscene, FCC
Senior Democratic Services Officer

Also in Attendance:

Cllr C Edmonds, Cllr L Daniel and Cllr M Renders

***O&S 32/23 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

***O&S 33/23 CONFIRMATION OF MINUTES**

The minutes of the Meeting of the Overview and Scrutiny Committee held on 13 February 2024 were confirmed as a true and correct record.

Items arising from the minutes –

- The dome at Meadowlands was confirmed as being cleaned in March.

- Devon Building Control Manager to give a further written update and be brought back to the next meeting.

***O&S 34/23 DECLARATIONS OF INTEREST**

There were no declarations of interest.

***O&S 35/23 PUBLIC FORUM**

The Chairman confirmed that no formal requests had been received in accordance with the Overview and Scrutiny Procedure Rules.

***O&S 36/23 WASTE AND RECYCLING SERVICES UPDATE**

The Lead Hub Member introduced the report to Members.

During the presentation the following points were covered.

- The target of 80 missed bins per 1000,000 collections was on target.
- Bulky waste collections would in the future be recorded as how many items are collected rather than as per collection in the stats.
- Replacing vehicles with electric ones posed a problem due to the infrastructure in West Devon. The cost of an electric vehicle is about three times the cost of a diesel vehicle. However, FCC will be trialling an electric recycling vehicle in the near future. To electrify the depot would incur charges of around £500k. The range of travel for recyclers would be around 100 miles before needing to be recharged.
- The waste working group would be looking at a different material/style for garden waste containers.
- £500k is put into the forward plan each year.
- Waste composition analysis carried out in West Devon showed that 26% of waste in a black bin was food waste. 3% was steel.

It was then **RESOLVED** that:

The Committee **RECOGNISED**:

1. The performance of the waste and recycling service over the last 12 months.
2. The presentation provided from the contractor's representative on performance.
3. The work being undertaken to drive forward continuous improvement of the service.

***O&S 37/23 LIVEST – PRESENTATION AND UPDATE**

The Lead Hub Member introduced the update to the Committee after which

the Executive Director of Development and Investment at Livewest gave a presentation. In that presentation reference was made to:

- Livewest owned more than 40,000 homes across Devon, Cornwall and Somerset and the West of England. In West Devon there were 1855 low-cost rental homes of which 60 were shared ownership
- £100m + was spend on existing homes per year.
- £200m + was spent on new homes per year.
- 39.5M was spend on void homes per year.
- To reach the Decent Homes Standard 70 kitchens and 50 bathrooms are updated per year.
- The approach to disposals - Future investment is disproportionately high compared to the return over the long run. A prolonged difficulty to relet. Disposals has increased since 2020.

In discussion the Director of Development and Investment for Livewest Stated that money from disposals was being spent in West Devon, however In regard to replacing property in rural areas, it was with the help from the local authority to identify schemes and Livewest would work together with the authority. The Director said he would find out what checks were made on property which had S157 covenants and feed back to the Committee. He explained that the volume of opportunities to build new homes that come through the planning system would mean, as a larger organisation they would pick the larger sites. He said the West Devon Housing Offer initiative was a real positive in increasing the supply of affordable housing.

In response to a Member question, he explained that Livewest would not put batteries in any of their homes for renewable energy. This was due to fire risk and as a regulated social housing provided, they would be deemed as putting tenants at risk. He would come back to the committee to give the number of Livewest homes in West Devon with photovoltaic panels. The Head of Housing said there were around 600 people in housing need currently in West Devon and she would give a link to the data to the when the minutes are published.

<https://www.devonhomechoice.com/useful-information-2>
(quarterly monitoring is at the bottom of the page on the link).

The Head of Housing will let Members have more information on how allocated sites for affordable accommodation are progressed to stop them becoming open marker homes.

It was then **RESOLVED** that:

The Committee NOTED the update.

***O&S 38/23 KEY PERFORMANCE INDICATORS APRIL 2023 - MARCH 2024**

The Lead Hub member introduced the report to the Committee Members.

A Member queried who decided on the new KPI 's. The Assistant Director of Strategy and Organisational Development said Officers had listened to the new intake of Members during previous considerations of the KPI's and had also removed those that do not add any value to consideration of performance. An example of this is Temporary Events Notices – where performance is always 100%.

He also added that narratives can be added to areas to explain a little more detail on certain items.

He gave an example of a question being raised at the Audit and Governance Committee about food premises inspections and how the Council performs and this one had been added a new KPI. He added that performance is monitored regularly through a range of boards, such as the Board. A Member queried the Planning KPI's in regard to the number of applications determined in the timescale. This query would be referred to the Director of Strategy and Governance for a response.

The Director of Customer Services and Delivery explained to the Committee that at each Overview and Scrutiny Meeting in the next municipal year the Committee will review each Council Priority from the Council Plan. Each Lead Member will be invited to a meeting to explain where the Council is in delivering in each area.

It was debated whether to discuss the revised suite of KPI's at the Advisory Group or to set up a Task and Finish Group. It was decided that a Task & Finish Group would be set up. Cllrs Elliott, Mann, West and Cunningham volunteered to be on the Group. Their findings would be presented to the Resources Advisory Group prior to it being brought back to Committee.

It was then **RESOLVED** that:

The Overview and Scrutiny Committee:

1. Noted the Key Performance Indicators for April 2023 – March 2034
2. Agreed to set up a Task and Finish Group to look at the revised suite of Key Performance Indicators as set out in Appendix A which were to have been implemented from 1st April 2024

The Assistant Director of Strategy and Organisational Development updated the Committee on the vacancy of Wildlife Warden Co-Ordinator. The post had been advertised and interviews were taking place on 30 April.

***O&S 39/23 TASK AND FINISH GROUP UPDATES**

The SWW Task & Finish Group would be meeting with an Officer from SWW to form a Working Group.

The Fusion Task & Finish Group were to meet with the Principal Assets

Officer and the Senior Leisure Contracts Officer to discuss parking fees. The Group would visit the Leisure Centres prior to the summer holidays. The findings would be taken through the Resources Advisory Group prior to being brought back to Committee.

A suggestion was brought to set up a Task & Finish Group for Okehampton Railway Station. The Director of Customer Services and Delivery suggested that updates will be given to the Overview and Scrutiny Committee as part of the Council Plan delivery update. He would give an update to Members via email as to whether this would be happening and then the Committee could make a decision whether to form a Task & Finish Group at the next meeting.

***O&S 40/23 ANNUAL WORK PROGRAMME**

One Lead Member would be addressing the Committee on a specific theme and giving updates at each Overview and Scrutiny meeting. The new workplan will be agreed at the next meeting.

(The meeting terminated at 4.40 pm)

Chairman

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Report to: **Council**

Date: **21 May 2024**

Title: **Constitution update**

Portfolio Area: **Leader of the Council**

Wards Affected: **All**

Author: **David Fairbairn** Role: **Head of Legal Services and Monitoring Officer**

Contact: **Email: David.fairbairn@swdevon.gov.uk Tel: 01803 861359**

Recommendations:

That Council:

1. appoints a co-opted independent member to the Audit and Governance Committee;
2. agrees the proposed changes to the Council's Constitution as set out in Appendix A to the report;
3. adopts the Constitution as amended; and
4. notes that the Monitoring Officer will report further to the Audit and Governance Committee and/or Council on changes to the Contract Procedure Rules required due to the implementation of the Procurement Act 2023 in October 2024.

1. Executive summary

- 1.1 The Council operates the committee system as its governance arrangements.
- 1.2 The Council has a legal duty to publish an up-to-date Constitution reflecting its governance arrangements and which contains its standing orders, its councillor code of conduct, such information as the Secretary of State directs or that the Council considers appropriate. The Monitoring Officer keeps the Constitution under review and he reports any changes made under his delegated powers or that require Council approval to the annual meeting.
- 1.3 The Monitoring Officer is recommending Council agrees further changes to the Constitution to ensure that it remains up-to-date and relevant. The changes are set out in Appendix A.

2. Background

- 2.1 Under Section 9B of the Local Government Act 2000 there are two permitted forms of governance arrangements for local authorities in England; executive arrangements or a committee system. The Council operates under a committee system and makes its decisions in accordance with sections 101 and 102 of the Local Government Act 1972. This means that the Council performs its functions through committees, sub—committees and officers as well as through other local authorities. Decisions may be “delegated”, in which case the body or person to who the decision has been delegated becomes the decision-maker, or “referred” in which case the committee, sub-committee or officer merely considers the matter and reports to the body referring the decision which may then reaches a decision in the light of the information and any recommendation in the report.
- 2.2 Although the overview and scrutiny function is a feature of executive arrangements, it is optional for those authorities with the committee system. The Council has chosen to have an overview and scrutiny committee. Consequently, the Local Authorities (Committee System) (England) Regulations 2012 apply and set out specific requirements that the Council must reflect in the Council’s overview and scrutiny arrangements.
- 2.3 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a document, to be known as the Constitution, which contains:
- (a) a copy of the authority's standing orders for the time being;
 - (b) a copy of the authority's code of conduct;
 - (c) such information as the Secretary of State may direct; and
 - (d) such other information (if any) as the authority considers appropriate
- 2.4 The Council completed a review of the Constitution in September 2022 (Min CM.42/22 refers) and agreed a minor amendment concerning membership of committees in June 2023 (Min. CM18/23 refers). Council agreed a further amendment to the rules on virement in February 2024. The Council publishes the constitution on the Council’s website at <https://westdevon.gov.uk/constitution>.
- 2.5 Normally, the Audit and Governance Committee would consider changes to the Constitution and the Committee would make a recommendation to Council. However, this was not possible due to the Monitoring Officer’s absence in February/March this year. The Monitoring Officer has since consulted both the Chair and Vice-Chair of the Audit and Governance Committee. The Chair and Vice-Chair

agreed with the Monitoring Officer bringing this report directly to Council.

3. The changes

- 3.1 Appendix A sets out the changes recommended by the Monitoring Officer. The recommended changes reflect Council decisions or are of an administrative nature, for example, the re-designation of areas of outstanding natural beauty as national landscapes.
- 3.2 Of more substance are the changes to notices of motion. Presently, the subject matter must be related to the responsibilities of the Full Council or which directly affects just the Council. The suggestion is that the subject matter of notices of motion should be wider, so that motions can be about any topic or issue. This will allow Councillors to debate any matter that they consider to be important to their residents.
- 3.3 Changes are also made to reflect the outcome of the independent review by Sir Tony Redmond into the effectiveness of external audit and transparency of financial reporting in local authorities. The review proposed legislating for at least one Independent Member, suitably qualified, to be appointed to audit committees. Considering this, the Chartered Institute of Public Finance and Accountancy (CIPFA) has issued guidance advising that "The Audit Committees of Local Authorities should include co-opted independent members in accordance with the appropriate legislation." The actual appointment of the Independent Person and the allowance to be paid by the Council is considered elsewhere on the agenda.
- 3.4 There are additional delegations to officers required, for example, 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 councillor, that a parish council is no longer able to act. The delegations also reflect legislative changes such as the power to agree the terms of agreements for biodiversity gain habitat banks. These latter two powers are conditional on consultation with the councillors specified.
- 3.5 Finally, the opportunity has been taken to clarify the terms of delegated powers, for example to exempt applications non-material amendments from the list of exclusions to the Head of Development Management's delegated powers. Equally, the proposed amendments now provide clarity over the process for approving variations to section 106 agreements.

4. Prospective further changes

- 4.1 Public Contracts Regulations 2015 and their predecessor regulations gave effect to EU procurement law. As a contracting authority, the Council must comply with the 2015 Regulations when it procures goods, services, and supplies. Since Brexit in January 2021, EU

procurement law has no longer applied directly to the UK and the Government viewed this as an opportunity to reform UK's public procurement regulations to reduce red tape and to support business by simplifying public sector procurement, encouraging innovation, and improving transparency.

- 4.2 Proposals were initially set out in a green paper on transforming public procurement issued in December 2020 with the consultation on these proposals held open till 10 March 2021.
- 4.3 The number of responses received as part of the consultation delayed publication of the Government's response until December 2021. Although the Government first announced its intention for a Procurement Bill in the Queen's speech 2021, the Bill's progress through Parliament was slow and it only received Royal Assent on 23 October 2023.
- 4.4 The Procurement Act 2023 provides a framework with the detail being set out in regulations that commentators expect to be in force from 28 October 2024 onwards. There will be transitional arrangements in place depending on when the Council starts a procurement, so if started before the implementation date, the 2015 Regulations will apply until the contract has terminated, otherwise the 2023 Act will regulate the procurement.
- 4.5 The areas of change with the most significant impact are likely to be:
 - 4.5.1 Transparency: a significant expansion in the number of notices that an authority will need to publish about the procurement.
 - 4.5.2 Procurement processes: new flexibilities to design bespoke procurement processes.
 - 4.5.3 Contract performance: a new requirement for all authorities to set and publicly report on KPIs for larger contracts valued at over £5 million.
 - 4.5.4 Supplier debarment: will be possible where a contractor triggers mandatory or discretionary exclusion criteria.
 - 4.5.5 New language: to move away from EU procurement law terminology, the 2023 Act uses new language to describe familiar concepts (for example, "selection criteria" will be known as "conditions of participation" under the 2023 Act).
- 4.6 Subject to timescales allowing, the intention is that the Audit and Governance Committee will consider draft amendments to ensure that the Constitution reflects these changes, and the Committee will recommend to Council.

5. Proposal and Next Steps

- 5.1 The Monitoring Officer is asking Council to agree the proposed changes and to adopt the amended Constitution for the municipal year. The Council will then publish the Constitution on the Council's website.
- 5.2 The Monitoring Officer will monitor the progress of the roll-out of the Procurement Act 2023 with a view to reporting to the Audit and Governance Committee with draft proposals for revised Contract Procedure Rules. Government actions will affect the timing of the report including the timing of a General Election.

6. Options available and consideration of risk:

- 6.1 Council could decide not to agree the changes or not to adopt the Constitution. The risk would be that those affected by any action taken by committees and officers would argue that the action was unlawful. This would result in legal challenges to those actions and risk reputational damage.

7. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	These are set out in the report at paragraphs 2.1-2.3 and 6.1
Financial implications to include reference to value for money.	N	
Risk	Y	These are set out in the report at paragraph 6.1
Supporting Corporate Strategy	Y	Having an up-to-date Constitution supports the Council Plan by setting out transparently how the Council operates, how the Council makes its decisions and the procedures the Council will follow.
Consultation & Engagement Strategy	N	
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		

Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Supporting Information

Appendices:

Appendix A: Proposed changes.

Background Papers:

There are none.



**West Devon
Borough
Council**

RECORD OF CHANGES - PROPOSED

Revision/Edit Date	Approved by	Documents affected	Nature of change
		Chapter 1 - Introduction	Page 6. After “The membership of a committee reflects the overall political balance of the political parties and groups on the Council” insert “All 31 Councillors will be a member of only one of the Hub Committee, the Overview and Scrutiny Committee or the Audit and Governance Committee.” Reflects Min CM18/23.
		Chapter 2 – Responsibility for Functions and Scheme of Delegation	Page 10. Amend Ref: 1.13 to refer to Tamar Valley National Landscape Partnership. Reflects legislative change.
			Page 9. Ref: 1.2 Amend membership to refer to “7 Councillors and 1 independent person.” Insert: “The Independent Person (who shall not be a Councillor) is appointed to provide experience and expertise in audit, accountancy, finance and risk management to advise the

Revision/Edit Date	Approved by	Documents affected	Nature of change
			<p>Committee in these areas and shall have no voting rights.”</p> <p>Insert: “The quorum for the Committee will be 3 and the Independent Person will not count for the purposes of calculating whether a meeting of the Committee is quorate.”</p>
			<p>Page 14. Amend Ref: 3.24 to refer to Tamar Valley National Landscape Partnership. Reflects legislative change.</p>
			<p>Page 25. Insert “Ref: 4.95A To authorise the making or renewal of an Order under the Anti-social Behaviour, Crime and Policing Act 2014.”</p>
			<p>Page 28. Insert as Ref: 4.113A under the heading “Functions” “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 councillor, that a parish council is no longer able to act. Under the heading “Conditions” insert “In consultation with the Leader and relevant Ward Members” Administrative change to reflect Min CM 22/21.</p>
			<p>Page 29. Ref: 4.114. After “(including applications for outline or full planning permission; made under section 73 or 73A of the Town and Country Planning Act 1990; permission in principle and/or technical detail consent; reserved matters approval etc” insert “but excluding applications for non-material amendments”</p>
			<p>Page 29. Insert as Ref: 4.114A “To determine requests or applications to amend planning obligations that the Assistant Director of Planning in</p>

Revision/Edit Date	Approved by	Documents affected	Nature of change
			consultation with the Chairman of the Development Management and Licensing Committee considers to be minor/technical or otherwise non-controversial amendments.”
			Page 31. Insert as Ref: 4.118A “To agree the terms of agreements under section 106 of the Town and Country Planning Act 1990 for the creation, management and enhancement Biodiversity Gain Habitat Banks.” Under the heading “Conditions” insert “In consultation with the Portfolio Holder with responsibility for planning.”
			Page 32. Insert as Ref 5.4A “Where appropriate and proportionate to the decision to be taken regard is to be had to the Council’s consultation and engagement strategy.”
			Page 37 Table 6 Replace “Director of Community Service and Delivery” with “Director of Strategy and Governance” as the local registrar for the purposes of the Land Registration Act 2002 and the Local Land Charges Act 1975.
		Chapter 3 – Meeting Procedure Rules	Page 48. Council Procedure Rule 1.2(g) delete “if it is the post-election Annual Meeting” and “post-election Annual Meeting” After “elect the Leader who will hold office until the next...” insert “Annual Meeting”.
			Page 74. Appendix C – Notices of Motion. Paragraph C3(a) replace “45” with “60”.
			Page 74. Appendix C – Notices of Motion. Delete Paragraph C5(a)(i).
		Chapter 5 – Other Procedure Rules	Page 117. Section 151 Officer’s Guidance. Table 6 in second row replace “£30,000” with “£100,000”

Revision/Edit Date	Approved by	Documents affected	Nature of change
			and delete third row. Reflects Min HC 47/23 as agreed by Council on 20.02.2024.
		Chapter 6 – Codes and Protocols	Page 209. Councillor and Officer Protocol. Under the heading “6. Involvement of Ward Councillors” insert “6.1 To allow Ward Councillors to carry out their role effectively, officers are expected to keep Ward Councillors informed about matters affecting their Ward. Where an officer is dealing with a politically sensitive matter under delegated powers, the officer will be responsible for keeping Ward Councillors informed.” Renumber existing paragraph as 6.2.
		Chapter 7 – Councillors’ Allowance Scheme	Page 220. Replace Schedules A to D with most recently approved Scheme.