

TORRIDGE DISTRICT COUNCIL

MEETING OF THE COUNCIL

Town Hall - Bridge Street, Bideford, EX39 2HS

Monday, 6 August 2018 - 6.30 pm

PRESENT: Councillor S Inch (Chair)

Councillors D McGeough, R Boughton, D Brenton, M Brown, P Christie, C Cottle-Hunkin, K Davis, G Dezart, A Eastman, Z Gregorek, P Hackett, J Hellyer, R Hicks, J Himan, D Hurley, T Inch, K James, T Johns, R Julian, J Langton-Lockton, N Laws, R Lock, J Morrish, I Parker, P Pennington, C Simmons, P Watson and J Whittaker

ALSO PRESENT: J Wallace, Head of Paid Service
S Hearse, Strategic Manager (Resources)
J Hollis, Senior Solicitor
S Cawsey, Democratic Services Officer
A Redwood, Property and Procurement Manager
M Richards, Democratic Services Officer

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: A Boyle, M Langmead, A Dart, R Hancock, B Boundy and K Carroll.

The Chair welcomed newly elected Councillor R Boughton to the meeting.

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: A Boyle, M Langmead, A Dart, R Hancock, B Boundy and K Carroll.

The Chair welcomed newly elected Councillor R Boughton to the meeting.

17. COUNCIL MINUTES

It was proposed by Councillor A Inch, seconded by Councillor R Lock and -

Resolved: That the minutes of the meeting held on 18 June 2018 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Minute15 – Part II item - Following strong representations made by Councillor Pennington, Councillor Morrish left the room.

(Vote: For 27, Abstentions 2)

Matters Arising:

Minute No 2 – Council minutes of the 14 May 2018

Minute 14(b) - to also include - “Councillor Whittaker commented that Councillor Hellyer was well equipped enough to join Audit & Governance Committee because he is an Accountant”.

18. PUBLIC CONTRIBUTIONS

Jane Elliott, Diana Redfern and Liza Junkison spoke against the planning application for Westward Ho! Park, raising the following points:

- Westward Ho! was enjoying a period of growth.
- The village green had changed over the last 10 years and was much busier now with more community involvement and funds being raised by the community.
- A committee looked after the park.
- The park was well used by mums and toddlers; the tennis courts were always busy despite there being no nets; the crazy golf course was very popular and the open space provided an opportunity for everybody to exercise.
- With open spaces ever decreasing, public land should be retained for community use.
- The plans for increased housing would put extra pressure on local services such as the Drs’ surgery.

Sarah Copp addressed the meeting seeking funding for the transformation of Torrington Park, advising that support had already been forthcoming from Councillor Saywell and James Jarroudi had been giving advice on grant availability. £10,000 had been pledged by the Youth Games Group and local fundraising events were being organised. Consultations had been carried about what type of equipment to procure to replace the existing apparatus which is 21 years old. It was hoped a refreshed park would encourage people into the town and boost the local economy. Ms Copp’s daughter asked Members for their support as there was nowhere else for children to play.

Phil Hodson had presented a petition of over 4,000 signatures at the last meeting of the Full Council. The petition had called for the transfer of Westward Ho! Park to Northam Town Council. In accordance with the Local Democracy, Economic Development and Construction Act 2009, receipt of the petition had been acknowledged but no date had been set for a Full Council debate. This raised a concern that the planning application for the park had been submitted and a decision may be taken before Full Council had had the opportunity to hold a debate.

Councillor Christie raised a point of order, asking why the petition had not been tabled for discussion at this meeting. The Senior Solicitor advised that the petition would be scheduled for debate by Full Council as soon as further background information was to hand. The Constitution did not state a time frame for the petition to be presented for debate.

Councillor Laws called for a special meeting of Full Council to be scheduled to debate the petition. The Chair confirmed that he would discuss with officers and advise as soon as possible. Councillor Brenton called a point of order, stating that the Chair could call a special meeting. The Chair responded that he was committed to having a special meeting and would advise of a date as soon as possible.

19. DECLARATIONS OF INTEREST

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

20. AGREEMENT OF AGENDA ITEMS PART I AND II

It was proposed by Councillor Whittaker, seconded by Councillor A Inch and –

Resolved:

That the Agenda as circulated be agreed.

(Vote: For – Unanimous)

21. TO CONSIDER CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

No correspondence or other business was brought forward.

22. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Councillor Hicks left the meeting.

Councillor Morrish felt that the answer did not address all of his concerns and he explained his reasons. Following clarification given by the Senior Solicitor and further background information, Councillor Morrish requested that the Leader be fully briefed and given the opportunity to express an opinion before the matter is progressed. He would be happy to go along with the opinion of the Leader.

Councillor Hicks returned to the meeting.

23. CONSTITUTION UPDATE 2018

The Senior Solicitor & Monitoring Officer presented the report, the purpose of which was for Member approval of the updates to the Constitution detailed on the attached Appendices to the report.

The report was broken into 2 sections, the first section covering 2 more significant amendments:

Members Code of Conduct to include a requirement that newly elected Members undergo a DBS (Disclosure and Barring Service) check.

Members were asked to consider whether or not all newly elected Councillors should be asked to undergo DBS check. The Senior Solicitor & Monitoring Officer outlined the current legislative provision and advised that, although not a legal requirement, introduction of the proposal would promote public confidence.

Every decision on a planning application by the Plans Committee is subject to a recorded vote:

The Constitution currently provided that a recorded vote can be taken at any committee on any decision if 5 members of that Committee request it. This amendment reflected the proposal that this provision is extended so that every planning application considered by the Plans Committee would automatically be subject to a recorded vote. The objective being to increase transparency.

The remaining amendments were relatively minor in nature, based on updates which had arisen from observations during Committee meetings; discussions with Officers and Members; comparison with other local authorities and recognised best practice, together with amendments to Terms of Reference.

It was proposed by Councillor Hellyer, seconded by Councillor Pennington and –

Resolved:

That the Members Code of Conduct be amended to include a requirement that newly elected Members undergo a DBS check.

(Vote: For 25, Against 4)

It was proposed by Councillor Lock, seconded by Councillor Langton-Lockton and –

Resolved:

The Voting Scheme be amended to require every decision on a planning application by the Plans Committee to be subject to a recorded vote.

(Vote: For 21, Against 6, Abstentions 2)

It was proposed by Councillor Brenton, seconded by Councillor Christie and –

Resolved:

That clause A4.5 e) be removed.

(Vote: For 13, Against 9, Abstentions 6)

It was proposed by Councillor Pennington, seconded by Councillor Christie and –

Resolved:

That Part 4, Chapter 1, Rule 19 be extended to allow all Members to attend all meetings arranged or attended by other Councillors.

(Vote: For 22, Against 7)

It was proposed by Councillor Pennington, seconded by Councillor Brenton and –

Resolved:

That the amendments in relation to the call-in of Community & Resources Committee decisions be approved.

(Vote: For 24, Against 5)

It was proposed by Councillor T Inch, seconded by Councillor Simmons and –

Resolved:

That all other changes be adopted subject to the following amendments:

- Substitution Scheme - Paragraph A4.5 f) – removal of the words “or so requested”.
- Call-in of Community & Resources Committee Decisions – to remain as is
- The Terms of reference for the Local Development Framework Group remain as part of the constitution.

(Vote: For – unanimous)

24. ANNUAL REPORT ON TREASURY MANAGEMENT 2017-18

The Strategic Manager (Resources) presented the report, and informed Members of the legal requirement for a report to be brought to Full Council in order to comply with the CIPFA Code of Practice in Treasury Management in the Public Sector. The report included the treasury management activity and actual prudential indicators for 2017-2018.

It was proposed by Councillor Watson, seconded by Councillor Lock and –

Resolved:

- That the Treasure Management Report for 2017/18 be noted
- That the actual Prudential Indicators for 2017/18 be noted

(Vote: For – Unanimous)

25. MEMBERSHIP OF THE PROGRAMME BOARD

The Strategic Manager (Resources) advised that the purpose of the report was for Council to approve the appointment of two Members to sit on the Programme Board.

It was proposed by Councillor Whittaker, seconded by Councillor S Inch and –

Resolved:

- That if the Leader or Deputy Leader is also the Chair of Community & Resources Committee, then the chair of Audit & Governance Committee is the third Member.
- That Councillor Hicks be appointed as the fourth Member

(Vote: For 26, Against 1, Abstentions 2)

26. APPOINTMENT OF A NON-ELECTED REPRESENTATIVE AND INDEPENDENT PERSONS

The Strategic Manager (Resources) invited Members to approve the appointment of a Non-Elected Representative to Audit and Governance Committee and two Independent Persons to work with the Monitoring Officer and Standards Committee.

He advised as follows:

- Roger Levick had been interviewed and had shown the necessary skills, experience, enthusiasm and commitment to fulfil the role of Non-Elected Representative to Audit and Governance Committee.
- One of the vacancies for Independent Person had been offered to Mr Martin Rawle following a successful recruitment exercise.
- A further interview had taken place for the second vacancy and Mr Steve Hammond had been selected.

During the ensuing discussion representations were made about the political neutrality of candidates.

It was proposed by Councillor Brenton and seconded by Councillor Julian –

That the recommendations be voted upon individually.

(Vote: For 8, Against 16, Abstentions 5)

The motion was lost.

It was proposed by Councillor Hackett and seconded by Councillor Lock –

That:

The recommendations be taken en block.

(Vote: For 15, Against 8, Abstentions 5)

27. TRANSFORMING TORRIDGE PROGRAMME - PROGRESS REPORT

The purpose of the report, presented by the Strategic Manager (Resources), was to update Members on the progress on what is the most fundamental change programme Torridge had embarked on.

Councillor Brenton referred to recycling of plastics – a lot of plastics are being rejected. He asked that guidelines on what can and cannot be recycled are communicated to the public. The Head of Paid Service to speak to the Waste and Recycling Manager and to report back.

Councillor Hicks left the room.

In response to questions, updates were given on Hatchmoor and the members' Room.

Members noted the report.

Councillor Hicks returned to the meeting.

28. PETITIONS

There were no petitions.

29. NOTICES OF MOTION

There were no notices of motion.

30. EXCLUSION OF PUBLIC

It was proposed by Councillor S Inch, seconded by Councillor T Inch and -

Resolved:

That under Section 100(a)(4) of the Local Government Act (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 3 of Part 1 and Paragraph 10 of Part 2 of schedule 12A of the Local Government Act 1972.

(Vote: For 28, Against 1)

31. PART II - (CLOSED SESSION)

32. STRATEGIC BUSINESS AND FINANCIAL PLANNING WORKSHOP -
OUTCOMES

The Strategic Manager (Resources) updated Members on the outcomes discussed and proposed at the Strategic Business and Financial Planning Workshop held on 19 July 2018.

Councillor Watson suggested an additional proposal for CLT's be included. It was agreed this be included in the recommendations as item (c) and all others to be moved down.

Councillor Gregorek left the meeting.

During the lengthy discussion, each recommendation was taken individually as follows:

Recommendation a)

Noted for prioritisation

Recommendation b)

Noted for prioritisation

Recommendation c) – additional proposal agreed above (CLT's)

For further investigation and a report to be brought back to Full Council.

Recommendation d)

It was proposed by Councillor Brenton, seconded by Councillor Lock that recommendation d) be accepted.

(Vote: For 21, Abstentions 4) - One Councillor out of room

Recommendation e)

Noted for prioritisation and the need for a detailed business case

Recommendation f)

It was proposed by Councillor Christie, seconded by Councillor Brenton that recommendation f) (i) be accepted.

(Vote: For – Unanimous)

Recommendation g)

Cost pressures and risks noted and that a further Business Case be developed and reported to Members with options.

Recommendation h)

When discussing this item, it was proposed by Councillor Laws, seconded by Councillor Brown that £50,000 be spent on a play park in Gt. Torrington.

(Vote: For 6, Against 13, Abstentions 9)

Recommendation i)

A further update was reported by the Property & Procurement Manager detailing the reasons for the delay in the project and explaining the increase in costs of £0.435m to deliver the project.

It was proposed by Councillor Morrish, seconded by Councillor Laws –

That:

Recommendation i) be accepted with the increased budget being allocated from the Regeneration Capital Project Budget.

(Vote: For 26, Against 1, abstentions 1)

Councillor Langton-Lockton left the meeting.

In accordance with the Constitution it was proposed by Councillor Whittaker, seconded by Councillor Davis and –

Resolved: That in view of the fact 3 hours had elapsed since the meeting had commenced, the meeting should continue.

(Vote: For 24, Against 1)

One member out of the room.

It was proposed by Councillor S Inch, seconded by Councillor Pennington that the following recommendations be noted.

(Vote: For 24, Abstentions 4)

Recommendation j)

Noted the cost pressures and the potential need to report back.

Recommendation k)

Noted the prioritisation and a report due to be presented at Community & Resources Committee on 28 August.

Recommendation l)

Noted the prioritisation and change to original scheme.

Recommendation m)

Noted that a further report to be developed once relocated to single site.

33. DELEGATION OF STATUTORY OFFICER ROLES

The Head of Paid Service presented the report which sought Member approval to the designation of Statutory Officer roles.

An update was provided on the options being explored in the interim, and an explanation given on the reasoning as to why careful consideration was needed when looking to recruit.

It was proposed by Councillor Morrish, seconded by Councillor Davis that the recommendations in the report be refused.

Following further discussion and an alternative proposal put forward, Councillor Morrish withdrew his proposal.

It was proposed by Councillor Christie, seconded by Councillor Simmons and –

Resolved:

That the recommendations detailed in the report be accepted, and the Senior Solicitor vacancy be advertised forthwith.

(Vote: For 25, Against 2)

The Chair and Members thanked the following Officers who are leaving the Council and wished them well for the future:

Mr J Hollis, Senior Solicitor
D Thompson, Planning Performance Team Leader
A Champion, Project Manager

The meeting commenced at 6.30 pm and closed at 9.51 pm.

Chair:

Date: