

TORRIDGE DISTRICT COUNCIL

INTERNAL OVERVIEW & SCRUTINY MEETING

Town Hall, Bideford

Tuesday, 18 December 2018 - 4.00 pm

PRESENT Councillor P Watson (Chair)  
Councillors R Boughton, M Brown, P Christie, Hutchings, T Inch,  
M Langmead and P Pennington

R Dengate, Mr Harper – Non-elected Members

ALSO PRESENT S Hearse - Strategic Manager (Resources)  
S Kearney - Planning & Economy Manager  
M Richards - Democratic Services Officer  
S Mounce - Council Tax Team Leader  
S Toon - Customer Support Manager

Councillor Cottle-Hunkin

3 Members of the public

The Chair opened the meeting, welcoming everyone and extending a special welcome to the newly elected Member, Councillor Hutchings.

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cottle-Hunkin, Simmons and James.

49. MINUTES

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

Resolved:

That the minutes of the meeting held on 6 November be agreed and signed as a correct record.

(Vote: For – 7, Abstentions - 3)

**Matters Arising**

Minute 42 – QBR Q2: Harbour Board

Mr Dengate felt that the minute did not reflect the extent of the discussion and requested that the recording be revisited.

50. ACTION LIST

The action list was reviewed.

Minute 31 - Council Tax Discretionary Discount

The Council Tax Team Leader confirmed that the matter had been resolved.

Minute 34 – GDPR

Clarification was sought regarding the requirement on Members to undertake GDPR training and the consequences for the Council should there be a breach by a Councillor who had not completed the training. The Strategic Manager (Resources) responded that the Council could not enforce training upon Members and that it was down to the individual to undergo training. If there were a non-compliance by a Member, that Councillor would have to take responsibility. In addition, the Information Commissioner would almost certainly investigate the Council with regards to training.

Minute 42 - QBR Q2: Homelessness

Councillor Christie requested that the figures circulated to Committee Members be shared with all Councillors.

51. PUBLIC CONTRIBUTIONS

John Eeles and Louise Banfield spoke in relation to the recommendation made by the Car Park Working Group to, and approved by, the Community & Resources Committee that additional free parking from 12 noon Saturday until 6pm Sunday on Barley Grove car park (Torrington), Well Park car park (Holsworthy) and Riverbank Short Stay (Bideford) car park be refused.

Mr Eeles was representing the Futures Group and was also Vice Chair of the Plough Arts Centre. He addressed the Committee on the parking issues in Torrington and the need to increase the footfall into the town. The town had lost all of its banks and retail was suffering. Whilst the Town Council and the Chamber of Trade were making great efforts to revitalise the Pannier Market, he felt free parking in Barley Grove car park would add to the offering. He asked the Council to consider aligning the parking fees for the Barley Grove car park with those of Sydney House car park. He added that the car parks referred into the recommendation should be looked at individually as each of the towns had its own particular problems.

Mrs Banfield had been a business woman in Torrington for over 20 years and a strong community person who was passionate about her town. She told the Committee how she had taken on a derelict building near to the Barley Grove car park and converted it to a gym, which now hosted other fitness businesses and had

a footfall of over 500 people a week. She felt that the bowling green and the businesses supported within her building would benefit from free parking equal to that of Sydney House car park and this would also bring people through the Pannier Market. As part of the Chamber of Trade also, Mrs Banfield sought to promote businesses in Torrington and to diversify. She asked Members to be aware that Torrington had an aging population also who needed to park in the town centre. Finally, it was suggested that the potential loss of income, if free parking were to be agreed, could be offset by levying a charge in the Lidl car park.

52. DECLARATION OF INTERESTS

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

Councillor Brown declared an interest – dual hatted: Torrington Town Councillor.

53. URGENT MATTERS BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR

There were no urgent matters brought forward.

54. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

55. SECTION 106 AGREEMENTS AND AFFORDABLE HOUSING UPDATE

The Planning & Economy Manager circulated a document detailing the Section 106 Capital Funds currently held by TDC and added that the tabled document was also accessible on the internet.

A period for questions and answers followed and it was noted that:

- The football pitch associated with the Redrow development in Holsworthy was not a capital contribution and therefore was not listed on the table.
- Members did not feel the motion agreed by Full Council, that all S106 information be shared with Ward Members before any decisions were made, was being honoured. The Planning & Economy Manager confirmed that Members should be involved around the Heads of Terms relating to S106 agreements and apologised if Councillors had not been consulted but reassured them that the policy going forward was to involve them.
- S106 Improvement plan – item for future meeting. However, the process was sound.
- It was preferable to seek a solution within a development rather than take a capital contribution.

- Westward Ho! Park – It had been made clear at Full Council that all S106 monies had been allocated, yet the table presented showed a non-allocated figure of £11,513 in respect of land at Pebbleridge Road. The Planning & Economy Manager advised that at the time of that report the information was correct, however, things had moved on. He confirmed that in accordance with the S106 process the Ward Member would be made aware. Furthermore, the Play Strategy was currently under review and perhaps funds could be reserved.
- The Planning & Economy Manager will prepare a report for the next meeting about the distribution of S106 monies.

A paper on affordable housing was distributed which gave details of the 3 schemes within Torridge where affordable housing had been secured – Deer Park, Westward Ho!; The Munt, Appledore and Atlantic Park, Bideford. The Strategic Enabling Officer was working with rural housing enablers to pursue opportunities where a Housing Needs Survey had identified a need. Housing Needs Surveys had been undertaken in Woolsery and Hartland. St Giles in the Wood had expressed an interest. Pyworthy had declined at this stage and a response was awaited from Bridgerule. A presentation had been received by the towns of Bideford and Northam and will also be delivered in Torrington in 2019. At the Capital PID review, Members had agreed to support a capital funding bid to enable CLTs to develop sites with a loan from TDC.

The Planning & Economy Manager took questions, providing answers as follows:

- The policy was to attract 30% affordable housing but negotiations would always try to achieve as much as possible. The amount of affordable housing was still low and was reliant on the larger developments. However, now the Local Plan was in place TDC would be able to fall back on policy compliance but it was necessary to increase the number of affordable.
- Historically, developers have managed to get around the planning conditions in relation to affordable housing. However, TDC is now trying to develop better relationships with builders and trying to talk and negotiate with them at a much earlier stage, whilst making them aware of the policy.
- CLTs are a good idea, but the difficulty is in identifying suitable sites.

## 56. CALL-IN

The Planning & Economy Manager reported that a call-in request had been lodged with the Head of Paid Service by four Members of the Council. The grounds stated were that “Not enough consideration has been given to the changing nature of consumer purchasing in the present economic climate. With free parking at large supermarkets and consumer outlets (e.g. Atlantic Village Bideford) and the ever growing use of online purchasing it is very important to make every effort to attract visitors to our local town centres. [...] greater focus should be given particularly with regard to recommendation 2 & 3 as this may have a detrimental impact on local centres.”

Members considered the decisions made by the Community and Resources Committee on the 26th November and representations were made by one of the Ward Members for Torrington reinforcing what the public speakers had said. She referred to a Freedom of Information request which had confirmed that over £30,000 had been earned by the Council through overpayments at the machines, either because people did not have the right change or because they were not aware of the free periods. The Planning and Economy Manager responded that the FOI had been carried out on a different tariff i.e. when charges were set at £0.90 and now had moved to £1.00 the over-vend is significantly less.

Clarification was sought as to why there was no equality across the car parks and Members were advised that the lack of parity between Sydney House and Barley Grove car parks was historic and had resulted at a time when the Authority had tried to introduce an element of free car parking across a range of car parks.

The ensuing discussion focused on:

- Whether to look separately at Torrington, Holsworthy and Bideford.
- The trading difficulties all high streets were facing.
- A suggestion to run a pilot scheme to survey the influence of a period of free parking on trade.
- The lack of evidence that free parking has had a demonstrably beneficial impact on town centre trading.
- Whether traders could offer to refund parking fees if customer spend over a certain amount.
- The shortfall in the Council's budget.
- Whether the changes being proposed to the mechanics of the machines to accommodate electronic payment could incorporate a free parking facility. It was confirmed that this could not be done.

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

Resolved:

- That the C&R decisions in respect of recommendations 2 and 3, which had been the subject of the call, be accepted.
- That a recommendation be made to Community & Resources consider to introduce a pilot scheme to see how periods of free parking might aid trading conditions in our market towns.

(Vote: For – unanimous)

Councillor Pennington had been minded to propose a change to recommendation 3 however, following discussion with the Planning and Economy Manager withdrew his motion.

## 57. COUNCIL TAX DISCOUNT TASK & FINISH GROUP

The Council Tax Team Leader presented the report, advising Members of the changes to legislation which gave Local Authorities powers to charge higher amounts for long-term empty properties.

She confirmed that Task & Finish Group had met and drew Members' attention to the recommendations the Group had agreed.

The Customer Support Manager was negotiating with Devon County Council regarding the potential to allow TDC to retain a higher percentage of the income generated from the changes.

Councillor T Inch declared an interest – dual hatted: Member of Devon Council.

Members discussed the figures presented and enquired about the possibility of compulsory purchase. The Strategic Manager (Resources) clarified the Council's position. The policy with regard to new builds going on to the register was explained and it was confirmed that a developer would be liable for Council Tax if the building was not occupied within the prescribed time.

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

Resolved:

That the recommendations below be included in the budget report to Full Council by the Strategic Manager (Resources)

- The 'Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill' be adopted and the premiums be applied from 1st April 2019;
- The 3 month discount for unoccupied & substantially unfurnished properties be reduced 100%, to a maximum of 1 month from 1st April 2019.
- The 100% 12 month discount for properties undergoing major structural alterations be reduced as follows:
  - April 2019 – 100% discount for 6 months maximum
  - 1st April 2020 - 0% discount
- A new Local Council Tax discount and premium policy be agreed that reflects any changes made.

(Vote: For - unanimous)

## 58. INCOME GENERATION STRATEGY

The Strategic Manager (Resources) reminded the Committee that almost 2 years ago the Internal Overview & Scrutiny Committee had drafted and developed an income generation strategy and a Task & Finish Group had been set up to monitor the strategy. The strategy and action plan were now due for review. The original

Task and Finish Group had consisted of Chair, Vice Chair, Mr Harper and Councillors T Inch and Pennington. It was agreed that the Task & Finish Group will meet again to review the strategy and action plan.

The Strategy and proposed dates for a meeting of the Task & Finish Group will be circulated.

59. GDPR (STANDING ITEM)

An update was provided by the Strategic Manager (Resources):

- The main areas currently being worked on were Member information and finalising areas which had yet been completed.
- Training had been offered and had been taken up by some Members but not all.
- Online training was also available and had been extended. The Chair of Audit & Governance had informed Full Council of the risk identified by the Audit & Governance Committee if councillors do not undergo the training.
- Devon Audit Partnership will look to formalise a review of the Council's arrangements by conducting an audit towards the end of the financial year.

The Committee discussed GDPR training, making the following suggestions:

- GDPR training should really be pushed after the May election and every councillor should be encouraged to complete it.
- Could information be added to the councillor's profile on the website, stating that they had done the training?
- The Council might want to consider what information could be sent to those councillors who had not undertaken the training.
- As Councillors are data controllers, the Council could be fined and as such there was an obligation for councillors to be trained.
- The Human Resources Manager will provide all councillors with guidance before the May election which will include information about how to proceed if they are not standing or are not re-elected.
- Non-elected Members had not been invited to participate in any GDPR training.

60. CONSIDERATION OF THE FORWARD PLAN

The Forward Plan was reviewed.

Economic Profile

The document was discussed and there was particular interest in the information & communication industry sector. This was an area Members were keen to develop in Torridge. Up to date figures were requested.

Action: Strategic Manager (Resources)

The question was raised whether this could be investigated in conjunction with External Overview & Scrutiny.

Capital PID Review

Concerns were raised about the financial viability of some of the Council's property contracts and whether reserves were built in. The Strategic Manager (Resources) confirmed that the Property & Procurement Manager will be looking at developing an Asset maintenance Plan over the next year.

Regeneration strategy – External Overview & Scrutiny will be invited.

Bridge Buildings

Marketing will be relaunched after Christmas. If still unsold in March, Internal Overview & Scrutiny will review marketing and other options.

The meeting commenced at 4.00 pm and closed at 6.00 pm.

Chair:

Date: