

TORRIDGE DISTRICT COUNCIL

MEETING OF THE COUNCIL

Town Hall - Bridge Street, Bideford, EX39 2HS

Monday, 18 June 2018 - 6.30 pm

PRESENT: Councillor S Inch (Chair)
Councillor D McGeough (Vice-Chair)

Councillors B Boundy, D Brenton, P Christie, C Cottle-Hunkin, A Dart, K Davis, G Dezart, A Eastman, Z Gregorek, J Hellyer, R Hicks, J Himan, D Hurley, T Inch, K James, T Johns, R Julian, M Langmead, N Laws, R Lock, J Morrish, 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
M Richards, Democratic Services Officer

Members of the public - 122 (approx.)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Boyle, Brown, Carroll, Hackett, Hancock, Langton-Lockton, Parker and Wiseman.

2. COUNCIL MINUTES

It was proposed by Councillor A Inch, seconded by Councillor Langmead and -

Resolved: That the minutes of the Annual General Meeting held on 14 May 2018 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Minute 14 b) - Councillor Christie asked that his comments about Councillor Hellyer being elected as Vice Chair of Audit & Governance be included in the minutes. He felt Councillor Hellyer, as a newly elected Councillor, was insufficiently experienced for the role.

(Vote: For 26, Abstentions 1)

Matters Arising

Minute 16 – Substitution Scheme

Councillor Christie felt the Scheme should be revisited following a recent Plans Committee meeting where no substitute had been arranged by the absent Member possibly affecting the outcome. It was suggested that it was for Group Leaders, not Members, to appoint substitutes. The Senior Solicitor confirmed responsibility for finding a substitute lay primarily with the Member and secondly the Group Leader. A report, updating the Constitution and including the Substitution Scheme, will be presented at the next Full Council.

3. PUBLIC CONTRIBUTIONS

Mr Keith Goodred addressed the Council on the subject of the reversal of the decision in respect of the planning application for 58 holiday homes at the Knapp House Caravan Park. He raised questions about material considerations and the circumstances surrounding the application meetings. A written response was requested.

Mr Mike Ford presented a petition signed by residents who live within a 1.5 mile radius of the Cattle Market site and by parents of children at St Mary's School. He referred to the recent visit of gypsies and travellers to the Cattle Market site, when residents had been subjected to verbal threats and racial slurs, adding that the matter was now in the hands of the police. Mr Ford implored the Council to do something with the site to make it safe and secure and to prevent gypsies and travellers from entering. He concluded that residents felt the needs of the gypsies and travellers took precedence over the needs of the community. A written response was requested.

Councillor Hugh Brading of Northam Town Council, Mr Phillip Hodson and Mr Peter Jeffery all spoke on the subject of Westward Ho! Park, raising the following points:

- The public survey had returned a 12.5% response.
- 95% of those who had responded were in favour of Northam Town Council taking over the Park.
- The existing tennis courts can be used gratis but there would be a charge for the new courts

A petition was presented on behalf of 4,000 residents and it was requested that the decision process be reviewed by Full Council.

The Senior Solicitor explained that once the number of signatures had been verified, the matter would be scheduled for discussion at Full Council if above 5% of the population. There was no allowance for the petition to be debated during this meeting of the Council.

Councillor Christie raised a point of order, suggesting that, as Councillor Laws was putting forward a notice of motion, the subject could be discussed. The Senior Solicitor confirmed that standing orders could be suspended, if proposed and seconded. However, Members would be ill advised to debate a matter raised during public speaking or on a written motion without having all of the information to hand. Councillor Morrish stated that the matter had already been discussed at

Community & Resources and the information had ipso facto been presented. The Chair guided Members back to agenda.

Mr Dave Gibbons also spoke on the Cattle Market site, echoing many of the concerns raised by Mr Ford in relation to the gypsies and travellers. He praised his local community but felt their voice was not being heard.

The final speaker was Mr Daniel Bell who aired his views on sustainability of development, referring to various sites in the District. He commented that no Councillors appeared to be interested the issues he had raised. Councillor Cottle-Hunkin asked Mr Bell to detail the issues in an e-mail.

4. 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.

5. AGREEMENT OF AGENDA ITEMS PART I AND II

The Head of Paid Service explained that, although not on the Agenda, there were two confidential issues on which Members needed to be updated. These matters, one contractual and one legal, had come about following publication of the Agenda.

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

Resolved:

That the Agenda as circulated be agreed, subject to the change as stated above.

(Vote: For 23, Abstentions 3) - one Member had left the meeting

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

The Chair reminded Members of the following:

- The Memorial Service for Sam Robinson to be held on Wednesday 20 June at 2pm.
- Armed Forces – Flag Raising Event to be held on Monday 25 June at 6.30pm.

7. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

The Senior Solicitor explained the procedure involved for when questions are submitted under Procedural Rule A9.

Questions had been submitted by Councillor Christie and Councillor Brenton under Procedural Rule A9.

In accordance with the Constitution, written answers to the questions had been circulated to all Members.

Question from Councillor Christie

Councillor Christie:

I understand the new Bideford Skate Park has a funding shortfall which will mean it has to be built in two phases. The second section will not be constructed until S106 money is available but given the time delay associated with this source, can I ask why TDC cannot draw the necessary sum from its reserves and 'repay' this money from future S106 income – as was recently done with the resurfacing of Mill and Allhalland Streets in Bideford?

Answer

The S106 funds earmarked for the skate park have not as yet been formally agreed with the developer, and once agreed, may not become payable for a number of years. If the development does not materialise or the terms of the S106 are subsequently amended, the funds may not be payable at all.

With regard to Mill Street resurfacing, we offered to assign the S106 contribution direct to the County Council. DCC did not accept this and so the contribution was just funded by TDC and not 'borrowed' against future S106 contributions.

All S106 contributions are designed to mitigate the effect of the development. If works are carried out before the development is commenced, the developer can argue that the S106 contribution is not valid if the works are required before any impact from the development occur.

If the Council wish to accelerate Phase 2, then it would be necessary to submit a bid for capital funding.

The tenders for Phase 1 have been received and evaluated and a contractor has been chosen.

Supplementary Question

Councillor Christie suggested that a bid for capital funding be submitted to enable the skateboard park to be completed in one Phase.

The Head of Paid Service gave the following update:

- Tenders had gone out and a bid had been accepted for Phase 1 of the work.
- All Members were to be invited to an event at Caddsdwn next month where Members would be asked to look at priorities going forward. She emphasised the importance of Members attending the event.

Councillor Pennington stated he had included the funding issues with regard to the skateboard park in his Lead Member update, to be discussed at Leadership Team meeting next week.

Following comments made by Councillor Morrish, Councillor Whittaker explained that it had always been the Council's intention to build the skateboard park in two phases, and the reason for the urgency in making a decision was to secure external funding to deliver Phase 1.

Question from Councillor Brenton

Why the buildings at the Old Cattle Market Bideford are not demolished bearing in mind that the roofs are asbestos and broken, and that the site is not secure enough to stop people gaining access?

ANSWER

The old Cattle Market buildings have not been demolished as yet as they were situated on a parcel of land where the proposal is for a much larger leisure and recreational development opportunity.

This development is intended to incorporate not only this area, but with links to what can be achieved for the surrounding area including Victoria Park.

The timetable for this project is "medium term", although cannot be precisely determined as is reliant on funding to be realised through s106 contributions on developments forecast to be delivered over a number of years in the future. Any future development brief will include the demolition of the buildings and therefore funded through these contributions.

In terms of the current arrangements for managing the health, safety and security aspects of the buildings and site, the area is fenced off and secured. There is adequate and appropriate signage in place to warn of the dangers of entering the area. We also have CCTV in operation, which covers the main approaches to the buildings.

Unfortunately and for whatever reason some choose to ignore these warnings and the fact that the site is secured and break in. The site is regularly inspected by the team to measure any deterioration in the condition of the buildings and if at such time the safety risk is such that they become necessary for demolition before the progress of the project then this will be reported to Members for consideration and there is £78k set aside in the Capital Programme should this become necessary.

Councillor Brenton presented his question, following which he asked that standing orders be suspended for debate and a decision to be made at this meeting.

The Senior Solicitor strongly advised that, although it would be possible to discuss the issue if standing orders were suspended on a matter not on the agenda and it would not be appropriate for any decision to be made without Members being apprised fully of the facts

Despite the advice given by the Senior Solicitor, Members were of the opinion that the matter should be resolved at this meeting.

Councillor Whittaker suggested that a full report be presented at the next Community & Resources Committee meeting where an informed decision could be made. However, it became evident that Members did not agree with this.

It was proposed by Councillor Brenton and seconded by Councillor A Inch -

That standing orders be suspended to allow this matter to be debated and a decision to be made.

(Vote: For 23, Against 2, Abstentions 1)

It was proposed by Councillor Brenton, seconded by Councillor A Inch that -

The old Cattle Market buildings be demolished and that the site be made secure.

Further discussions took place and the following items were raised:

- That rock armour be erected to secure the site, as the current provision including Heras fencing was inadequate.
- There was a need for a Gypsy & Traveller transit site and a permanent site. It was noted that sites were being put forward for consideration as temporary sites and site visits had taken place.
- The Rugby Club had expressed an interest in using the site but this had to be in conjunction with St Mary's School.
- Consideration on how to make the site inaccessible to the gypsies & travellers needed to be looked at in more detail and should go back to Community and Resources.
- Members needed to be absolutely clear what they wished to do with the site once the buildings had been demolished.
- A suggestion was that the site should be set aside for car parking.

The Senior Solicitor reiterated that a decision taken by Full Council on an item not on the agenda, without all the relevant facts and implications and contrary to the procedural rules adopted by this Council, undermines the decision and leaves it vulnerable to challenge.

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

Resolved:

That the old Cattle Market buildings be demolished.

(Vote for 25, Abstentions 1)

8. PETITIONS

Two petitions had been received earlier in the meeting in relation to:

- The gypsies & travellers
- Westward Ho! park

9. ELECTION OF VICE CHAIR

It was proposed by Councillor Julian, seconded by Councillor Davis that Councillor Dart be elected as Vice Chair of Community & Resources Committee

It was proposed by Councillor A Inch, seconded by Councillor Morrish that Councillor Himan be elected as Vice Chair of Community & Resources Committee

Councillor Dart -18 Votes
Councillor Himan - 8 Votes

Resolved:

That Councillor Dart be elected as Vice Chair of Community & Resources.

10. ELECTION OF LEAD MEMBER

It was proposed by Councillor Pennington, seconded by Councillor Davis that Councillor Hicks be elected Lead Member for the Economy

(Vote: For 21 , Against 1, Abstentions 4)

Resolved:

That Councillor Hicks be elected as Lead Member for the Economy.

11. ANNUAL REPORT - STANDARDS COMMITTEE

The Senior Solicitor presented the annual report of the Standards Committee.

In response to a question the Senior Solicitor provided clarification as to the role of the independent Person.

Councillor Pennington referred to the Standards Committee meeting held on 16 August where restricting Part II items to attendees only had been discussed. The Senior Solicitor had advised during that meeting on how the Access to Information Procedure operated and he affirmed that the position had not changed.

The annual report was noted and thanks were extended to Councillor Carroll for chairing the Committee during 2017/18.

12. NOTICES OF MOTION

Written Notice of Motion from Councillor N Laws

“That Torridge District Council, using the Community Transfer Procedure, hand Westward Ho! Park, Pavilion and Tennis Courts in their entirety back into the ownership of Northam Town Council at a cost of one pound”.

When presenting his Motion, Councillor Laws acknowledged it would be appropriate for the matter to be referred to C&R for further consideration.

The Senior Solicitor advised Members that in accordance with the Constitution, once the motion had been moved and seconded, a vote should be taken (with no further discussion taking place at this meeting) on whether the motion should be referred to the appropriate committee.

The Notice of Motion was seconded by Councillor Christie.

It was proposed by Councillor Laws and seconded by Councillor Christie that, under Part 4, Chapter 1, A18 of the constitution, standing orders be suspended.

The Chair referred to the advice given by the Senior Solicitor that it would be inappropriate to debate the issue before the relevant Committee had the opportunity to consider it further.

No vote was taken to suspend standing orders.

A vote was then taken on the proposal by Councillor Laws, seconded by Councillor Christie, that the Notice of Motion be referred to Community & Resources Committee for further consideration

(Vote: For 16, Against 9, Abstention 1)

The Senior Solicitor confirmed that:

- The Notice of Motion would be considered by Community & Resources
- The petition, once verified, would be brought back to a future Full Council meeting.

13. TRANSFORMING TORRIDGE PROGRAMME (STANDING ITEM)

The Head of Paid Service reported that the works were continuing. Minutes of the Programme Board meeting would be circulated.

Councillor Boundy left the meeting.

14. EXCLUSION OF THE PUBLIC

It was proposed, seconded 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 – Unanimous)

The Chair, Councillor S Inch, reminded Members that Part II information is confidential and must not be disclosed to a third party.

15. PART II - (CLOSED SESSION)

The Strategic Manager (Resources) updated Members on the marketing of Bridge Buildings.

Councillor Morrish left the room.

The Head of Paid Service apprised Members of the latest developments with regard to a legal issue.

The meeting commenced at 6.30 pm and closed at 8.31 pm.

Chair:

Date: