

TORRIDGE DISTRICT COUNCIL

EXTRAORDINARY MEETING OF THE COUNCIL

Town Hall - Bridge Street, Bideford, EX39 2HS

Monday, 1 October 2018 - 6.30 pm

PRESENT: Councillor S Inch (Chair)

Councillors: D McGeough, R Boughton, A Boyle, D Brenton, M Brown, P Christie, C Cottle-Hunkin, G Dezart, A Eastman, Z Gregorek, P Hackett, R Hancock, R Hicks, D Hurley, T Inch, K James, T Johns, R Julian, M Langmead, N Laws, R Lock, C Simmons, P Watson, J Whittaker and R Wiseman

ALSO PRESENT: J Wallace, Head of Paid Service
S Hearse, Strategic Manager (Resources)
S Kearney, Planning & Economy Manager
S Dorey, Solicitor
M Richards, Democratic Services Officer
S Cawsey, Democratic Services Officer
T Vanstone, Democratic Services Officer
J Walter, Governance Manager
A Redwood, Property and Procurement Manager
A Waite, Senior Estates Officer
H Roper, Service Improvement Officer

Non-elected Member – S Dengate

Maximum capacity (130 members of the public)

The Chair welcomed Councillors, officers and members of the public to the meeting. He explained that he would set out the procedure for each agenda item prior to discussion of each agenda item.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Boundy, Dart, Davis, Hellyer, Himan, Parker, Langton-Lockton, Morrish and Pennington.

2. PUBLIC CONTRIBUTIONS

Christine Hutchins, Amanda Holder, Helen Bromhead, Chaz Luther and Heather McCarthy addressed the meeting, speaking passionately about Westward Ho! park and building up a comprehensive picture for Members of the benefits, usage of the park and its facilities.

They gave details of learning outcomes, describing the knowledge and skills children had acquired; they spoke of the impact the loss of the park would have on the community, on physical and mental health and how the park provided the opportunity for relaxation, stress relief, social interaction and exercise. Councillors were told how a visually impaired resident relied on the park in order to comply with animal welfare legislation.

The message was that the public wished the park to be preserved and they appealed to Councillors to consider their opinions and to listen to the voice of the public when they came to debate and take a final decision.

The Chair thanked the speakers.

3. 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.

4. AGREEMENT OF AGENDA ITEMS PART I AND II

The agenda, as circulated, was agreed.

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

There were no items brought forward.

6. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

There were no questions submitted under Procedural Rule A9.

7. NOTICES OF MOTION

Written Notice of Motion from Councillor Christie and Councillor Brenton

That TDC do not sell any part of the Westward Ho! Park area.

Councillor Brenton moved to suspend standing orders in order to allow sufficient time to fully debate proposals for the Westward Ho! park. He was advised by the Chair that, under Part 4 of the Council's Constitution, Section A5, there was no provision to suspend the procedural rules. He went on to clarify that the Constitution stipulated that the Councillor who had submitted the notice of motion would be given the opportunity to explain its purpose; the Chair would then establish whether there was a seconder and the vote would be taken whether to refer the notice of motion to the appropriate committee, in this case Community & Resources.

Councillor Christie called a point of order, questioning why the motion had to go back to Community & Resources. The Chair reiterated that this was the procedure.

Objections were raised and procedures discussed. It was noted that Councillors who had signed the petition had been sent an e-mail from the Solicitor regarding the guidance around declarations of interest which Members should be mindful of at all times. Councillor Brenton declared that he was not pre-determined and called for the Authority not to sell the park.

The Notice of Motion was proposed by Councillor Brenton and seconded by Councillor Simmons who opined that Torrridge District Council had neglected its parks and respect should be given to the petition.

Councillor Christie set out the issues he had with the proposals to sell the park:

- Need - Did Westward Ho! need more housing? Did Torrridge District Council need any more money?
- Equality of treatment – Bideford will be getting a skate park and maybe a sports hub;. Holsworthy had had an upgrade to Stanhope Park and Ward Councillors and residents sought support for the play park in Calf Street in Torrington but for Westward Ho! the plans were to sell the park off.
- Planning - Reference was made to the national Planning Policy Framework, under the section on Healthy and Safe Communities, which guides Councils to guard against the unnecessary loss of valued facilities and services. This document overruled TDC.
- Public Perception – The public will see Torrridge as an uncaring and money fixated council.

A recorded vote was requested and supported by more than five Members as required by the Constitution.

The Chair stated that Councillors were asked to decide whether the motion should be referred to the appropriate committee, in this case Community & Resources, and the votes were recorded as follows:

COUNCILLOR	FOR	AGAINST	ABSTAIN
BOUGHTON, R	X		
BOYLE, A J	X		
BRENTON, D G	X		
BROWN, M	X		
CHRISTIE, P S	X		
COTTLE-HUNKIN, C	X		
DEZART, G A	X		
EASTMAN, A J	X		
GREGOREK, Z	X		
HACKETT, P J W	X		
HANCOCK, R	X		
HICKS, R H		X	

HURLEY, D	X		
INCH, A T		X	
INCH, S G	X		
JAMES, K J	X		
JOHNS, T J	X		
JULIAN, R	X		
LANGMEAD, M	X		
LAWS, N	X		
LOCK, R A	X		
McGEOUGH, D A D	X		
SIMMONS, C	X		
WATSON, P	X		
WHITTAKER, J	X		
WISEMAN, R	X		
TOTALS	24	2	

The motion was carried.

The Chair confirmed that the motion will be considered at the next meeting of the Community & Resources Committee to be held on 15 October at 6.30 in the Town Hall, Bideford and that the meeting will be open to the public.

8. PETITION - WESTWARD HO! PARK

After outlining the procedure for the petition scheme, the Chair invited Mr Hodson to speak.

In his speech Mr Hodson focused on funding the regeneration of the park, questioning the need to sell off some of the site for housing when alternative funding was available, especially if the park were to be transferred to Northam Town Council. He urged Councillors to follow their own green infrastructure strategy and to be the facilitator/enabler rather than deliverer.

Mr Hodson hoped Members would accept the terms of the petition and transfer the park as an asset of community value in accordance with the community transfer protocol and the community right to bid policy.

The presentation of the petition was concluded with a poem by Dennis Martin, which Mr Hodson said summed up the value of the park.

Prior to the debate a discussion took place about the declaration of interests. Legal advice was given and Members were reminded that they must consider the matter with an open mind, and if they were predetermined they must declare it and should not be involved in the discussion or vote.

Members debated the petition. They spoke about the physical and mental benefits of the park and how open spaces reduced social isolation and instilled pride in a community. Some Councillors declared their support for the transfer of the park to Northam Town Council and working with the local community in accordance with ST01. Concerns were raised about procedures.

It was proposed by Councillor T Inch and seconded by Councillor Hackett –

That:

Further investigation into the matter be commissioned by referring the matter to the Community and Resources Committee.

It was proposed by Councillor Laws and seconded by Councillor Hancock -

That:

The recommendation to refer the matter to the Community and Resources Committee for further investigation be amended to include that the land be transferred to Northam Town Council.

No votes were taken and following legal advice Councillor Laws withdrew his motion.

The Strategic Manager (Resources), the Solicitor and the Head of Paid Service addressed the Council stating their legal and financial obligations to both Members and the public. They cautioned that it would be unlawful for Members to resolve at this meeting to transfer the land to Northam Town Council or to resolve not to build on the land without having all the facts and figures before them. Members were advised that in accordance with the Council's Financial Procedural Rules, any transfer of assets requires a full Report to be taken to Community & Resources Committee.

It was proposed by Councillor T Inch and seconded by Councillor Hackett –

That:

Further investigation into the matter be commissioned by referring the matter to the Community and Resources Committee.

(Vote: For 24, Abstentions 2)

The motion was carried.

The meeting commenced at 6.30 pm and closed at 8.16 pm

Chair:

Date:

