

TORRIDGE DISTRICT COUNCIL

INTERNAL OVERVIEW & SCRUTINY MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Tuesday, 16 April 2019 - 2.00 pm

PRESENT                      Councillor P Watson (Chair)  
                                    Councillors K James, R Boughton, C Cottle-Hunkin, J Hutchings,  
                                    P Pennington and C Simmons

                                    Mr S Dengate – Non Elected Member

ALSO PRESENT            S Hearse                      - Strategic Manager (Resources)  
                                    C Norman                     - Solicitor  
                                    S Cawsey                     - Democratic Services Officer

                                    Councillor N Laws

The Chair welcomed everyone to the meeting.

83.     APOLOGIES FOR ABSENCE

There were no apologies for absence.

84.     MINUTES

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

Resolved:

That the minutes of the meeting held on 12 March 2019 be agreed and signed as a correct record.

(Vote: For - Unanimous)

85.     ACTION LIST - 12 MARCH 2019

Minute 69 (a) - Local Housing Allowance

Councillor Hurley had received a further response from Kit Malthouse which contained links to various information. Local Housing Allowance – the Strategic Manager (Resources) had reviewed the information to ascertain if it identified with the calculations re allowance for TDC. Still ongoing

Minute 69 (b) – Local Government Funding

Councillor Pennington requested this matter be taken forward for the new Council.

The Strategic Manager (Resources) relayed to the Group the following information

- There are a number of consultations taking place
- The original consultation was referring to a very high level of funding and did not have any figures specific to Torridge
- A Comprehensive Spending Review expected to take place later in 2019 and from that there will be more certainty – funding figures to be set for a number of years
- Further details will be available when consultation papers are released – this will be reviewed and a response will be produced

Minute 81

A meeting of the Income Generation Task and Finish Group took place.

Minute 82 (a)

A meeting of the External Grants Task & Finish Group had been scheduled for Tuesday 23 April.

Minute 82 (b)

Call-In Westward Ho! Park - Councillor Laws was concerned to note that this item had been marked as “completed – not to be released”. He enquired as to when this had been completed. He noted that the Constitution did not state whether the names should or should not be disclosed.

The Strategic Manager (Resources) informed Members that, although not in the Constitution, a decision had been taken not to release the names. The reason for this was because of the negative comments, particularly about Officers, that had been put on social media following recent meetings where the subject was discussed, and there was concerns of what could amount to cyber- bullying if the names were to be released. It is proposed that the call-in is brought back to this Committee (second meeting) following the election of the new Council.

Councillor Laws expressed his concerns with Officers knowing why this matter had been called in for a second time, but the Ward Member did not. He maintained the view that as Ward Member he should be properly briefed in order for him to prepare his case.

The Committee discussed the anomaly between call-in’s – names and reasons having been given on previous call-in’s.

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

Recommended:

That this Committee make representations to the Head of Paid Service to obtain the reasons for the call-in.

(Vote: For – Unanimous)

The Strategic Manager (Resources) confirmed that specific reasons for the call-in did not have to be given, and that the Constitution did not require this. It was apparent from comments made that some Members felt the reason given for not disclosing information was unacceptable. The Strategic Manager (Resources) reiterated that the Constitution is reviewed and approved by Members of Full Council.

86. PUBLIC CONTRIBUTIONS

There were no public contributions.

87. 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.

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

There were no urgent matters brought forward.

89. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

90. S106 AGREEMENTS - REVISED PROCEDURE

The Strategic Enabling Officer provided an overview of the Section 106 process and funding allocation. Clarification was given on how the S106's are negotiated and the Officer also explained the legal background to the Agreements.

When discussing this matter the following points were raised:

- It is crucial that conversations and discussions take place at a very early stage in the planning process
- S106 Agreements are monitored by the Strategic Enabling Officer – there is a very robust system in place
- Ward Members are included - Heads of Term documents, submitted with the planning applications, are forwarded to Ward Members
- As part of the Planning process education and Highways will be consulted and will be asked what they require from the S106.

Following a concern from Councillor Hutchings that Officers make their own decisions without any communication from the Ward Member, the Strategic Enabling Officer stated that although this had happened in the past, Ward Members are now involved from the beginning of the process. She reiterated her earlier comments that they would receive Heads of Term documents giving them an opportunity to say what is or is not required, to know exactly what had been asked for and to know what had been agreed.

Councillor Hutchings stated that having been told this previously, there had been situations where it had not happened. The Strategic Enabling Manager confirmed she will take this back and speak to the Development Manager.

Discussions followed on the confidentiality of pre-app's. Details of the process was given and it was confirmed that it is for applicants to invite Ward Members to pre-app discussions. Members requested that, as applicant's may not be aware of this, they be asked if they would like their Ward Member present. The Strategic Enabling Officer to speak to the Development Manager and Planning Performance Team Leader to ensure applicants are asked if they would like their Ward Member present.

Mr S Dengate, Non Elected Member, referred to the schedule of unallocated funds for organisations which is shown on the website, and asked whether organisations are advised of these funds. The Strategic Enabling Officer advised she had approached organisations and asked if they wished to apply.

Members noted the contents of the report.

#### 91. EXTERNAL GRANTS

A meeting of the Task and Finish Group had been scheduled for Tuesday 23 April 2019. The Commercial and Leisure Services team had put together a short paper outlining the Terms of Reference and areas for consideration by the Group.

#### 92. INCOME GENERATION TASK & FINISH GROUP

The Strategic Manager (Resources) reported that at the last meeting of the Income Generation Task & Finish Group, updates on each of the individual items on the Schedule were given.

The Committee discussed a recommendation put forward by Councillor Simmons that the Task & Finish Group discuss empty properties in the hope they could be income generated. Members also discussed the increased number of farms that had derelict empty buildings, and enquired as to whether there is any action the Council could take to bring this into line. Councillor Watson advised it is a matter to be brought forward by the owners of such properties.

It was recommended that the Council needed to be more proactive on empty properties.

93. FORWARD PLAN

The Forward Plan to be agreed by the new Council.

Westward Ho! Park – Call-in

The Strategic Manager (Resources) referred to this matter and stated that after checking with the Senior Solicitor, he could advise that the Constitution did not require a reason to be stipulated on a call-in, and in this particular call-in no reason had been given.

The meeting commenced at 2pm and closed at 2.55pm

Chair:

Date: