

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETING

Virtual Meeting via Zoom with Public Access via YouTube
<https://tinyurl.com/TorridgeYouTube> - <https://tinyurl.com/TorridgeYouTube>

Monday, 14 June 2021 - 6.30 pm

PRESENT Councillor D Bushby (Chair)
 Councillor P Christie (Vice-Chair)

Councillors R Boughton, D Brenton, C Bright, M Clarke,
 R Craigie, A Dart, J Gubb, P Hackett, P Hames, S Harding,
 C Hawkins, R Hicks, C Hodson, D Hurley, T Inch, K James,
 D Jones, S Langford, N Laws, C Leather, R Lock, J Manley,
 D McGeough, J McKenzie, S Newton, P Pennington, P Watson
 and R Wiseman

ALSO PRESENT S Hearse - Chief Executive
 S Dorey - Head of Legal & Governance (Monitoring
 Officer)
 S Kearney - Head of Communities & Place
 D Heyes - Finance Manager (Section 151 Officer)
 J Williams - Public Health & Housing Manager
 T Vanstone - Senior Electoral & Democratic Services
 Officer
 K Brown - Democratic Services Officer
 K Hewlett - Electoral and Democratic Services Officer
 M Richards - Democratic Services Officer

Also present via Zoom Non-elected Members Mr S Dengate and Mr I Harper

184. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brown, Cottle-Hunkin, Ford, Hepple, Hutchings and Rossi.

185. COUNCIL MINUTES

It was proposed by Councillor Brenton, seconded by Councillor McGeough and -

Resolved: That the minutes of the extraordinary meeting held on 29 March 2021 be confirmed as a correct record and signed by the Chair.

(Vote: For 28, Against 0, Abstention 1)

It was proposed by Councillor Brenton, seconded by Councillor McGeough and -

Resolved: That the minutes of the meeting held on 12 April 2021 be confirmed as a correct record and signed by the Chair, subject to the vote in minute 180: Covenant for the Hotel Site Westward Ho! being amended to correctly reflect Councillor Manley abstaining.

(Vote: For 28, Against 0, Abstention 1)

It was proposed by Councillor Brenton, seconded by Councillor McGeough and -

Resolved: That the minutes of the Annual General Meeting held on 26 April 2021 be confirmed as a correct record and signed by the Chair.

(Vote: For 26, Against 0, Abstention 3)

186. PUBLIC CONTRIBUTIONS

There were no public contributions.

187. 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.

188. AGREEMENT OF AGENDA ITEMS PART I AND II

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

Resolved:

That the agenda as circulated be agreed.

(Vote: For – unanimous)

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

There were no matters brought forward.

190. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Questions had been submitted under Procedural Rule A9 by Councillors Ford, Christie and Hicks.

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

Question from Councillor Ford

Please could you put forward the following question.

Having had several in depth and positive meetings with the Chief Exec in recent weeks, I was informed that DBS are on a voluntary basis. I was wrongly of the opinion they were compulsory. Could this council make them mandatory as soon as possible as to adhere to best practice, may I suggest it would be appropriate for Cllr. Hackett to forward a notice of motion at the next full council to enact this change? However, if this is not acceptable I will introduce a motion in my name.

Response

I have copied below an extract from TDCs Constitution, which details the position on DBS checks for Councillors.

It's contained within our Member Code of Conduct

“Councillors are expected and encouraged to undertake DBS checks and a record of those undertaken will be published on our website”

It was previously debated at Full Council back in 2018 when the intention was to make it mandatory, but we have found that it is not possible hence the entry in the members Code of Conduct. The minutes from that meeting are:

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.

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)

As mentioned above we did explore whether could make them compulsory for Councillors as is the case for officers within relevant posts. This point was

discussed when the amendments were presented to FC in September 2020 and through the Constitution WG. It was originally in the Constitution as mandatory but was amended in the recent update because there's nothing we can do to make Members undertake DBSs.

In addition to that entry it is also recorded against each Councillors' profile on our website whether or not they have undertaken the check as highlighted below.

DBS Check: Completed

In the absence of Councillor Ford, the question and response were noted.

Question from Councillor Christie

This council has been given nearly £800,000 which has to be spent on repairing the riverside wall at Brunswick Wharf and officers have indicated they will be having talks with the developer of the Wharf site over possible changes to his plans in the light of this subsidy. Can officers say what they will be asking for?

Councillor P Christie
10 June 2021

Response

The announcement of funding was made last week and officers have only met briefly with the developer in advance of it being made public. We have asked that the developer considers the impact the injection of funding will have on the overall development.

Councillor Christie thanked officers for the answer and requested that the 3 East-the-Water Councillors be kept apprised of any discussions with the developer. Councillor Christie asked when the "Land Release" funding was applied for and when had it been signed off by members, as, in light of the fact that it concerned the sale of public land, there may well be material considerations in respect of planning.

The Chief Executive confirmed that a written response will be provided to Councillor Christie.

Question from Councillor Hicks

Re: Planning at Mambury Farm, East Putford
Planning Ref No. 1/1106/2020/FUL

“How does the Council justify taking 6 months and still making no decision in respect of a planning application for a slurry store which is desperately needed to avoid a pollution of water courses and an SSSI this winter?”

Councillor R Hicks

11 June 2021

Response

Application 1/1106/2020/FUL - Extension to agricultural building and creation of slurry pit at Mambury Farm, East Putford.

The site (Mambury Farm) is within close proximity to Mambury & Stowford Moors Site of Special Scientific Interest (SSSI), Thorn & Doves Moors SSSI, Kismeldon Meadows SSSI and Bradworthy Common SSSI, which are all component site if the Culms Grassland Special Area of Conservation (SAC). These important areas are sensitive from air pollutants such as can be associated with the development proposed. The closest being the Mambury and Stowford Moors SSSI/Culm Grassland SAC within 600m. Manure stores are a major source of emissions of ammonia which is directly toxic to vegetation. Ammonia is also a major contributor to the deposition of nitrogen, which reduce habitat biodiversity.

Natural England in their consultation response dated the 21st December 2020, advised this application contains insufficient information to enable Natural England to provide a substantive response. In this case there is insufficient information provided in relation to air quality impacts.

The increase in slurry storage (which this application is proposing) means a greater surface area of slurry which means an increase in ammonia emissions and the potential for greater air quality impacts on designated sensitive site (such as the SSI and SAC).

Natural England have requested a SCAIL (Simple Calculation of Atmospheric Impact Limits) measurement for the extension to an agricultural building and slurry pit and the existing farm holding. Natural England have confirmed they need to assess the ‘in combination’ air quality effect. This is necessary because the background at the SSSI is already high, so it’s required to assess where it’s coming from/looking at everything that is potentially causing that exceedance. It’s also necessary as evidence to enable TDC as Local Planning Authority to do their Habitat Regulations Assessment.

Natural England (Clare Guthrie) has justified their request for more information and advised this proposal is similar in many ways to other high profile cases such Beckland Farm that Torridge DC has previously dealt with. The principles and approach with regard to air quality assessment are well established.

From reviewing the case officer notes, a request for this additional information has been consistently requested since January 2021. Without this information, Natural England have confirmed they may need to object to this proposal.

The agent e-mailed the case officer on the 7th June 2021, who advised an Environmental Consultant is preparing a full SCAIL measurement for the whole farm to send to Natural England.

Once the case officer has been provided the SCAIL measurement/Assessment this will be forwarded to Natural England for further comments. The case officer is aware that there are mitigation measures that Natural England could suggest to reduce the air quality impact, eg, putting a lid on the slurry pit or re-locating this away from the SSSI. The case officer will have a proactive discussion with Natural England to move this case forward once an 'in combination' SCAIL measurement has been submitted.

To sum up, Natural England advise that there is currently not enough information provided in the application to determine whether the likelihood of significant effect can be ruled out to the SSSI and SAC. The agent has agreed (on the 7th June 2021) to do a whole farm SCAIL measurement to move this application forward.

Councillor Hicks explained that this very large dairy farm was trying to deal with the water pollution problem and had submitted a planning application in December 2020 and suggested that TDC's officers need to get the necessary knowledge to proceed themselves and not rely in natural England.

191. TDC CARBON PLAN

The Public Health & Housing Manager presented the report, the purpose of which was to seek approval by Full Council for a Carbon, Environment and Biodiversity Plan for Torridge District Council.

Councillor Pennington declared a personal interest and took part in the discussion.

As Councillor Hames is the Lead Member for Climate Change he was invited to speak. He expressed his gratitude to the Public Health & Housing Manager for the Plan and that it is a brilliant piece of work. Thanks was also given to the Members of the Climate Change Working Group for their help and input and looks forward to working with the new joint Climate Change & Sustainability Officer.

Confirmation was given to a query surrounding offsetting, it will be part of the Carbon Plan to help reach the carbon-neutral target by 2030 with the Carbon Audit being a priority for the new joint Climate & Sustainability Officer.

In response to queries, the Public Health & Housing Manager confirmed clarification will be sought from Devon County Council on the duplication of Agriculture and Forestry on the graph on page 83 of the report, flexible working is being reviewed and lobbying opportunities will arise through the review of the Local Plan.

It was proposed by Councillor Hames, seconded by Councillor Laws and -

Resolved: That the Carbon, Environment and Biodiversity Plan for Torridge District Council be approved.

(Vote: For 27, Against 2, Abstention 0)

Councillor Dart joined the meeting at 7:05pm.

192. COUNCILLOR ALLOWANCES

The Chief Executive presented the report, the purpose of which was for Members to consider the response of the Independent Remuneration Panel regarding Councillor Allowances.

It was proposed by Councillor Hodson, seconded by Councillor James and -

Resolved: That all recommendations be approved with an amendment to recommendation B that Vice Chairs of Committees continue to receive an allowance.

(Vote: For 13, Against 15, Abstention 2)

Motion lost.

Councillor Dart declared an interest as she is the Vice-Chair for Community & Resources Committee.

Suggestion was made that Lead Members receive a payment for their roles.

It was proposed by Councillor Newton, seconded by Councillor Christie and -

Resolved: That all the recommendations from the Remuneration Panel be adopted.

(Vote: For 15, Against 13, Abstention 2)

Motion carried.

193. PLAY STRATEGY

The Head of Communities & Place presented the report, the purpose of which was to seek a resolution following a difference of opinion on the allocation of a specific budget for the maintenance of play facilities between Community and Resources Committee and the Scrutiny Committees.

Confirmation was given that within the Play Strategy consideration will be given to disabled facilities and that existing equipment is repaired however there is no specific budget for play areas.

A debate then commenced with points and concerns raised as follows:

- Prioritise needs of the district.

- Assessments from outside contractors is required.
- Play equipment is removed not repaired.
- Communication with communities is required to establish responsibility and ownership.
- Progress in not quick enough.
- Concerns on the Play Strategy.
- Previous Tivoli report provides information on conditions of stock which could be used.

The Finance Manager (S151 Officer) explained the practicalities of setting a specific budget.

It was proposed by Cllr Leather, seconded by Cllr Langford and –

Resolved: That there be a separate budget allocated for play areas.

No vote was taken.

It was proposed by Councillor James, seconded by Councillor Newton and -

Resolved:

That the Community & Resources decision be accepted and that there be no specific maintenance budget for play areas.

(Vote: For 20, Against 10, Abstention 0)

194. NON-ELECTED MEMBERS ON INTERNAL SCRUTINY

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was for Members to reappoint the two non-elected Members on the Internal Overview & Scrutiny Committee.

Following a query, the Chief Executive advised clarity would be sought on whether an Independent Member's planning application should automatically go to Planning Committee.

An explanation was given by the Head of Legal & Governance (Monitoring Officer), in response to a query, on the re-election procedure for non-elected Members.

It was proposed by Councillor Newton, seconded by Councillor Bushby and –

Resolved:

That Members approve the reappointment of Mr Harper and Mr Dengate as non-elected representatives on the Council's Internal Overview & Scrutiny Committee.

(Vote: For – unanimous)

195. LEVELLING UP FUND AND COMMUNITY RENEWAL FUND

The Head of Communities & Place presented the report, the purpose of which outlined the proposals for Torridge District Council's final submission for the Levelling Up Fund to the Ministry of Housing Community Local Government for the regeneration of Bideford Town Centre, to request Full Council's commitment to the proposal and to agree to support the co-funding requirements of £3,311,560.

Following feedback from MHCLG following the future High Street Fund changes had been made to the scheme to make the bid more relevant to the Levelling Up Fund criteria and stronger overall.

Two elements were to be considered with the financial aspect being presented in Part II and the vote taken in Part I.

In response to a query, the Head of Communities & Place confirmed that the virtual "Town Hall" event held on 10th June had positive feedback from traders.

It was moved by Councillor James, seconded by Councillor Bushby and –

Resolved:

That Members:

- In consideration of the costs and risks associated with the project highlighted in Appendix A (Part 2)- financial sensitivity analysis which forecasts that investment costs of the project will be recoverable through returns approve;
 - That the Capital Programme be increased by £10.9 million covering the full cost of the scheme.
 - To underwrite the costs net of external grants of £3.3 million to fund the project and submit the bid to MHCLG.
 - That the funding requirement will take the form of external borrowing.
 - That the Council's external borrowing limit be increased by £3.3million to £9.9million

(Vote: For 29, Against 0, Abstentions 1)

196. EXCLUSION OF PUBLIC

It was moved by Councillor Bushby, seconded by Councillor Christie 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)

197. PART II - (CLOSED SESSION)

198. LEVELLING UP FUND AND COMMUNITY RENEWAL FUND - FINANCIAL ANALYSIS

The Finance Manager (S151 Officer) delivered a presentation outlining the financial implications depending on the amount of funding granted.

A discussion took place with explanations given to Members following questions and concerns raised.

Further reports will be presented at Full Council.

It was proposed by Councillor Bushby, seconded by Councillor Newton and -

Resolved:

That the press and public be readmitted.

(Vote: For – unanimous)

199. PETITIONS

There were no petitions.

200. NOTICES OF MOTION

There were no notices of motion.

The meeting commenced at 6.30 pm and closed at 8.23 pm

Chair:

Date: