

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdow Business Support Centre - Caddsdow Bideford EX39 3BEMonday, 31 July 2023 - 6.30 pm

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

Councillors S Andrews, L Bach, A Brenton, D Brenton, C Bright, L Bright, C Cottle-Hunkin, J Craigie, T Elliott, S Gibson, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, S Inch, K James, T Johns, C Leather, W Lo-Vel, R Lock, S Newton, P Pennington, L Piper, P Shepherd, D Smith and H Thomas

ALSO PRESENT	S Hearse	- Chief Executive
	G Bryant	- Finance Manager (S151 Officer)
	H Smith	- Planning Manager
	S Kearney	- Head of Communities & Place
	I Rowland	- Senior Planning Policy Officer
	A Redwood	- Property & Major Projects Manager
	J Wynn	- Estates Manager
	J Walter	- Strategy, Performance & ICT Manager
	S Cawsey	- Democratic Services Officer
	T Vanstone	- Senior Electoral & Democratic Services Officer

Prior to the commencement of the meeting, the Chair introduced Mr Gordon Bryant, newly appointed Finance Manager, to Members.

149. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Gubb, L Ford, A Dart, J Whittaker, C Wheatley and S Dorey (Head of Legal & Governance (& Monitoring Officer))

150. COUNCIL MINUTES

It was proposed by Councillor Lock, seconded by Councillor Hackett and -

Resolved: That the minutes of the meeting held on 19 June 2023 be confirmed as a correct record and signed by the Chair.

(Vote: For 27, Abstentions 2)

Matters Arising

Minute 141 – Purchasing Energy via Framework Agreement

Councillor Hames made a request for the new Finance Manager to attend a meeting of the Climate Working Group to discuss increasing the renewable energy element of our tariff.

151. PUBLIC CONTRIBUTIONS

Mr James Jackson addressed the meeting regarding the future of old Bideford Library.

All Councillors had received an email setting out details of the proposal which was to have the old Bideford Library and in parallel save a very large collection of art books. This has the potential to create a unique cultural resource for the town. The Bideford Library had been gifted to the town by the Carnegie Foundation in 1900.

Mr Jackson proposed that this project, if acceptable, be achieved at no cost to TDC due to external funding.

Mr Jackson put forward a number of questions for consideration by Members. Details of his past employment, qualifications and his expertise to bring this project to a satisfactory conclusion were conveyed to Members.

Discussions had taken place with Mr John Hart, Leader, Devon County Council, who had indicated his support providing TDC agree with the project.

152. 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.

153. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

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

There was no other correspondence or business brought forward by the Chair.

155. JOINT PROTOCOL FOR DEALING WITH UNAUTHORISED ENCAMPMENTS

The Chief Executive presented the report, the purpose of which was for Members to review the Devon and Cornwall Police and Devon Local Authorities Joint Protocol for dealing with Unauthorised Encampments.

The Protocol only refers to Authority land and because TDC does not have a trespass site, powers are restricted.

Inspector Ewan Seear addressed the meeting and responded to questions and concerns raised by Members. Reference was made to the recent encampment at Victoria Park and the wording in the Protocol “it is for the Police to determine what constitutes a significant impact”. Inspector Seear described what represents a significant impact, and referred Members to the Appendices attached to the Protocol which sets out the key powers that are used to move an unauthorised encampment. Emphasis was made on the need for joint working when there is an unauthorised encampment.

There was concern raised that the Protocol omitted to include the powers of the Town and Parish Councils. Inspector Seear explained it is a similar process – Town or Parish Council would need to seek the usual powers through the Magistrates Court and the Police would continue to monitor the situation. The Chief Executive explained that for Town and Parish Councils the responsibility lies with the landowner, TDC only has powers for its own land.

The Chief Executive explained the process the Council must adhere to, but with a trespass site Officers could start the process much sooner. Sites have been brought forward over the last couple of years but had not been approved by Members.

Members acknowledged there is a need for a site to be found as a matter of urgency.

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

Resolved:

That the Joint Protocol for dealing with Unauthorised Encampments giving a helpful framework for both the Council and the Police making the procedure and legislation clear on how to deal with unauthorised encampments be approved.

(Vote: For 28, Abstentions 3)

156. APPOINTMENT OF MEMBERS TO WORKING GROUPS

The purpose of the report, presented by the Chief Executive, was for Members to consider the approval of the appointment of an additional Member for the Harbour Board.

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

Resolved:

1. That the number of Members be amended from 5 to 6, and

2. That Councillor D Brenton be appointed as the sixth Member to the Harbour Board

(Vote: For 30, Abstentions 1)

157. STRATEGIC PLAN UPDATE

The Chief Executive introduced the item and informed Members that the purpose of the report was to present the proposed timetable for the development and approval of the Strategic Plan.

The Chief Executive reminded Members of the Strategic Plan Workshop scheduled for Monday 14 August. All Members were encouraged to attend and to return the Survey emailed to them by the Leader.

Councillor James addressed the meeting and reiterated the importance of Members attending the Workshop. Members were informed that the Council has been identified to receive the Levelling Up Fund because of being a deprived area, and it is for Members to drive forward to ensure it will not continue to be a deprived area.

Councillor Thomas referred to the Environment Centre listed on the current work programme and suggested it should be renamed to “a depot”. The Chair explained that although it started out as an environment centre, over time and for a number of reasons, mainly financial, changes had been made. Officers to look into changing the name to a depot.

Councillor Christie mentioned Devolution, listed under Opportunities for consideration in the report, and asked that an update report be presented to Members.

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

Resolved:

- That the report, timetable and opportunities for Torridge be noted.
- That the timeframe and rolling nature of the Strategic Plan to a five-year rolling basis be approved.

(Vote: For – Unanimous)

158. UPDATING THE NORTH DEVON AND TORRIDGE LOCAL PLAN

The purpose of the report, presented jointly by the Planning Manager and the Senior Planning Policy Officer, was for Members to consider the approach to undertaking an update of the North Devon and Torridge Local Plan.

Councillor James addressed the meeting and highlighted the reasons as to why a Full Review and a new Local Plan should be undertaken.

Following the debate, it was proposed by Councillor James, seconded by Councillor Christie and –

Resolved:

That the appropriate approach to updating the North Devon and Torridge Local Plan was to undertake a Comprehensive Full Review with a new Local Plan.

(Vote: For -Unanimous)

159. HOUSING

The Chief Executive explained that a report had been brought to Members to update them on the Provision of Housing Project; our Homelessness provision and grant/funding opportunities and for Members to decide the next steps.

A slide presentation was given which highlighted the key elements of the report.

The following issues/concerns were raised during the debate:

- Councillor Christie referred to the LAH1 – Afghan & Ukraine Fund – and the condition of the scheme to provide a four bed property. The Major Project Manager advised that Officers have looked at properties in and around the Bideford area specifically to meet the Grant requirements that are stipulated for a 4 bed property and without excessive work but also has reasonable environmental standards and low running costs for the end user.
- Ward Member views had only been asked for Pynes Lane. Ward Member views had not been asked for the other sites. The Chief Executive explained that a project for the other sites had not yet been developed and Officers are currently only identifying the one site. A report will need to be brought back once looking to develop. Councillor Bushby advised that when a Plan is put forward, Ward Members will be consulted.

Following an enquiry from Councillor Lock, the Chief Executive explained that because of the work being undertaken at Sully House, it would not be safe to occupy the modular units situated on that site at this time. They are ready to be occupied as soon as the work is complete on Sully House.

Councillor Cottle-Hunkin proposed the following amendment:

“That the Council put out a request to Landowners to come forward with potential land for Community Land Trust, for consideration”.

Following comments/advice from Councillor Newton, Councillor Cottle-Hunkin withdrew her amendment.

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

Resolved:

Provision of Housing Project:

- A That Officers be authorised to focus on the five sites that have been ranked and assessed as green (phase 1) in the report. The sites are:
- Pynes Lane Garages, Bideford (High View)
 - Land at the Crescent, Langtree
 - Garages, Tuckers Park, Bradworthy
 - Jackets Lane, Northam
 - Land at Cleave Wood, Bideford East
- B That Officers be authorised to focus on the sites ranked and assessed as amber (phase 2) in the report on conclusion of the sites in A (above). The sites are:
- Windmill Lane Officer and Car Park, Northam
 - End of Ethelwynne Brown Close, Bideford
- C That Officers be authorised not to progress the sites ranked and assessed as red in the report. The sites are:
- Bone Hill Car Park, Northam
 - Part of South Street Car Park, Great Torrington
 - Land at Cliveden Road, Bideford East
 - Springfield Car Park, Chanters Road, Bideford
- D That the submission of a planning application for the siting of modular units on the Pynes Lane (High View) site be approved
- E That the submission of a planning application for the siting of modular units for any of the other sites as authorised in “A” (with the exception of Cleave Wood which has outline planning permission and a receipt is included in the MTFP) above should funding become available

Investment with Department for Levelling Up, Housing and Communities - RSAP

- F That 6 temporary accommodation modular units by match funding the £500k contribution from the Department for Levelling Up, Housing and Communities plus an additional 5% contingency, taking the total cost of the project to £1.05m be provided. The Council's contribution being funded from the identified reserves, and utilisation of available capital reserves.

Local Government Housing Fund 1

- G That the grant of £481K and match fund with £721K (60%) plus a 5% contingency, to provide three modular properties and a four-bedroom property be accepted. The total cost of the project is £1.26m, the council's

contribution being funded from the identified reserves, and utilisation of available capital reserves.

Capital Programme

H That £2.311m be added to the Capital programme for the 6 modular units at Pynes Lane, 3 modular units at Sully house and a 4-bed property to be purchased from the local market. To be funded by a £500K grant (RSAP), a £481K grant (LAHF1), £80K grant (BLRF – TBC), £839K of identified reserves (including £293K from the 22/23 surplus) and £411K from general capital reserves.

(Vote: For 29, Abstentions 2)

160. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

There were three questions submitted under Procedural Rule A9.

In accordance with the Constitution a written answer to each of the questions had been circulated to Members.

Question from Councillor Lo-Vel

I understand that when charities apply to use the full length of the Quay they are charged the equivalent of the full hourly rate for the whole day for the car park i.e. £540 even though Torridge's own figures for the last five years show that the highest Sunday income for this car park in July was £285. Could Officers please explain this anomaly?

Councillor Lo-Vel
3 July 2023

Answer

All events that require exclusive use of a car park are required to pay the Council a fee equivalent to what the Council might earn from that car park on that day. Cllrs who wish to be supportive are able to discount any fees for a charity event through the use of Councillor Grant. This has been the policy position of the Council for some years.

The £285 figure quoted is not recognised as a maximum Pay and Display income on any Sunday in July over the past 5 years. An example is that on Sunday 17/07/22 pay and display takings were £356.

Question from Councillor Thomas

There has been huge concern in Bideford over whether or not Torridge District council and/or the police could have done more to deal with the situation after a group of travellers set up camp in the town's Victoria Park.

However, regardless of whether or not appropriate action was taken, I'm concerned about the lack of communication with both the people of Bideford and elected local representatives.

All Councillors received an email on Monday from Staci Dorey regarding the situation, which also included a copy of a release issued on Saturday night – although it did not state who received this release. Local Councillors did not.

Given that this encampment arrived in the centre of Bideford and soon generated very heated reports on social media, with widespread reports of anti-social behaviour, threatening behaviour, vandalism and theft – even if grossly exaggerated or wrongly attributed – it should have been very clear to TDC that this was a major public concern in Bideford.

If the Council were unable to take action, or thought action was not practical/realistic, do you not think they should have communicated this with the public – and to Councillors so that they could better explain the situation?

If the Council could have taken action but chose not to, should Councillors not have been informed as a priority?

Do you not feel that the handling of this incident reflects badly on TDC?

Councillor Huw Thomas
17 July 203

ANSWER

There are specific laws that we as a Local Authority have to comply with covering and protecting both our settled community and the travelling community.

During the week following the arrival of the travellers there were no specific decisions that were made around taking / not taking action, and by action I presume from the question that to be in relation to eviction proceedings. There were numerous postings on social media that were not backed up factually, and or, accurately in terms of police evidence and adding further social media posts could have served in all likelihood to enflame matters further. Therefore, in the circumstances the handling of the situation was dealt with in the interests of all those involved.

Councillor Thomas referred to the answer given and pointed out that his question was not about the process. The answer refers to what the Council would do, whereas the question relates to better communicating situations to Members and the public and to explain why the Council cannot do certain things. Members should be briefed when situations like Victoria Park arise.

Question from Councillor Hames

Please provide a report on progress regarding restoration to working order of the EV charging points in TDC car parks which are currently out of action.

ANSWER

The Council is in the process of reviewing the EV provision within its owned estate and will bring a recommendation for the provision of EV charging (targeted for this autumn).

The starting point has been to discuss, with the current EV provider, the working reliability of the EV points in our car parks and to seek improvements on that front. There are currently 4 EV charging points on Council car parks, all working intermittently, and this is considered less than satisfactory.

Councillor Hames enquired as to whether this matter would go to the Councillor Climate Working Group. The Head of Communities & Place advised that it could with agreement of the Chair. The Parking Team had said issues with the charging points were intermittent and discussions have been taking place with the Company involved. Details will be included in the report to come back to Members.

161. **SOUTH STREET CAR PARK, GT TORRINGTON (PETITION)**

The Chief Executive clarified the position with three Petitions that had been received.

To trigger a Full Council debate, a Petition must have 2000 or more signatures – each of the Petitions submitted had less than 2000. A significant number of those who signed the Petitions were outside of the Torrington area and therefore not accepted.

Two of the Petitions had different views and the number of signatures could not be added together. Reference was made to planning proposals. No proposals had been submitted at this stage.

162. **NOTICES OF MOTION**

There were three notices of motion.

(a) **Written Notice of Motion from Councillor Pennington**

I propose that when Full Council is meeting at Caddesdown when Members are speaking they are given access to microphones.

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

Resolved:

That the Senior Elections and Democratic Service Officer look into having a better microphone system fitted.

(Vote: For 25, Against 2, Abstentions 4)

(b) Written Notice of Motion from Councillor Bushby

Over the last few years I have become increasingly concerned by the perceived neglect of some of our most important public spaces. Whether it be because of staffing shortage or initiatives like No Mow May I find it unacceptable that our parks, prominent verges and busy public spaces are not maintained as a priority.

Where areas of grass or verge are left to grow, they not only become unsightly, but they gather litter, dog mess and become inaccessible to our taxpayers. When they are then eventually cut it takes a far greater effort to bring them back to a condition that they should be in. The financial savings, habitat and biodiversity benefits of not maintaining these spaces are negligible but the negative pride of place, economic and health and wellbeing impacts are huge.

I propose a notice of motion that ensures that our parks, prominent public spaces are maintained to make them accessible to all at all times of the years and that initiatives to reduce carbon footprint or improve habitat and biodiversity are concentrated in the numerous pieces of land that the Council owns that are not so important to communities and the economy.

A brief discussion followed when it was recommended that the Motion be taken to the Councillor Climate Working Group, and for the Group to more importantly consider areas such as town centres and cemeteries are maintained.

It was proposed by Councillor Bushby, seconded by Councillor Leather that the matter be taken to the Councillor Climate Working Group to consider not cutting certain areas.

(Vote: For 18, Against 7, Abstentions 6)

(c) Written Notice of Motion from Councillor Bushby

Following the recent unauthorised traveller encampment on Victoria Park in Bideford that caused so many problems for Bideford residents and resulted in the early exit of the fair from town, I propose that all efforts are made as a matter of urgency, to secure the perimeter of the park to prevent further encampments.

Officers had completed the boundary works, therefore Councillor Bushby withdrew his Notice of Motion.

The meeting commenced at 6pm and closed at 9pm