

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdow Business Support Centre - Caddsdow Bideford EX39 3BEMonday, 19 February 2024 - 6.30 pm

PRESENT Councillor D Bushby (Chair)
 Councillors S Andrews, L Bach, A Brenton, D Brenton, C Bright,
 L Bright, C Cottle-Hunkin, J Craigie, T Elliott, J Gubb, P Hackett,
 P Hames, S Harding, R Hicks, C Hodson, S Inch, K James,
 T Johns, C Leather, W Lo-Vel, R Lock, P Pennington, L Piper,
 D Smith, H Thomas, C Wheatley and J Whittaker

ALSO PRESENT S Hearse - Chief Executive
 G Bryant - Finance Manager (S151 Officer)
 S Hearse - Chief Executive
 S Dorey - Head of Legal & Governance (Monitoring
 Officer)
 S Kearney - Head of Communities & Place
 P Hudson - Senior Capital Accountant
 T Vanstone - Senior Electoral & Democratic Services
 Officer
 S Cawsey - Democratic Services Officer
 G Batten - Principal Accountant

243. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C Hawkins, P Shepherd, S Newton, K Hepple, S Gibson, P Christie, L Ford and A Dart.

244. PUBLIC CONTRIBUTIONS

Mr Jonathan Richards addressed the meeting regarding the issue of potholes in both the urban and rural areas.

Mr Richards was of the opinion that the problem with potholes was being approached from the wrong direction and that prevention is better than cure. Many of the potholes are caused by excess water eroding the carriageway and there is a need to ensure drains, ditches and culverts are kept clear throughout the year. Devon County Council is responsible for the roads and have now acknowledged the issues and are budgeting a further £1.5m to be spent on drainage and potholes.

Mr Richards explained how, at present, the clearance of drains etc is undertaken. He believed it would be more cost effective for someone local to look after a number of parishes and to deal with unblocking drains etc. on the minor roads. Major work and major roads will require larger equipment as currently used.

Mr Richards regularly clears ditches and drains in his area to ensure there is little road damage as possible.

In conclusion, Mr Richards suggested that Torridge District Council and Devon County Council consider the appointment of local lengths men to cover a number of parishes. It would make financial sense to put local knowledge to good use and enable prompt action when the need arises.

245. 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.

246. AGREEMENT OF AGENDA ITEMS PART I AND II

There is one Part II item. Due to sensitive and confidential information an A9 question will be presented in Part II.

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

Resolved:

That the Agenda as circulated be agreed.

(Vote: For 22, Against 5)

247. 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.

248. BUDGET 2024/25, MEDIUM TERM FINANCIAL STRATEGY 2024/25 - 2028/29

The purpose of the report, presented by the Finance Manager & S151 Officer, was for Members to consider the recommendations from Community & Resources Committee on the 29th January 2024 as scrutinised by Internal Overview and Scrutiny on the 6th February 2023, in relation to the draft budget 2024/25 and to approve a budget and level of Council Tax level for 2024/25.

The Medium Term Financial Strategy (MTFS) indicates the possible extent of the budget and funding shortfall that the Council will face in the future. It is an aid in identifying the extent of service changes that the Council will need to make to achieve a balanced budget in each financial year up to 2028/29.

The slide presentation highlighted the salient points in the report and the challenges faced by Torridge Council. Members were also provided with reasons and rationale to support the recommendations in the report.

It was proposed by Councillor Bushby, seconded by Councillor James that the recommendations set out in the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
ANDREWS, S	X		
BACH, L	X		
BRENTON, A	X		
BRENTON, D	X		
BRIGHT, C	X		
BRIGHT, L	X		
BUSHBY, D	X		
CHRISTIE, P			
COTTLE-HUNKIN, C	X		
CRAIGIE, J	X		
DART, A			
ELLIOTT, T	X		
FORD, L			
GIBSON, S			
GUBB, J	X		
HACKETT, P	X		
HAMES, P			X
HARDING, S	X		
HAWKINS, C			
HEPPLE, K			
HICKS, R	X		
HODSON, C	X		
INCH, S	X		
JAMES, K	X		
JOHNS, T	X		
LEATHER, C	X		
LO-VEL, W	X		
LOCK, R	X		
NEWTON, S			
PENNINGTON, P	X		
PIPER, L	X		
SHEPHERD, P			
SMITH, D	X		
THOMAS, H	X		
WHEATLEY, C	X		
WHITTAKER, J	X		

Resolved:

- a) That Torridge's Band D Council Tax for 2024/25 be increased by (2.99%) from £184.00 to £189.50 per year
- b) That Torridge's Net Revenue Budget 2024/25 be £12.194m
- c) That the contributions to the Council's reserves as outlined in paragraph 11.4 be approved.
- d) That in light of the risks to the Council's finances identified within the report that the Member Working Group continue its work to bring the Council's budgets back into balance.

(Vote: For 27, Abstentions 1)

In addition to the above, Members noted the following:

The Chief Finance Officer (s151 Officer) assurance of the robustness of the budget 2024/25 set out in section 13 of the report.

Note the assumptions and forecast applied to develop the MTFs outlined in section 9 of the report.

Note the risks associated with the Budget 2024/25 and MTFs outlined in section 10 of the report.

249. CAPITAL PROGRAMME 2024/25 - 2028/29

The Deputy Section 151 Officer presented the report, the purpose of which was for Members to update the Capital Programme 2023/24.

The Capital Programme includes authorised projects which require updating due to inflationary pressures, along with new PIDs (Project Initiation Documents) which require authorisation from Members before inclusion.

A slide presentation highlighting the key points in the report was given.

Following discussion it was proposed by Councillor Bushby, seconded by Councillor Hodson and –

Resolved:

That the Capital Programme be updated to include:

- Wyse Thin Client PCs
- Community Land Trust (CLT) Revolving Loan Fund

(Vote: For 25, Abstentions 2)

250. TREASURY MANAGEMENT REPORT AND CAPITAL STRATEGY

This item was introduced by the Deputy S151 Officer who explained that the purpose of the report was for Members to consider the Treasury Management Strategy, Prudential Indicators and Minimum Revenue Provision Policy for 2024/25.

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

Resolved:

- That the Treasury Management and Investment Strategy and Counterparty List, Prudential Indicators and Minimum Revenue Provision Policy be approved.
- That the Capital Strategy be approved.

(Vote: For – Unanimous)

251. COUNCIL TAX RESOLUTION 2024/25

The purpose of the report, presented by the Finance Manager & S151 Officer, was to enable Members to calculate and approve the Council Tax requirement for 2024/25.

It was proposed by Councillor Bushby, seconded by Councillor James that the recommendation as set out in the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
ANDREWS, S	X		
BACH, L	X		
BRENTON, A	X		
BRENTON, D	X		
BRIGHT, C	X		
BRIGHT, L	X		
BUSHBY, D	X		
CHRISTIE, P			
COTTLE-HUNKIN, C	X		
CRAIGIE, J	X		
DART, A			
ELLIOTT, T	X		
FORD, L			
GIBSON, S			
GUBB, J	X		

HACKETT, P	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, G			
HEPPLER, K			
HICKS, R	X		
HODSON, C	X		
INCH, S	X		
JAMES, K	X		
JOHNS, T	X		
LEATHER, C	X		
LO-VEL, W	X		
LOCK, R	X		
NEWTON, S			
PENNINGTON, P	X		
PIPER, L	X		
SHEPHERD, P			
SMITH, D	X		
THOMAS, H	X		
WHEATLEY, C	X		
WHITTAKER, J	X		

Resolved:

That the formal Council Tax Resolution for 2024/25 as set out in Appendix 1 attached to the report be approved.

(Vote: For – Unanimous)

252. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

A Question had been submitted by Councillor Hames under Procedural Rule A9.

In accordance with the Constitution a written answer to the question had been circulated to Members.

Question from Councillor Hames

Given the size of the Middle Dock site in Appledore, its proximity to the estuary and a residential area and a number of public concerns about the proposed demolition why wasn't the demolition considered as part of the planning application for the Clean Maritime Centre?

Answer

On site demolition was arranged in advance of the determination of the planning application for the Clean Maritime Innovation Centre in order that the project can progress to the timeline dictated by the Levelling Up funding agreement. Demolition work needs to be complete before the nesting season and waiting until April, when the full planning application will be considered at committee, would have meant that demolition would not have been able to commence until September or October when the nesting season has ended. That length of delay would have compromised the deliverability of the entire project and, in any case, as the demolition work was considered permitted development it was logical that it could progress in advance of the determination of the future proposal for the site.

Councillor Hames asked the following Supplementary Question:

“Why was it not considered, when the decision was taken to go straight to demolition under permitted development, that public transparency should have been given full potential, so people within the community and Councillors on the Planning Committee could have raised concerns about the effects of the demolition on wildlife, possibly on asbestos and the implications of transport from the demolition site and also the impact on historic buildings on the site”.

The Chair advised Councillor Hames that a separate response would be provided.

A Question had been submitted by Councillor Pennington under Procedural Rule A9.

In accordance with the Constitution a written answer to the question had been circulated to Members.

Question from Councillor Pennington

How much is in the Members training budget.

Answer

The last two full years

21/22 – Budget £6000

22/23 – Budget £4000

23/24 – Budget £14,000

253. PETITIONS

There were no petitions.

254. NOTICES OF MOTION

(a) Written Notice of Motion from Councillor Pennington

I propose Torridge District Council exercises its planning functions according to the policy document.

PROBITY IN PLANNING. Planning Committee Code of Practice.

Particularly focusing on section 13. SITE VISITS

I further propose this apply to the Planning Committee meeting listed for the 7th March.

Background : Visits were suspended during Covid from March 2020 and not reinstated.

They are a vital tool to allow committee members to visit a site where it has been called in by elected members for a committee decision.

Torridge is at risk of challenge by an applicant or objector if it is shown it has not followed it's own policy

2. 2 of the code states " It could result in a decision being judicially reviewed or allegation of a breach of the Code of Conduct or a complaint of maladministration made to the Local Government Ombudsman"

Councillor Pennington withdrew his Notice of Motion stating that he had received advice from the Chair of Plans Committee prior to the meeting.

(b) Written Notice of Motion from Councillor Pennington

I propose:

1. That when an elected member holds a seat on the board of Active Torridge (AT) and is a chair on any committee on Torridge, when an agenda item which affects AT comes before any committee the relevant Chair steps down for any affected agenda item.
2. The Chair to remain as a member of the relevant committee to bring insight on the business being transacted.

In bringing forward this motion I seek to better implement 3 Nolan principles. Objectivity, Accountability and Openness.

Councillor Pennington presented his Notice of Motion.

It was proposed by Councillor P Pennington, seconded by Councillor D Brenton.

(Vote: For 5, Against 18, Abstentions 4).

The motion was lost.

(c) Written Notice of Motion from Councillor Piper

This council raises concern with Devon County Council over the level of maintenance of the highways, especially our 'A' routes and footpaths, across Torridge District. This goes beyond potholes, but into wider issues such as surface water drains, road markings, cats eyes and general pathway maintenance.

We have concerns over the apparent lack of response to issues reported via DCC reporting systems, and the lack of clarity on maintenance levels across both our urban and rural areas. Here in Torridge the poor state of our roads and footpaths is resulting in considerable worry from residents over safety, even in regular weather conditions. This is leaving people feeling isolated and disconnected from vital services. At our budget meeting tonight, we hear that 72% of our council tax goes to DCC and we are concerned that we are not getting the highways we need and pay for.

I propose we send a letter to DCC Highways raising our concerns and invite them to come to our External O&S committee to explain the policies and organisation they have in place for the maintenance of roads and footpaths in Torridge and explore options to overcome admitted service shortfall.

Councillor Piper presented his Notice of Motion.

Councillor D Brenton proposed suspending standing orders. This was seconded by Councillor A Brenton.

(Vote: For 3, Against 22, Abstentions 2)

Councillor Cottle-Hunkin proposed the following amendment to the Notice of Motion:

“To also invite the Leader and Chief Executive of Devon County Council to attend at Torridge District Council to see how comfortable they feel driving their own cars on our roads”.

A brief discussion took place.

It was proposed by Councillor Piper, seconded by Councillor Bushby that the Notice of Motion and the amendment as stated above be agreed.

(Vote: For – Unanimous)

255. EXCLUSION OF PUBLIC

It was proposed by Councillor Bushby, seconded by Councillor James 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 26, Abstentions 1)

256. PART II - (CLOSED SESSION)

257. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

A Question had been submitted by Councillor Thomas under Procedural Rule A9.

The Question and answer were presented.

During the discussion, the Chair clarified the reasons as to why the A9 question was in Part II.

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

Resolved:

That the meeting return to Part 1 and that any press and public be readmitted.

(Vote: For 27, Abstentions 1)

The meeting commenced at 6.30pm and closed at 7.55pm

Chair:

Date: