

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdow Business Support Centre - Caddsdow Bideford EX39 3BEMonday, 8 April 2024 - 6.30 pm

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

ALSO PRESENT S Hearse - Chief Executive
 S Dorey - Head of Legal & Governance (Monitoring Officer)
 S Kearney - Head of Communities & Place
 G Bryant - Finance Manager (S151 Officer)
 S Ayres - HR & Comms Manager
 P Gilbert - Public Health & Community Safety Manager
 A Redwood - Major Projects Manager
 T Vanstone - Senior Electoral & Democratic Services Officer
 K Brown - Democratic Services Officer

Four members of the public.

266. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: C & L Bright, S Inch, T Johns and L Piper.

267. COUNCIL MINUTES

It was proposed by Councillor R Lock, seconded by Councillor K James and -

Resolved: That the minutes of the meeting held on 19th February 2024 be confirmed as a correct record and signed by the Chair.

(Vote: For – 22, Against – 0, Abstention - 3)

Prior to the confirmation of the minutes of the Extraordinary Full Council meeting held on 11th March, Councillor A Brenton addressed the Committee expressing how

she felt the minutes were not strong enough when reflecting Members concern and consternation regarding the County Combined Authorities (CCAs).

It was proposed by Councillor P Hackett, seconded by Councillor K James and -

Resolved: That the minutes of the meeting held on 11th March 2024 be confirmed as a correct record and signed by the Chair.

(Vote: For – 20, Against – 0, Abstention - 6)

268. PUBLIC CONTRIBUTIONS

Tim Steer, the Vice Chair of the Tarka Rail Association addressed the committee expressing his thanks to all those that attended the Northern Devon Railway Development Alliance meeting on 1st March and the commitment shown so far to support the extension of the railway line. He also thanked the committee for the upcoming work to investigate the possibility of re-instating the rail link. He referred to the match funding by the Council and advised he would come back to the committee when he had confirmation of grant funding. Reference was made to Torrridge, being one of the nation's poorest areas and how low-quality transport contributed to this. He hoped this project would work with and towards the Levelling Up Partnership and Place Board and that the committee would support Councillor P Hames' Notice of Motion.

Mr D Willetts addressed the committee and started by stating that the minutes from the meeting held on 11th March were incomplete, particularly concerning items he raised about the way in which the grant is being approached. He mentioned how North Devon District Council had complained that they have been misled by the Leveling Up grant and how they are out of the Northeast Celtic Sea project which would see a loss of thousands of jobs. He expressed his opinions on the Levelling Up structure and felt the projects put forward, so far, would not qualify for the grant.

269. 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.

270. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

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

No matters were brought forward by the Chair.

272. PRIVATE SECTOR LEASES (ADDITION TO CAPITAL PROGRAMME)

The Finance Manager (S151 Officer) presented the report, the purpose of which was for Members to consider authorising the PID for Private Sector Leases (PSL). The Capital Programme includes new PIDs (Project Initiation Documents) which require authorisation from Members before inclusion.

It was proposed by Councillor D Bushby, seconded by Councillor K James and –

Resolved:

That the recommendation from Community & Resources on 4th March to update the Capital Programme to include Private Sector Leases be approved.

(Vote: For – unanimous)

273. PUBLIC SPACE PROTECTION ORDER - ANTISOCIAL BEHAVIOUR AND ALCOHOL CONSUMPTION

The Public Health and Community Safety Manager presented the report, the purpose of which was to seek variation and extension of the existing Public Spaces Protection Order in relation to Street Drinking Controls in a defined area (“the Specified Area”) of Bideford under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014.

It was confirmed that no further feedback had been received.

A brief discussion took place where it was confirmed that the PSPO does not currently cover the area that is potentially going to be transferred to the Rugby Club from TDC, however, this could be included in the future if issues arise.

In response to a question relating to complaints received on the Rugby field, the Public Health & Community Safety Manager could not confirm statistics however he did advise that complaints and instances of anti-social behaviour seen by CCTV had reduced by 54% in the PSPO and that PSPO areas are chosen based on evidence of anti-social behaviour.

Following queries raised, the Public Health & Community Safety Manager confirmed that statistics show that the PSPO does work. He advised of patrol work carried out and when funding is available, bids will be made for additional resources and assistance. It was stressed how important it is to report all instances.

Councillor C Cottle-Hunkin joined at 6.47pm.

Councillor R Hicks proposed that the recommendations in the report be approved along with an amendment that the PSPO area includes the Multi Use Games Area (MUGA).

Concern was raised by some Members to the lack of Police present in the area.

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

Resolved:

That the Public Space Protection Order in relation to Street Drinking Controls and Antisocial Behaviour for the specified area in Bideford is varied and extended in line with the proposal in Appendix 1 and, in addition, include the Multi Use Games Area (MUGA) be approved.

(Vote: For – 27, Against – 0, Abstention – 1)

274. LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to review the recommendation from the Standards Committee to adopt the Local Government Association's Model Councillor Code of Conduct.

Councillor L Bach, as Chair of the Standards Committee addressed the Committee advising how much work had gone into this document and moved the recommendation.

It was proposed by Councillor L Bach, seconded by Councillor K James and –

Resolved:

That the recommendations of the Standards Committee, to adopt the LGA's Model Code of Conduct with the agreed modification to include Councillor email address be approved.

(Vote: For – 27, Against – 1, Abstention – 0)

275. PAY POLICY REQUIREMENT OF THE LOCALISM ACT

Before the commencement of this item the Chief Executive, Head of Legal & Governance (Monitoring Officer), Head of Communities & Place and Finance Manager (S151 Officer) left the room.

The HR & Communications Manager presented the report, the purpose of which was to invite Members to agree to a Pay Policy statement, in accordance with the requirements of the Localism Act. The report does not ask Members to agree to any changes to any the Pay Policy or the remuneration of senior officers.

Councillor K James also addressed the Committee voicing his reasons for the policy to be approved.

It was proposed by Councillor K James, seconded by Councillor S Newton and –

Resolved:

That the Pay Policy be approved.

(Vote: For – 27, Against – 0, Abstentions – 1)

276. APPLEDORE MARITIME INNOVATION CENTRE UPDATE

The Major Projects Manager presented the report, the purpose of which was to update Members on the status of the project, the recent work completed on site at Middle Dock, the off-site work in progress and the next steps to bring the project forward.

Following the presentation Members were invited to ask any questions.

The Chair expressed how impressed he was at all the work carried out so far by the Major Projects Manager and his team.

In response to a query regarding the stature of the Marine Management Organisation, the Major Projects Manager confirmed that they are not a statutory body. They are an organisation that TDC must comply with their requirements as they govern work surrounding Coasts and Estuary.

It was confirmed that the planning application is running in parallel to assigning the contractor to maintain the programme.

The Major Projects Manager confirmed that an Ecologist had been on site during the demolition process and no concerns were raised regarding Bats.

Confirmation was given that the finer details for the building design were being worked through. The intention was to compromise on the overall building footprint without compromising on the net lettable space and the amendment was for efficiency and costs reasons. Any changes to the design would be discussed with the relevant Planning Officer.

Following a request for a further breakdown of the summary of spend, the Major Projects Manager advised this could be provided.

The report was noted.

277. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Questions were submitted by Councillor P Hames and Councillor L Ford.

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

Question from Councillor P Hames

An outline application for 36 houses at Wooda Road, Appledore was registered with this Council on 21 February 2022. As registration was over two years ago why hasn't the application been determined?

Cllr P Hames

Answer

The outline application is in the process of being determined. There have been ongoing discussions with the Applicant to ensure the Council can demonstrate it has acted reasonably should there be a future appeal.

Councillor P Hames asked the following Supplementary Question:

Given the excessive and unacceptable amount of time since the planning application was registered for 36 houses at Wooda Road, Appledore and repeated assurance to me over the period that determination was imminent can we be assured that determination will occur within the next month?

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

Question from Councillor L Ford

Please could the council explain to me and the electorate who decides on what questions are acceptable to be discussed and what is the process used and which councillors are consulted in said process.

Answer

Please see the below extract from the Constitution

A9 Written questions by Members

A9.1 Questions on notice at Full Council

Subject to Rule A9.3, a member of the Council may ask:

- a) the Chair; or
- b) the Chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the district.

A9.2 Questions on notice at committees

Subject to Rule A9.3, a member of the Council may ask the committee a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that committee.

A9.3 Notice of questions

A member may only ask a question under Rule A9.1 or A9.2 if either:

- a) they have given at least one clear working days' notice in writing of the question to Chief Executive; or
- b) the question relates to urgent matters and they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Executive and/or Democratic Services on the day of the meeting

Questions received and written answers (see A8.3(c)) shall be printed in order of their receipt and circulated amongst Members at the commencement of the meeting and no discussion shall be allowed upon the question or on the answer.

Written questions are to receive a written response.

A9.4 Supplementary question

A member asking a question under Rule A9.1 or A9.2 may ask one supplementary question without notice of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.

A9.5 Time Limits

Time shall be limited as follows:

- a) The questioner – one minute supplementary;
- b) The respondent - two minutes supplementary.

A9.6 Response

An answer may take the form of:

- a) a written answer provided for the meeting;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be provided for the meeting, a written answer circulated to the questioner within 5 working days.

The Constitution was voted on at Full Council.

Councillor L Ford did not ask a Supplementary Question.

278. **PETITIONS**

There were no petitions.

279. **NOTICES OF MOTION**

There were two notices of motion.

280. WRITTEN NOTICE OF MOTION FROM COUNCILLOR THOMAS

Our current First Past The Post (FPTP) system originated when voting was restricted to property-owning men. Under FPTP, votes do not have equal weight and many are wasted. This leads to voter apathy and disconnection from national and local democracy.

Proportional Representation (PR) ensures that all votes count, have equal value, and that seats won match votes cast.

The Single Transferable Vote (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland.

In 2021, the Welsh Assembly agreed to allow local authorities to choose to change their voting system to the STV system.

The introduction of PR for local elections in Scotland led to an increase in turnout, which was 44.8% at the last elections, held in 2022. In contrast, turnout for Torridge was 33% in the 2023 local district elections.

I propose that this Council resolves to:

1. Request the UK Government brings forward legislation to allow local elections in England to be run by a proportionally representative voting system.
2. Write to the Leader of the Opposition asking them to support the government if legislation is brought forward for the introduction of PR.

Councillor H Thomas presented his Notice of Motion.

It was proposed by Councillor H Thomas, seconded by Councillor D Brenton and –

Resolved:

That that Notice of Motion be approved.

(Vote: For - 12, Against – 14, Abstention – 2)

The Motion was lost.

281. WRITTEN NOTICE OF MOTION FROM COUNCILLOR HAMES

Given this Council's support for a revival of the Bideford to Barnstaple railway link it is proposed that, in common with other local councils, we now help to further that aim by joining the North Devon Railway Development Alliance.

Councillor P Hames presented his Notice of Motion stating that it should read Northern Devon Railway Development Alliance not North Devon Railway Development Alliance.

It was confirmed that a report would be presented to the Community & Resources Committee to establish any implications for TDC to join the alliance.

It was proposed by Councillor P Hames, seconded by Councillor D Brenton and –

Resolved:

That the Notice of Motion be approved.

(Vote: For – 19, Against – 4, Abstention – 5)

The Motion was carried.

282. EXCLUSION OF PUBLIC

283. PART II - (CLOSED SESSION)

The meeting commenced at 6.30 pm and closed at 7.26 pm

Chair:

Date: