

TORRIDGE DISTRICT COUNCILANNUAL GENERAL MEETING MEETINGCaddsdwn Business Support Centre - Caddsdwn Bideford EX39 3BEMonday, 20 May 2024 - 6.30 pm

PRESENT Councillors S Andrews, L Bach, A Brenton, D Brenton, C Bright, L Bright, D Bushby, C Cottle-Hunkin, J Craigie, A Dart, T Elliott, L Ford, S Gibson, J Gubb, 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, 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)
	A Redwood	- Major Projects Manager
	T Vanstone	- Senior Electoral & Democratic Services Officer
	K Brown	- Democratic Services Officer

56. APOLOGIES

The Chief Executive welcomed everyone to the meeting.

No apologies for absence were received.

57. ELECTION OF CHAIR OF THE COUNCIL

The Chief Executive invited nominations for Chair of the Council.

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

Resolved:

That Councillor D Bushby be elected as Chair of the Council.

(Vote: For - 33, Against - 3, Abstentions - 0)

It was proposed by Councillor D Brenton that Councillor C Hodson be elected as Chair of the Council. There was no seconder for this proposal.

It was proposed by Councillor L Ford that Councillor D Brenton be elected as Chair of the Council. There was no seconder for this proposal.

Councillor D Bushby read out the declaration of acceptance of office, signed the book and took the Chair.

58. ELECTION OF VICE CHAIR OF THE COUNCIL

Nominations were invited for Vice Chair of the Council.

It was proposed by Councillor D Bushby, seconded by Councillor J Gubb and –

Resolved:

That Councillor J Craigie be elected as Vice Chair of the Council.

(Vote: For – 15, Against – 21, Abstentions – 0)

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor S Newton and –

Resolved:

That Councillor D Smith be elected as Vice Chair of the Council.

(Vote: For – 20, Against – 9, Abstentions – 7)

It was proposed by Council L Ford that Councillor D Brenton be elected as Vice Chair of the Council. There was no seconder for this proposal.

Councillor D Smith read out the declaration of acceptance of office and signed the book.

59. PUBLIC CONTRIBUTIONS

There were no public contributions.

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

The Chair and committee welcomed Councillor T Tinsley to Torridge District Council.

Members were advised of a campaign that Active Torridge are promoting called Float to Live which advises people how to float in water if ever they find themselves in difficulty.

61. ELECTION OF THE LEADER OF THE COUNCIL

Nominations were invited for Leader of the Council.

It was proposed by Councillor P Pennington, seconded by Councillor C Hodson and –

Resolved:

That Councillor K James be elected as Leader of the Council.

(Vote: For – 31, Against - 4, Abstention - 1)

62. ELECTION OF DEPUTY LEADER OF THE COUNCIL

Nominations were invited for Deputy Leader of the Council.

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

Resolved:

That Councillor C Hodson be elected as Deputy Leader of the Council.

(Vote: For - 34, Against - 2, Abstention - 0)

63. SIZE OF COMMITTEES AND TERMS OF REFERENCE

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of the report was to confirm the size of Committees and their Terms of Reference.

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

Resolved:

That the size of Committees as stated in the report and the Terms of Reference as set out in Appendix 1 attached to the report be approved.

(Vote: For – 33, Against – 0, Abstentions - 3)

It was proposed by Councillor H Thomas that the Licensing Committee have 9 seats the same as the Plans Committee, however there was no seconder for this proposal.

The size of committees was distributed following the resolution of this item.

64. ALLOCATION OF SEATS TO POLITICAL GROUPS

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to agree the number of seats on the Committee allocated to each of the Political Groups.

It was proposed by Councillor K James, seconded by Councillor J Whittaker and –

Resolved:

That the number of seats on the Committees allocated to each of the Political Groups as detailed in the report be approved.

(Vote: For - unanimous)

65. MEMBERSHIP OF COMMITTEES

The purpose of this report, presented by the Head of Legal & Governance (Monitoring Officer) was for the membership of Committees to be agreed.

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

Resolved:

That the size of Committees as stated in the report and the Terms of Reference as set out in Appendix 1 attached to be delegated to Group Leaders.

(Vote: For - unanimous)

66. ELECTION OF CHAIRS AND VICE CHAIRS

Community & Resources Committee

Nominations were invited for the position of the Chair of the Community & Resources Committee.

It was proposed by Councillor K James, seconded by Councillor S Inch that Councillor R Hicks be elected as Chair of the Community & Resources Committee.

Resolved:

That Councillor R Hicks be elected as Chair of Community & Resources Committee.

(Vote: For - 35, Against - 0, Abstentions - 1)

Nominations were invited for the position of the Vice Chair of the Community & Resources Committee.

It was proposed by Councillor R Hicks, seconded by Councillor P Shepherd that Councillor A Dart be elected as Vice Chair of the Community & Resources Committee and -

Resolved:

That Councillor A Dart be elected as the Vice Chair of Community & Resources Committee.

(Vote: For - unanimous)

### Audit & Governance Committee

Nominations were invited for the position of the Chair of the Audit & Governance Committee.

It was proposed by Councillor C Hodson, seconded by Councillor K James that Councillor P Hackett be elected as Chair of the Audit & Governance Committee.

Resolved:

That Councillor P Hackett be elected as the Chair of Audit & Governance Committee.

(Vote: For – 34, Against - 1, Abstentions - 1)

Nominations were invited for the position of the Vice Chair of the Audit & Governance Committee.

It was proposed by Councillor P Hackett, seconded by Councillor J Gubb that Councillor D Brenton be elected as Vice Chair of the Audit & Governance Committee and -

Resolved:

That Councillor D Brenton be elected as the Vice Chair of Audit & Governance Committee.

(Vote: For - unanimous)

### Plans Committee

Nominations were invited for the position of the Chair of the Plans Committee.

It was proposed by Councillor S Newton, seconded by Councillor C Cottle-Hunkin that Councillor R Lock be elected as Chair of the Plans Committee.

Resolved:

That Councillor R Lock be elected as the Chair of the Plans Committee.

(Vote: For – 19, Against - 13, Abstentions - 4)

It was proposed by Councillor L Ford, seconded by Councillor J Craigie that Councillor C Leather be elected as Chair of the Plans Committee. As the first vote was carried no vote was taken on this proposal.

Nominations were invited for the position of the Vice Chair of the Plans Committee.

It was proposed by Councillor P Pennington, seconded by Councillor J Craigie that Councillor C Leather be elected as Vice Chair of the Plans Committee and -

Resolved:

That Councillor C Leather be elected as the Vice Chair of the Plans Committee.

(Vote: For – 21, Against – 15, Abstentions - 0)

It was proposed by Councillor H Thomas, seconded by Councillor C Cottle-Hunkin that Councillor P Hames be elected as Vice Chair of the Plans Committee. As the first vote was carried no vote was taken on this proposal.

### Licensing Committee

Nominations were invited for the position of the Chair of the Licensing Committee.

It was proposed by Councillor J Whittaker, seconded by Councillor R Lock that Councillor S Harding be elected as the Chair of the Licensing Committee.

Resolved:

That Councillor S Harding be elected as Chair of Licensing Committee.

(Vote: For – 7, Against – 26, Abstentions - 3)

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor W Wheatley that Councillor C Bright be elected as the Chair of the Licensing Committee.

Resolved:

That Councillor C Bright be elected as Chair of Licensing Committee.

(Vote: For – 21, Against – 14, Abstentions - 1)

It was proposed by Councillor J Craigie, seconded by Councillor P Pennington that Councillor S Inch be elected as the Chair of the Licensing Committee. As the previous vote was carried no vote was taken on this proposal.

Nominations were invited for the position of the Vice Chair of the Licensing Committee.

It was proposed by Councillor C Bright, seconded by Councillor J Gubb that Councillor S Inch be elected as Vice Chair of the Licensing Committee –

Resolved:

That Councillor S Inch be elected as the Vice Chair of the Licensing Committee.

(Vote: For – 25, Against – 2, Abstentions – 9)

It was proposed by Councillor S Newton, seconded by Councillor R Lock that Councillor S Harding be elected as Vice Chair of the Licensing Committee. As the previous vote was carried no vote was taken on this proposal.

#### Internal Overview & Scrutiny Committee

Nominations were invited for the position of the Chair of the Internal Overview & Scrutiny Committee.

It was proposed by Councillor R Lock, seconded by Councillor K James that Councillor S Newton be elected as Chair of the Internal Overview & Scrutiny Committee.

(Vote: For – 34, Against – 1, Abstentions – 1)

Nominations were invited for the position of the Vice Chair of the Internal Overview & Scrutiny Committee.

It was proposed by Councillor K James, seconded by Councillor S Newton that Councillor P Pennington be elected as Vice Chair of the Internal Overview & Scrutiny Committee and -

Resolved:

That Councillor P Pennington be elected as the Vice Chair of the Internal Overview & Scrutiny Committee.

(Vote: For – unanimous)

#### External Overview & Scrutiny Committee

Nominations were invited for the position of the Chair of the External Overview & Scrutiny Committee.

It was proposed by Councillor A Brenton, seconded by Councillor K James that Councillor C Cottle-Hunkin be elected as Chair of the External Overview & Scrutiny Committee and -

Resolved:

That Councillor C Cottle-Hunkin be elected as the Chair of the External Overview & Scrutiny Committee.

(Vote: For – 34, Against - 1, Abstentions - 1)

Nominations were invited for the position of the Vice Chair of the External Overview & Scrutiny Committee.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor P Pennington that Councillor A Brenton be elected as Vice Chair of the External Overview & Scrutiny Committee.

(Vote: For – unanimous)

#### Standards Committee

Nominations were invited for the position of the Chair of the Standards Committee.

It was proposed by Councillor K James, seconded by Councillor C Leather that Councillor L Bach be elected as Chair of the Standards Committee and -

Resolved:

That Councillor L Bach be elected as the Chair of the Standards Committee.



(Vote: For – 34, Against - 1, Abstention – 1)

Nominations were invited for the position of the Vice Chair of the Standards Committee.

It was proposed by Councillor L Bach, seconded by Councillor R Hicks that Councillor K James be elected as Vice Chair of the Standards Committee.

Resolved:

That Councillor K James be elected as the Vice Chair of the Standards Committee.

(Vote: For – 34, Against – 0, Abstentions – 2)

67. SCHEME OF DELEGATION

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was for Members to approve the Council's Scheme of Delegation.

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

Resolved:

That the Scheme of Delegation as set out in Appendix 1 attached to the report be approved.

(Vote: For – unanimous)

68. SUBSTITUTION SCHEME

The purpose of the report, presented by the Head of Legal & Governance (Monitoring Officer), was for Member approval to the Council's Substitution Scheme.

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

Resolved:

That the Substitution Scheme as set out in Appendix 1 attached to the report be approved.

(Vote: For – unanimous)

69. MEMBERSHIP OF OUTSIDE BODIES

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to agree the Membership of Outside Bodies.

Councillor P Hames proposed an amendment to the recommendations in the report that the Taw & Torridge Estuary Forum be added to the Outside Bodies list. Councillor A Brenton seconded the amendment.

(Vote: For unanimous)

It was proposed by Councillor K James, seconded by Councillor C Hodson that the Membership of Outside Bodies including the above amendment be delegated to Group Leaders.

Resolved:

That the Membership of Outside Bodies including the above amendment be delegated to Group Leaders.

(Vote: For - unanimous)

70. LEAD MEMBERS

The Chief Executive presented the report, the purpose of which was to approve Lead Members.

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

Resolved:

That the Lead Members roles and Lead Members be approved.

(Vote: For - unanimous)

71. APPOINTMENT OF MEMBERS TO ACTIVE TORRIDGE BOARD

The Chief Executive presented the report, the purpose of which was to approve the appointment of Members to Active Torridge Board.

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

Resolved:

That the appointment of Members to Active Torridge Board to remain as the previous year.

(Vote: For – 34, Against – 1, Abstentions – 0)

72. APPOINTMENT OF MEMBERS TO WORKING GROUPS

The Chief Executive presented the report, the purpose of which was to approve the appointment of Members to Working Groups for Property & Major Projects, Climate Change and Harbour Board.

It was proposed by Councillor K James that the recommendations in the report be approved. There was no seconder for this recommendation.

Councillor C Cottle-Hunkin proposed an amendment to the recommendations in the report that Councillor T Tinsley join the Harbour Board Working Group. Councillor S Andrews seconded the amendment.

It was proposed by Councillor C Cottle-Hunkin, seconded by Councillor S Andrews and –

Resolved:

That the amendment to the recommendations and the recommendations in the report be approved.

(Vote: unanimous)

73. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Questions were submitted by Councillors L Ford, H Thomas and A Brenton.

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

**Question from Councillor L Ford**

A9 please could the council tell me and the public who is our FOI officer as it appears to me [REDACTED] (*personal details of individual redacted (section 40 FOIA)*) was never replaced. This is non-compliant. Thanks again Lenny

Cllr L Ford

**Answer**

The Council does have a FOI officer and any FOI requests can be emailed to [FOI@Torridge.gov.uk](mailto:FOI@Torridge.gov.uk) where they will be dealt with in accordance of the requirements of the Freedom of Information Act.

Any concerns with the processing of requests and or challenges to the process followed can be escalated for review to Tom Vanstone [tom.vanstone@torridge.gov.uk](mailto:tom.vanstone@torridge.gov.uk) or Staci Dorey [staci.dorey@torridge.gov.uk](mailto:staci.dorey@torridge.gov.uk)

If Councillors or members of the public are still not satisfied with that response then this can be reported / complaint made to the Information Commissioner's Office <https://ico.org.uk/make-a-complaint/>

Councillor L Ford asked a supplementary question and was then advised by the Chair he would receive a written response within 5 working days, Councillor L Ford advised he did not want a written response.

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

**Question from Councillor H Thomas**

During 2023 this council was negotiating the purchase of land off Gammaton Road for the relocation of its Operational Services department.

Following the collapse of these negotiations, who made the decision, and under what authority, that the only alternative site to be put to councillors was the council-owned land off Alverdiscott Road, which is currently allocated for housing?

Cllr H Thomas

**Answer**

Full Council received a report 22 January 2024 with the option of using the site off Alverdiscott Road, which is in the ownership of Torridge.

Members of Full Council considered the report and approved progressing with the project to relocate the Council's Operational Services to that site.

Councillor H Thomas stated that the answer given was not relevant to his question which was specifically asking which Officer, Councillor or Committee made the decision, and under what authority, that the only alternative site to be put to councillors was the council-owned land off Alverdiscott Road.

The Chair offered advice on how the decision was made and the process that was followed. Councillor H Thomas asked for a written response detailing properly all that the Chair advised.

Councillor H Thomas did not ask a supplementary question.

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

**Question from Councillor A Brenton**

If outline planning permission has been given for a huge housing development, which will take 10 years to accomplish, and over those ten years, environmental conditions change and deteriorate, with potential occurrences arising which cause problems for the community: can Building Regulations be subsequently adapted/alterd be or amended in order to ensure that such major building projects do not go blindly ahead to the detriment of the surrounding area and the negative impact on local residents?

Cllr A Brenton

**Answer**

From a Building Regulations perspective, the following points may provide some clarification:

- The law applied is that in force on the date of application. Developers have three years to commence the plots or will need to re-apply for Building regulations approval.
- The laws applied to all building control projects are set by government with no local or regional discretion so any changes would need to be lobbied via the area MP.
- The Building Control Team look at the construction of the buildings and not how the site is run/ managed any impact on surrounding residents from noise/dust/traffic is dealt with via environmental protection legislation and/or planning enforcement in respect of compliance with conditions requiring adherence to a Construction Management Plan.
- As a Local Authority we are not the sole provider of Building Control services and large national housebuilders tend to use NHBC or others rather than local authority for building control as they can agree a national fee and inspection framework. We cannot control other Building control providers operation as they are private companies and as long as they adhere to the operational rules from the Building Safety regulator, they can service projects how they feel appropriate.

From a planning perspective, large outline applications can come forward over a period of years in line with the time condition on the consent. Outline permissions include conditions requiring details of phasing to be agreed and for strategic proposals for certain elements (e.g. public open space, housing mix, drainage) to be agreed via an overarching plan / technical details which each subsequent phase must comply with. Advice is taken from statutory consultees as necessary and relevant on matters such as highways, drainage etc. Reserved matters applications are usually submitted on a phased basis and once details are approved the Local Planning Authority is unable to retrospectively insist on changes / amendments coming forward. If it materialises that plans are not being followed or works are undertaken without consent, the Council is able to consider the use of planning enforcement powers.

If the Councillor has a specific outline permission they would like to discuss we would encourage them to come and speak directly with the Planning Team.

Councillor A Brenton did not ask a supplementary question.

74. **PETITIONS**

No petitions were received.

75. **NOTICES OF MOTION**

(a) Written Notice of Motion from Councillor H Thomas

This council believes its members are elected to represent and serve all residents of Torridge.

Councillors should, therefore, take a lead role in any decision that may affect the livelihood and welfare of Torridge residents and take ownership of these decisions rather than simply following a single path laid down by officers.

Based on this principle, full council should be given a report containing a minimum of three options for the future location(s) of Operational Services. This report should include details of the estimated costs, advantages and disadvantages of each option.

Discussion of which option to choose should be held in public session at full council, with a choice of recommendations based on these options. A recorded vote should be taken on any motion.

This principle should also be applied to all future projects developed by TDC that involve £2 million or more of council funds and/or involve building on council-owned land, the sale of council assets or major alterations to any council property.

Councillor H Thomas presented and proposed his Notice of Motion which was seconded by Councillor W Lo-Vel.

The Chair called for the vote, during which Councillor H Thomas requested a recorded vote be taken. The Chair advised that as the vote was already in process a recorded vote could not be taken.

It was proposed by Councillor H Thomas, seconded by Councillor W Lo-Vel and –

Resolved:

That the Notice of Motion be approved.

(Vote: For – 10, Against – 19, Abstentions – 7)

The motion was lost.

The meeting commenced at 6.30 pm and closed at 7.42 pm

Chair:

Date: