

TORRIDGE DISTRICT COUNCIL

INTERNAL OVERVIEW & SCRUTINY MEETING

Town Hall, Bideford

Tuesday, 29 September 2020 - 2.00 pm

PRESENT Councillor P Watson (Chair)

 Councillor P Hames (Vice-Chair)

 Councillors R Boughton, C Cottle-Hunkin, J Gubb, S Langford,
 J Manley, T Inch and S Newton

 Mr S Dengate and Mr I Harper

ALSO PRESENT S Hearse - Chief Executive

 S Dorey - Senior Solicitor & Monitoring Officer

 S Kearney - Planning & Economy Manager

 D Heyes - Interim S151 Officer

 T Vanstone - Senior Electoral & Democratic Services
 Officer

 M Richards - Democratic Services Officer

Councillors P Christie, C Hodson, D Hurley, N Laws, C Leather,
D McGeough and P Pennington

26. APOLOGIES FOR ABSENCE

There were no apologies for absence.

27. MINUTES

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

Resolved:

That the minutes of the meeting held on 18 August be agreed and signed as a correct record, subject to the following amendment:

18. Ethical Investments

Final paragraph to read – Mr Dengate asked that environmental, social and governance also be considered, not just the ethical element.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
CLLR BOUGHTON, R	X		
CLLR COTTLE-HUNKIN, C	X		
MR S DENGATE	X		
CLLR GUBB, J	X		
CLLR HAMES, P	X		
MR I HARPER	X		
CLLR INCH, A	X		
CLLR LANGFORD, S	X		
CLLR MANLEY, J			X
CLLR NEWTON, S	X		
CLLR WATSON, P	X		

(Vote: For 10, Abstentions 1)

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

Resolved:

That the minutes of the extraordinary meeting held on 15 September be agreed and signed as a correct record.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
CLLR BOUGHTON, R	X		
CLLR COTTLE-HUNKIN, C	X		
MR S DENGATE	X		
CLLR GUBB, J	X		
CLLR HAMES, P	X		
MR I HARPER	X		
CLLR INCH, A	X		
CLLR LANGFORD, S	X		
CLLR MANLEY, J			X
CLLR NEWTON, S	X		

CLLR WATSON, P	X		
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(Vote: For 10, Abstentions 1)

28. ACTION LIST

The following updates were provided:

Minute 8: 7 July 2020 - QBR Q4 -19-20: Torrington Pannier Market

- The works to the hoppers have been completed.
- The hoppers are as large as they can be due to constraints of the building.
- To alleviate flooding problems, any excess water is being diverted to other places and this has so far proved successful.
- The new lighting has been completed.
- There are currently no intentions to paint the front of the pannier market – it is not in the programme

Income Generation Task & Finish Group

A meeting has been convened for 13 October.

29. PUBLIC CONTRIBUTIONS

Mr Chris Murdoch read out a statement on behalf of Mr Alan Smith in relation to the call in of the Community & Resources' decision regarding the removal of a covenant on the hotel site, Westward Ho!

- The site had been sold by the Council to Westward Living 7 years ago.
- There had been allegations of corruption, which were unfounded, and despite a request for an enquiry this had not been carried out.
- £100,00 had been spent by the landowner on planning and site works.
- The site was too small to accommodate the ancillary offices and car parking needed to support a 15 bedroomed hotel.
- Car parking would have to be on adjoining land owned by Westward Living.
- Unsuccessful attempts had been made to find another developer – a hotel would need to provide at least 30 bedrooms and use of public car parks to be viable. As such, the land is valueless.

Reference was made to the debate and decision of the Community & Resources Committee.

The Committee heard that this year the site had been used as a beer garden attached to Westward Living's pub and restaurant and it was hoped this could be put in place again next year with, if possible, a partial, retractable, see-through roof being added. However, consideration was still being given as to how to develop the site – there were no firm plans.

Finally, if the covenant were to be removed, conversion of the site to residential could not be ruled out if no other viable options were found. Any development of the site would, of course, require the normal planning permissions and agreement to remove the covenant did not constitute planning approval.

The Chair thanked Mr Smith and Mr Murdoch.

30. DECLARATION OF INTERESTS

Members were reminded that declarations of interest should be made as and when the specific agenda item to which they related was under discussion.

31. URGENT MATTERS BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR

There were no urgent matters brought forward.

32. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

33. CALL-IN - COVENANT FOR THE HOTEL SITE, WESTWARD HO!

A report had been presented to the Community & Resources Committee on 7 September in relation the removal of a restrictive covenant on the hotel site in Westward Ho! This had been debated by the Community & Resources Committee and they had resolved that the removal of the restrictive covenant, in return for a capital receipt of £120,000.00 (One Hundred and Twenty Thousand Pounds) exclusive of all other costs, be refused. The decision had been called in by Councillors Bushby, Cottle-Hunkin, Harding, Jones and McGeough.

The Chair invited Councillors McGeough and Cottle-Hunkin to share with the Committee their reasons for the call in. Councillor McGeough stated he felt that the money being offered to remove the covenant provided a good capital receipt which could be used for the wider community. Furthermore, he did not see how retaining the covenant benefitted the people of Torridge. Councillor Cottle-Hunkin said she was unaware of any public objections to the removal of the covenant and that the debate and vote by Community & Resources had been very close and therefore, deserved further debate. She added that she did not know if there were still a need for a hotel in Westward Ho!

The Interim S151 Officer clarified that the money would be a capital receipt and could generally only be spent on capital. He also confirmed that there was a shortfall in the capital programme.

Councillor Inch proposed that the Community & Resources Committee consider removing the existing covenant and replacing it with a new covenant requiring the land to be used for commercial use only. He sought confirmation from the Senior Solicitor whether this would be permissible.

The Senior Solicitor confirmed that the recommendation could be made but the owner would need to consent to this. A further valuation would potentially be required as the existing one was based on removal of the covenant.

Justification was sought for continuing to retain a covenant on the site, especially as any decision about development of the site would be directed by the Plans Committee and the market.

The Senior Solicitor responded that the covenant had been imposed some time ago reflecting the views at the time and with the agreement of both parties, and the intention had been to build a hotel. She acknowledged that things had moved on and the owner was now of the opinion that such a development was no longer viable.

Councillor Hodson spoke, as Ward Member for Westward Ho! acknowledging the importance of representing the financial interests of the Council but also the interests of the electorate. Whilst canvassing during the last District Elections, Councillor Hodson had identified that many constituents were opposed to a hotel being erected on the square. The plans being discussed at that time were for a huge, multi-roomed hotel which would overwhelm the site.

Councillor Hodson which to have noted that she has never stated that she is against any more acceptable hotel development. She talked about the many planning applications and the reasons for the covenant. However and in light of the latest White Paper relating to planning, if the covenant were to be removed, Councillor Hodson felt the authority would be unable to refuse any future planning applications for an intensive development especially on a site which been previously earmarked for regeneration.

Councillor Hodson asked whether the short-term benefit of a capital receipt outweighed potentially unencumbered development of the site.

It was proposed by Councillor Newton and seconded by Councillor Boughton –

That:

The covenant be removed.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
CLLR BOUGHTON, R	X		
CLLR COTTLE-HUNKIN, C		X	
MR S DENGATE	X		
CLLR GUBB, J			X
CLLR HAMES, P		X	

MR I HARPER			X
CLLR INCH, A		X	
CLLR LANGFORD, S		X	
CLLR MANLEY, J		X	
CLLR NEWTON, S	X		
CLLR WATSON, P			X

(Vote: For 3, Against 5, Abstentions 3)

The motion was lost.

It was proposed by Councillor Inch and seconded by Councillor Hames –

That:

The Community & Resources Committee be asked to consider removing the existing covenant and putting on a new covenant requiring that the land be used for commercial use only.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
CLLR BOUGHTON, R	X		
CLLR COTTLE-HUNKIN, C	X		
MR S DENGATE		X	
CLLR GUBB, J			X
CLLR HAMES, P	X		
MR I HARPER			X
CLLR INCH, A	X		
CLLR LANGFORD, S	X		
CLLR MANLEY, J	X		
CLLR NEWTON, S	X		
CLLR WATSON, P	X		

(Vote: For 8, Against 1, Abstentions 2)

The motion was carried.

The recommendation will be put to the Community & Resources Committee and if

they are in agreement, negotiations will take place with the landowner. If Community & Resources Committee do not agree, the recommendation will go to Full Council.

34. CALL-IN - RENEWAL OF THE BURTON ART GALLERY & MUSEUM SERVICES AND FUNDING AGREEMENT

The decision of Community and Resources Committee on 7 September to approve the recommendations set out in the covering report had been called in by the Chair of Internal Overview and Scrutiny Committee.

The Chair explained that he had called in the decision of the Community & Resources Committee because, whilst acknowledging that funding for the first year had been budgeted for, as confirmed by the interim S151 Officer, he had concerns where the money will come from to fund the subsequent 4 years. The Chair added that the Community & Resources Committee had not discussed how the funding would be paid for.

The Planning & Economy Manager told the Committee that the Service and Funding Agreement formed part of the documentation supporting the recommendation. The Agreement contained a clause stating that Torridge District Council undertook to pay the Burton Art Gallery for 5 years, subject to overriding budgetary constraints.

As Ward Member, Councillor McGeough spoke strongly in favour of renewing the agreement. He added that Officers were tasked with deciding where the funding would come from and they would advise Members of the options.

Members discussed, putting following observations as follows:

- The Community & Resources Committee had given the proposal unanimous support
- The Burton Art Gallery provided an excellent service
- The loss of the Burton Art Gallery would have a negative impact on the economy
- The financial analysis in the original report had been comprehensive and the recommendation was that the contribution should be made
- Torridge owns the building and collections
- The amount to be paid going forward was less than in previous years
- The funding is discretionary and the ability to remain agile and flexible must be retained to be able to respond to changing priorities. An annual review was proposed.
- The funding provided by TDC opens up other sources of funding – match funding
- Quarterly business reports are provided by the Burton Art Gallery and published in the Members' Bulletin.
- The deeds do not allow an entrance fee to be charged

- The Burton Art Gallery should look at enhancing the outreach and education programmes. Specific feedback relating to more rural wards will be taken back to the responsible person at the Burton Art Gallery.
- External Overview & Scrutiny Committee scrutinise the Burton Art Gallery annually.
- Donations bring with them public engagement. More weight should be placed on this type of funding as the Burton Art Gallery did seem to rely heavily on grant funding, which was not always a given.

Judith Gentry of the Burton Art Gallery refuted the reference to the charity being self-sustaining at the end of the first 5 years. This had never been the intention. The Planning & Economy Manager reported that early negotiations had looked at true costs and the charitable trust was set up. For purposes of NPO status and other funding a longer-term agreement was better financially for both the Burton Art Gallery and the Council.

Covid-10 had impacted on the outreach programme, particularly stunting the new initiative of getting into care homes.

Ms Gentry was asked to explain some of the downward shifts within the financial performance, such as the shop, café and workshops. The cafe operates as a concession with a renewable agreement and a fixed rental agreement. Donations and legacies were showing a downward shift which was due to the charity having received a legacy when it was established. Donations are moving downwards nationally.

The Senior Solicitor told the meeting that she had be involved in the transfer of the trust and preparing the legal documents. She had approached this with a view to protecting Torridge District Council and clauses had been inserted to this end. However, she appreciated the need the longer-term security for the charity going forward which helped them tap into other funding which Torridge, as a Council, was unable to access.

It was agreed that the Committee accorded with the Community & Resources' decision.

Ms Gentry thanked the Committee and the Chair for the opportunity to address the meeting.

35. CONSIDERATION OF THE FORWARD PLAN

The Forward Plan was reviewed and items for forthcoming meetings agreed.

To be added – December meeting

The impact of Covid-19 in relation to working from home and Zoom meetings and potential savings which have been made, together with work/life balance.

The meeting commenced at 2.00 pm and closed at 3.40 pm

Chair:

Date: