

TORRIDGE DISTRICT COUNCILCOMMUNITY & RESOURCES MEETING

Virtual Meeting via Zoom with Public Access via YouTube  
<https://tinyurl.com/TorridgeYouTube>

Monday, 7 September 2020 - 4.00 pm

PRESENT                      Councillor R Hicks (Chair)  
                                     Councillor D McGeough (Vice-Chair)

Councillors D Brenton, C Bright, D Bushby, P Christie, A Dart,  
 J Hutchings, K James, N Laws, R Lock and R Wiseman

ALSO PRESENT:        S Dorey                      - Senior Solicitor & Monitoring Officer  
                                     S Hearse                    - Chief Executive  
                                     D Heyes                     - Interim S151 Officer  
                                     S Kearney                  - Planning & Economy Manager  
                                     A Redwood                 - Property and Procurement Manager  
                                     S Cawsey                    - Democratic Services Officer

Councillors C Cottle-Hunkin, C Hodson, D Hurley, S Langford,  
 C Leather, P Pennington and P Watson

24.     APOLOGIES FOR ABSENCE

No apologies for absence had been received.

24.     APOLOGIES FOR ABSENCE

No apologies for absence had been received.

25.     MINUTES

It was proposed by Councillor McGeough, seconded by Councillor Hicks  
 and -

Resolved: That the Minutes of the meeting held on 29 June 2020 and the Special  
 meetings held on 13 July 2020 and 17 August 2020 be signed as a correct record.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		

Dart, A	X		
Hicks, R	X		
Hutchings, J	X		
James, K	X		
Laws, N	X		
Lock, R	X		
McGeough, D	X		
Wiseman, R			X

(Vote: For 11, Abstentions 1)

## 26. ACTION LIST

Minute 75 - Councillor Hicks reported he had received complaints about the conditions at Torrington Cemetery.

Minute 95 – The Chief Executive responded to an enquiry from Councillor Bushby who had asked why there was a need to get detailed reports from other authorities. Members were advised that following a report presented to Community & Resources Committee which had recommended against setting up a direct labour force, Members had asked that Officer's look at what other Authorities were doing.

Councillor Christie referred to a suggestion he had made at an External Overview & Scrutiny Committee meeting that gardening services for the parks are taken back inhouse. He had received several complaints regarding the state of the parks in Bideford, particularly Victoria Park. This matter to be discussed in Part II under Agenda item 16.

## 27. PUBLIC CONTRIBUTIONS

The Chair, Councillor Hicks declared a prejudicial interest – had carried out work for the first speaker, Mr Smith – left the meeting. The Vice-Chair, Councillor McGeough took the Chair.

Mr Alan Smith addressed the Committee regarding Agenda item 9 – the removal of a covenant for the Hotel Site, Westward Ho! He confirmed that he had requested for this proposal to be openly considered in Part I of the meeting. Mr Smith outlined his reasons as to why the covenant should be removed, including that the Planning Permission for a hotel had not been welcomed by the Ward Members or local residents. If removed it would allow for the site to be used for an alternative development.

Mr Smith asked that if the removal of a covenant is refused, the reasons be recorded.

Mr Richard Wolfendon-Brown (Director & Live Event Programmer) and Mr John Eeles (Chair) addressed the Committee in relation to the financial position at the Plough Arts Centre. Although the Plough had remained closed since the Covid-19

lockdown had been announced, outdoor performances and other activities had been held, all of which had been well attended. The Plough is continuing to carry out cultural events.

The total funding received from all sources was in excess of £50,000. To date, match funding of Torridge's contribution had not been fully met - £1,500 had not been forthcoming from named funding bodies.

Mr Eeles and Mr Wolfendon-Brown acknowledged the excellent work carried out by the Burton Art Gallery but would like to see the Plough receive the same support which they feel is necessary at this point in time.

28. FORWARD PLAN

The Forward Plan was noted.

29. DECLARATIONS OF INTEREST

Declarations of interest were made when the specific agenda items to which they related were under discussion.

Councillor Laws recommended a change to the wording for Agenda item 6 – namely:

“..... describe the nature of their interest **prior to the item being discussed.**”

30. AGREEMENT OF AGENDA BETWEEN PARTS I AND II

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

Resolved: That the Agenda as circulated be agreed.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hicks, R	X		
Hutchings, J	X		
James, K	X		
Laws, N	X		
Lock, R	X		
McGeough, D	X		
Wiseman, R	X		

(Vote: For – Unanimous)

31. URGENT MATTERS OF INFORMATION TO BE BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

There were no urgent matters brought forward.

32. COVENANT FOR THE HOTEL SITE, WESTWARD HO!

Councillor Hicks declared a prejudicial interest – acts for Mr Smith on other matters – left the meeting and took no part in the debate and decision making.

The Vice-Chair, Councillor McGeough, took the Chair.

Councillor Laws declare a prejudicial interest – had previously objected to the site – left the meeting and took no part in the debate and decision making.

Councillor Lock sought legal advice on whether a Member sitting on Plans Committee could take part in the discussion and decision making of this item. The Senior Solicitor confirmed they are entirely separate issues - this report is in relation to the Authority as landowner only and there are no planning issues to be discussed at this meeting.

The Senior Solicitor presented the report, the purpose of which was to present to Members the opportunity to receive Capital Receipt, which would be generated by releasing the restrictive covenant on the property known as the Hotel Site on the Village Green in Westward Ho! The report is presented following repeated requests from the landowner for this proposal to be openly considered in Part 1 by the Community & Resources Committee.

During the debate the following points were raised:

- Valuation figure - the Senior Solicitor advised that the offer made by the Landowner is in line with the valuation advice received by the Authority from an Independent Valuer.
- If Covenant removed what are the proposals for the future development of the site – Officer's advised they were not aware of future plans for the site. Planning would be dealt with by the planning process.

Councillor Christie suggested Officer's explore the idea of Overage as this is a prime site and the capital receipt is a one-off payment. He advised that the reason the site had been sold originally was to develop a hotel which was needed in Westward Ho! The Senior Solicitor clarified that as the Authority do not own the site, an Overage Clause cannot be imposed.

It was proposed by Councillor McGeough, seconded by Councillor Bushby that the restrictive covenants be removed in return for a capital receipt of £120,000.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D		X	
Bright, C		X	
Bushby, D	X		
Christie, P		X	
Dart, A		X	
Hicks, R			
Hutchings, J	X		
James, K		X	
Laws, N			
Lock, R		X	
McGeough, D	X		
Wiseman, R	X		

(Vote: For 4, Against 6)

The motion was lost.

**RESOLVED:**

That the removal of the restrictive covenants in return for a capital receipt of £120,000.00 (One Hundred and Twenty Thousand Pounds) exclusive of all other costs be refused.

33. FINANCIAL IMPACT OF COVID-19 AND ASSESSMENT OF GOING CONCERN

The Financial Manager & Interim S151 Officer gave a slide presentation updating Members on the impact of Covid-19 on the Council's Financial position for the current financial year and its potential impact upon the Council's finances over the medium term.

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

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D		X	
Christie, P	X		
Dart, A			
Hicks, R	X		
Hutchings, J	X		

James, K	X		
Laws, N	X		
Lock, R	X		
McGeough, D		X	
Wiseman, R	X		

(Vote: For 9, Against 2)

**RESOLVED:**

- a) That consideration be given to the financial impact of Covid-19 upon the Council and the necessity for the Council to maximise its income streams wherever possible.
- a) Internal Overview and Scrutiny on the 18<sup>th</sup> August 2020 recommended the approve of two transfers to reserve of
  - a. £110k to contribute towards property maintenance
  - b. £51k to support apprentice placements

That the recommendation of Internal Overview and Scrutiny be approved.

- b) Internal Overview and Scrutiny on the 7<sup>th</sup> July 2020 recommended that the surplus of £151k reported for the financial year 2019-20 be transferred to the Transition in Government Funding reserve to meet the financial pressures of Covid-19.

That the recommendation of Internal Overview and Scrutiny be approved.

34. UPDATE - FUNDING REQUEST FROM THE PLOUGH

The Finance Manager & Interim S151 Officer presented the report, the purpose of which was to update Members on the latest financial position of the Plough Theatre following the decision made by Community & Resources Committee on the 16 March 2020 to support the Plough with a one off grant contribution of £25,000 in light of the subsequent changes that have occurred at the Plough due to the Covid-19 lockdown.

During the brief discussion that followed, Councillor Bright proposed an amendment to the recommendations, namely that an additional item be included on the Forward Plan for Members to consider giving a further £25,000 in September 2021.

It was proposed by Councillor Bright, seconded by Councillor Brenton that the funding of £25,000 be released and to include the amendment as stated above.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hicks, R	X		
Hutchings, J	X		
James, K	X		
Laws, N	X		
Lock, R	X		
McGeough, D	X		
Wiseman, R	X		

(Vote: For – Unanimous)

**RESOLVED:**

That the funding of £25,000 be released and that this matter be included on the Forward Plan for September 2021 for Members to consider whether to release a further £25,000.

35. **RENEWAL OF THE BURTON ART GALLERY AND MUSEUM SERVICE AND FUNDING AGREEMENT**

Councillors Hutchings and Laws left the meeting.

The purpose of the report, presented by the Planning & Economy Manager, was to present to Members the results of detailed negotiations with the Burton at Bideford Trust for the renewal of the Service and Funding Agreement to provide the next five years of service provision.

The Planning & Economy Manager recapped on the background information and history to this matter as detailed in the report.

The Chair of the Burton Trustees, Judith Gentry, and Director Ian Danby gave a joint slide presentation showing that the success of the Burton had evidenced that the decision made by Councillors in 2016, transferring the management of the Burton to a new Charitable Organisation under the terms of a Service and Funding Agreement had been the right decision. The presentation gave details of the figures showing how the footfall had grown to over 200,000 visitors a year, comparable with many bigger galleries in larger towns. The Burton had exceeded expectations, is financially stable and receives critical acclaim.

The Committee recognised and praised the Burtons achievements and thanked the Chair and Director of the Burton Trustees for their excellent presentation.

It was proposed by Councillor McGeough, seconded by Councillor Bushby that the recommendations be accepted.

A recorded vote was taken.

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hicks, R	X		
Hutchings, J			
James, K			
Laws, N			
Lock, R	X		
McGeough, D	X		
Wiseman, R	X		

(Vote: For – Unanimous)

Councillor James had been unable to vote on this item due to technical issues.

**RESOLVED:**

1. That a renewable five year Service and Funding Agreement be established and agreed with the Burton at Bideford with provision for review in year 3 to set out the terms of the next 5 year agreement.
2. That a contribution of £140,000 per year for each of the five years of the agreement be agreed.

**36. EXCLUSION OF THE PUBLIC**

Councillor James re-joined the meeting.

It was proposed by Councillor Hicks, 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.

A recorded vote was taken.



<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hicks, R	X		
<del>Hutchings, J</del>			
James, K	X		
<del>Laws, N</del>			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: For - Unanimous)

37. PART II (CLOSED SESSION)

38. BRIDGE BUILDINGS UPDATE

The Senior Solicitor gave a brief update on the current position regarding the sale of Bridge Buildings. A full report to be brought back to a future meeting of this Committee.

39. UPDATE ON MAJOR CONTRACTS

The Property & Procurement Manager informed Members that matters are still progressing in terms of discussions with Contract providers. Meetings are ongoing.

A formal report to be brought to this Committee in due course.

40. THE BURROWS CENTRE

The report, presented by the Property & Procurement Manager, outlined the background to the current situation and the requirement for further approval from Members to revised proposals.

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

A recorded vote was taken.

<b>COUNCILLOR</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Brenton, D	X		
Bright, C	X		
Bushby, D		X	
Christie, P	X		

Dart, A	X		
Hicks, R	X		
<del>Hutchings, J</del>			
James, K	X		
<del>Laws, N</del>			
Lock, R	X		
McGeough, D	X		
Wiseman, R	X		

(Vote: For 9, Against 1)

**RESOLVED:**

That the recommendations included in the report be approved.

41. DISPOSAL OF THE LAND AT CLEAVE WOOD, EAST-THE-WATER

The Senior Solicitor presented the report, the purpose of which was to update Members on the progress with the sale of the land at Cleave Wood, Bideford and to obtain Member approval to proceed with the disposal.

Following discussion, it was proposed by Councillor Lock, seconded by Councillor James that the recommendation stated in the report be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hicks, R	X		
<del>Hutchings, J</del>			
James, K	X		
<del>Laws, N</del>			
Lock, R	X		
McGeough, D	X		
Wiseman, R	X		

(Vote: For – Unanimous)

**RESOLVED:**

That the disposal of the land at Cleave Wood as detailed in the report be approved, and authority be given for the preparation and approval of the associated legal contracts, to include replies to pre-contract enquiries during the due diligence period.

LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

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

Resolved: That the press and public be readmitted.

(Vote: For – Unanimous)

The meeting commenced at 4pm and closed at 6.48pm.

Chair:

Date: