

TORRIDGE DISTRICT COUNCIL
COMMUNITY & RESOURCES MEETING

Remote meeting via Zoom

Monday, 19 October 2020 - 10.00 am

PRESENT Councillor R Hicks (Chair)

Councillors D Brenton, C Bright, D Bushby, P Christie, A Dart,
J Hutchings, K James, 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
 R Haste - Waste & Recycling Manager
 T Vanstone - Senior Electoral & Democratic Services Officer
 P Labistour - Harbour Master
 C Fuller - Economic Development Officer
 H Bond - Estates Manager
 K Brown - Democratic Services Officer

Councillors P Hames, C Cottle-Hunkin, A Inch, S Langford, C
Leather and S Langford

49. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor McGeough with Councillor Hurley substituting and apologies received from Councillor Laws with Councillor Hodson substituting.

50. MINUTES

Minute 26: Councillor Christie asked if his suggestion to have the Victoria Park maintenance contract taken back in house was to be discussed?

The Chief Executive advised this matter is being dealt with more widely and would be happy to discuss further in person as matter is in Part II.

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

Resolved: That the Minutes of the meeting held on 7 September 2020 and the Special meeting held on 5 October 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		
Hodson, C	X		
Hurley, D			X
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: For 11, Abstention 1)

51. ACTION LIST

Minute 75 – Torrington Cemetery.

The Chair confirmed that work is being carried out with regards to this item so can be removed from the Action List.

The action list was noted.

52. PUBLIC CONTRIBUTIONS

The Chair, Councillor Hicks declared a prejudicial interest – had carried out work for the speaker, Mr Smith. As the Vice-Chair, Councillor McGeough was absent the Chair proposed Councillor James be elected as Chair. The Chair left the meeting.

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

Resolved: That the Councillor James take the Chair for this item

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Brenton, D	X		
Bright, C	X		
Bushby, D	X		
Christie, P	X		
Dart, A	X		
Hodson, C	X		
Hurley, D	X		

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

(Vote: Unanimous)

Mr Alan Smith addressed the Committee regarding Agenda item 11 – the covenant for the Hotel Site, Westward Ho! He confirmed that he is in agreement with the recommendation to cancel the previous covenant and replace with the one recommended by the Internal Overview & Scrutiny Committee.

53. FORWARD PLAN

The Chair, Councillor Hicks re-joined the meeting.

The Forward Plan was noted.

54. DECLARATIONS OF INTEREST

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

55. 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		
Hodson, C	X		
Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: Unanimous)

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

There were no urgent matters brought forward.

57. MOORINGS & FACILITIES POLICY AND GENERAL DIRECTIONS

Prior to the report being presented the Chair advised the Committee that before lockdown a meeting had been held with North Devon District Council which included a detailed explanation of the law surrounding Harbours. It was apparent that the organisation of the Harbour needs to be improved however a lot of work towards this has been conducted since.

The Harbour Master, Paul Labistour presented the report to the committee with the purpose of the report to present to Members, the Operational Moorings and Facilities Policy, for consideration and approval and which has been recommended for approval by the Bideford Harbour Board. Further a Strategic decision to be made by the Committee on implementing General Directions for the safe and efficient management of the Harbour in compliance with the Port Marine Safety Code which has also been recommended by the Harbour Board.

A brief discussion then took place and it was confirmed by the Harbour Master the area that is covered by Torridge District Council. A meeting regarding issues with moorings and boundaries will take place soon with various Government agencies which the Harbour Master advised Members they are welcome to attend and will send out invites.

Following a query from Councillor Hodson the Harbour Master confirmed that paragraph 9 from Appendix 2 on the policy can be removed.

Concern was raised to the use of Personal Watercrafts and speed restrictions in the Harbour, the Harbour Master confirmed the following to queries raised:

- Appledore is outside the Authority's area.
- It is a National problem.
- Control is difficult
- A Harbour Revision Order could be applied for to enable more control and will be explored going forward
- By Laws for the Harbour are dated 1894 so do not cover Jet Skis

The Chief Executive acknowledged the Members concern and referred to Councillor Ford's Notice of Motion with regards to the Jet Ski problem and advised a meeting was taking place the next day with the intention that something will be in place by Easter 2021.

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

Resolved: That the recommendations as set out in the report be approved with the amendment that paragraph 9 of Appendix 2 be removed.

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		
Hodson, C	X		
Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: Unanimous)

RESOLVED:

That the Moorings and Facilities Policy be implemented, and for Officers to proceed to gaining Designated Status for the Board and to commence consultation on a new set of General Directions for the Port be approved subject to the agreed amendment.

That a budget be provided to enable the Waste and Recycling Manager and Harbour Master to proceed with the implementation.

That paragraph 9 on Appendix 2 be removed from the policy.

58. PORT MARINE SAFETY CODE COMPLIANCE

The Chair advised that Port Security was also brought up at the joint meeting with North Devon District Council.

The Harbour Master presented the report the purpose of which was to report to the Community & Resources Committee on the role of the Harbour Authorities Holder, their duties, powers and responsibilities described in the Port Marine Safety Code and the Guide to good Practice on Port Marine Operations.

The Waste & Recycling Manager handed over to the Harbour Master, Paul Labistour to present the report, the purpose of which was to report to the Community & Resources Committee on the role of the Harbour Authorities Holder, their duties, powers and responsibilities described in the Port Marine Safety Code and the Guide to good Practice on Port Marine Operations.

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

Resolved: That this Committee adopt the role as formal Duty Holder for Bideford Harbour Authority.

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		
Hodson, C	X		
Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: Unanimous)

RESOLVED:

That the Community & Resources Committee takes the role as formal Duty Holder for Bideford Harbour Authority be approved.

59. COVENANT FOR THE HOTEL SITE WESTWARD HO!

The Chair, Councillor Hicks previously declared a prejudicial interest in this item therefore it was proposed that Councillor James take the Chair. The Chair left the meeting.

It was proposed by Councillor Lock, seconded by Councillor Hodson and -

Resolved: That the Councillor James take the Chair for this item

A recorded vote was taken.

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

Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: Unanimous)

The Planning & Economy Manager presented the report, the purpose of which was to consider the recommendation of the Internal Overview and Scrutiny Committee made on the 29th September 2020.

Following concerns and queries from Members the Senior Solicitor and Monitoring Officer confirmed that flats being used for residential use would not be permitted under the new covenant.

The Planning & Economy Manager confirmed, following a query from Councillor Christie that concerns with regards to the height of the new building would be considered in the Planning process.

Councillor Hodson sort legal advice as to whether there would be a gap when changing from one covenant to the other? The Senior Solicitor and Monitoring Officer confirmed the transaction would be simultaneous.

Due to concern about the definition of Commercial use Councillor Brenton proposed to defer this item and a further report be produced with clarification of what can or cannot be put on the site. Councillor Hurley seconded the proposal.

The Chair sort legal advice from the Senior Solicitor and Monitoring Officer after the new proposal and it was confirmed that as this item had previously been to Community & Resources Committee and Internal Overview & Scrutiny Committee if agreement cannot be made at today's meeting then the matter will be referred to Full Council for a decision to be made on which recommendations to approve.

Following a query form Councillor Christie as to whether the offer of £120,000 still stands with the change to the covenant the Senior Solicitor & Monitoring Officer confirmed this was yet to be discussed until a decision had been made.

Councillor Bushby proposed to accept the recommendation from Internal Overview & Scrutiny however there was no seconder.

It was proposed by Councillor Lock, seconded by Councillor Brenton and -

Resolved: That the recommendation of Internal Overview & Scrutiny Committee to remove the existing covenant, and to put on a new covenant requiring that the land be used for commercial use only, be refused and that the item be referred to Full Council.

A recorded vote was taken.

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

(Vote: For 10, Against 1)

RESOLVED:

That the recommendation of Internal Overview & Scrutiny Committee to remove the existing covenant, and to put on a new covenant requiring that the land be used for commercial use only, be refused.

60. **DECISIONS TAKEN UNDER URGENCY PROCEDURE**

The Chair, Councillor Hicks re-joined the meeting.

The Planning & Economy Manager presented the report regarding the response to the governments consultation – Changes to the current planning system.

Councillor Christie raised queries regarding viability of sites. Following Councillor Christies comments and concerns it was advised that the 2nd order consultation ends on the 29th October 2020 which may present the opportunity to respond.

The report was noted.

The second part of the report was presented by the Senior Solicitor & Monitoring Officer, the purpose of which was to report to Members the implementation of both the Standard and Discretionary Self Isolation Scheme made under the Urgency Procedure.

Questions were asked by Members and the Senior Solicitor & Monitoring Officer confirmed the following:

- Individuals would not have to repay any overpaid benefit if awarded due loss of earnings through COVID-19 and would come under the Discretionary Scheme.

- Potentially individuals could still be eligible under both schemes.
- £24,000 administration cost was set by central government and there is no requirement to pay this back.

The report was noted.

61. EXCLUSION OF THE PUBLIC

It was proposed by Councillor Hicks, seconded by Councillor Hurley 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.

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

(Vote: Unanimous)

62. PART II (CLOSED SESSION)

63. NOTICE OF MOTION - ATLANTIC RACQUET CENTRE

The Planning & Economy Manager invited Councillor Langford to present the Notice of Motion to the Committee.

The Planning & Economy Manager presented the report, the purpose of which was to consider Councillor Langford's Notice of Motion referred from Full Council on the 14th August 2020 and resolve whether to approve the recommendations in the report.

It was proposed by Councillor Bushby, seconded by Councillor Brenton and -

Resolved: That the recommendations 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	
Hodson, C			X
Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			
Lock, R	X		
McGeough, D			
Wiseman, R			X

(Vote: For 9, Against 1, Abstention 2)

64. MIDDLE DOCK

The Estates Manager presented the report.

It was proposed by Councillor Bushby, seconded by Councillor Christie and -

Resolved: That the recommendations 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		
Hodson, C	X		
Hurley, D	X		
Hutchings, J	X		
James, K	X		
Laws, N			

Lock, R	X		
McGeough, D			
Wiseman, R	X		

(Vote: Unanimous)

65. **BRIDGE BUILDINGS**

Councillor Brenton left the meeting at 11:43am.

The Estates Manager presented the report.

It was proposed by Councillor Bushby, seconded by Councillor Christie and -

Resolved: That the recommendation as set out in the report be approved subject to the agreed amendment.

A recorded vote was taken.

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

(Vote: Unanimous)

66. **NON-RECOVERABLE DEBTS**

The Senior Solicitor & Monitoring Officer presented the report.

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

Resolved: That the writing-off of the debts listed in Appendix 1 attached to the report be approved.

A recorded vote was taken.

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

(Vote: Unanimous)

The meeting commenced at 10am and closed at 12:18pm

Chair:

Date: