

TORRIDGE DISTRICT COUNCILINTERNAL OVERVIEW & SCRUTINY MEETINGVirtual Meeting via Zoom with Public Access via YouTube<https://tinyurl.com/TorridgeYouTube>Tuesday, 16 March 2021 - 10.00 am

PRESENT Councillor P Watson (Chair)
Councillor P Hames (Vice-Chair)
Councillors R Boughton, J Gubb, S Langford, J Manley, T Inch,
S Newton and C Hawkins (substitute for Cllr Cottle-Hunkin)

Mr S Dengate and Mr I Harper

ALSO PRESENT S Hearse - Chief Executive
S Dorey - Head of Legal & Governance (Monitoring Officer)
S Kearney - Head of Communities & Place
D Heyes - Finance Manager (Section 151 Officer)
D Hunter - Legal Services Manager
J Walter - Strategy, Performance & ICT Manager
S Cawsey - Democratic Services Officer

Councillors L Ford, C Hodson, K James, C Leather, R Lock,
D McGeough and P Pennington

67. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Cottle-Hunkin (Councillor Hawkins substituting).

68. MINUTES

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

Resolved:

That the minutes of the Budget Special meeting held on 9 February 2021 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			
Mr S Dengate	X		
Cllr Gubb, J	X		

Cllr Hames, P	X		
Mr I Harper	X		
Cllr C Hawkins			X
Cllr Inch, A			X
Cllr Langford, S	X		
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For 9, Abstentions 2)

Matters Arising:

Mr Harper reiterated his comments made at the previous meeting regarding the circulation of the PiD document currently being worked on. The Chief Executive advised the document is still to be completed, but would speak to the Head of Communities & Place and the Major Projects & Estates Manager to ensure it is completed and circulated prior to the next meeting.

69. PUBLIC CONTRIBUTIONS

It was proposed by Councillor Watson, seconded by Councillor Hames that public contributions be presented prior to Agenda item 8 – Call-in – Councillor Ford’s Notice of Motion.

A recorded vote was taken:

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, G			
Mr S Dengate	X		
Cllr Gubb, J	X		
Cllr Hames, P	X		
Mr I Harper	X		
Cllr C Hawkins	X		
Cllr Inch, A	X		
Cllr Langford, S	X		
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For – Unanimous)

70. ACTION LIST

The Action List was reviewed and updated:

Minute 69 - Ongoing

Minute 53 – Homeworking & Zoom meetings - Item on Agenda to be presented at this meeting

Minute 55 - Treasury Investment – Complete

Minute 59 – Response from Major Projects & Estates Manager – Ongoing

Minute 61 – Public Contributions – Ongoing

71. 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.

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

There were no matters brought forward.

73. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

74. CALL-IN: JET SKI LAUNCH APPLEDORE

PUBLIC CONTRIBUTIONS

The following members of the public addressed the meeting, delineating their concerns regarding the decision to ban the launching of jet skis and the use of bollards to close Appledore slipway:

- Mr Tristan Gubb
- Mr Darren Sparrey,
- Mr Owen Atkinson
- Mayor of Northam, Councillor Chalmers

Their concerns/comments included:

- Tristan Gubb and Darren Sparrey are regular jet ski users of the slipway and have been for many years.
- There are 13 businesses currently operate and use the slipway
- Only a small number of people misuse the slipway.
- Permission had been granted for the Jet Ski Club Company to supply and instal signs clearly showing the rules at Appledore free of charge.

- Accusations on parking and other issues are aimed at jet ski users
- In 2013 Torridge was asked what actions they would take following the tragic accident involving a jet ski at Padstow. The Council's response was read to the meeting by Mr Darren Sparrey. The Code of Conduct which is available on the Council's website refers to the speed limit of 6 knots – it was said that no craft obeys this speed limit, but jet skis are being unfairly singled out.
- On behalf of Northam Town Council, the Mayor reported that after debating this issue the Town Council overwhelmingly agreed that Torridge should examine this matter further. There are businesses who use the slipway, including businesses that are dependent on tourism.

All public speakers thanked the Chair for allowing them to speak at the meeting.

The purpose of the report was for Members to scrutinise the following decision of Community and Resources Committee that:

“The closure of Appledore Slipway for jet skies with suitable bollards being positioned to enable continued access for swimmers and canoeists, and the decision for Bank End to be left to the Harbour Board be agreed”.

The Head of Legal & Governance detailed the procedures that had taken place prior to this meeting. The decision of Community & Resources Committee (C&R) had been called in by four Members for review by this Committee. If Members remain concerned with the decision, it can be referred back to C&R with recommendations from this Committee. If C&R do not agree with the recommendations the original decision will be referred to Full Council.

The Chair invited the four Members to give their reasons as to why they had called in the decision. Councillor Jones had not been present at this meeting.

Councillor Pennington had called in the decision as Chair of External Overview & Scrutiny Committee. His concerns were not only about jet skis but also the wider environmental issues in the Taw & Torridge estuary.

Councillor McGeough stated that because of the lack of information at C&R he believed the wrong decision had been made. Also, there was no proof from the Public Health & Housing Manager that there are health & safety issues. The decision would penalise visitors and tourists. The jet ski Club had offered to update the signage free of charge. The main issue going forward would be to educate all users of the slipway.

Councillor Langford commented that having watched the meeting she had been persuaded that jet skis could be conceived as being an issue but did not think that any sort of barrier was the answer because of access to a lot of people.

Councillor Newton stated that he had been led to believe that the slipway is a rough water launch site for the RNLI and the placing of bollards could impede the launching of the lifeboat. This had not been considered at C&R, but he now realises this is not correct. In a tourism area on the waterfront this should be opened up and not closed down.

The Head of Communities & Place confirmed he had been contacted by the RNLI. He reported that no scheme had yet been devised because the decision is still under scrutiny. The decision at C&R had been to ban jet skis, it is difficult to ban without control.

The Committee gave a great deal of consideration and debate to this item, during which time it became evident that the consensus was this matter goes back to C&R for further discussion. The main priority of Members was safety.

The concerns/comments made included:

- Further discussion needed on safety issues.
- More information on how the bollards would work, including costings, should be provided, together with other ideas such as a warden system and how effective this system would be.
- A full review into how the whole area is managed to be carried out as there are much wider environmental issues to be considered.
- There is an absence of regulations - clear regulations are required.
- To review the Estuary Strategy (this item is included on this Committees Forward Plan.
- C&R be asked to reconsider the putting up of bollards but to continue with their decision to ban jet skis.

Throughout the debate legal advice was given by the Head of Legal & Governance. Clear clarification was given on the contents of the original Notice of Motion.

The Chief Executive stated that the Notice of Motion debated at C&R had been to ban jet skis. This had been supported by C&R and in order to mitigate health and safety issues and to facilitate the decision it had been agreed to the use of bollards. The decision had not yet been implemented because it had been called in.

From further comments made it became apparent that Members required C&R to give this matter further consideration because of the much wider implications by the imposition of bollards.

Following a proposal by Councillor Newton, all other proposals put forward were withdrawn.

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

Recommended:

That due to the wider implications, Internal Overview & Scrutiny Committee do not agree the decision of Community & Resources Committee to ban the launching of jet skis or the closure of Appledore Slipway with the use of bollards.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, G			
Mr S Dengate			X
Cllr Gubb, J	X		
Cllr Hames, P			X
Mr I Harper	X		
Cllr C Hawkins	X		
Cllr Inch, A	X		
Cllr Langford, S	X		
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For 9, Abstentions 2)

75. CALL-IN: PLAY AREA STRATEGY - LACK OF MAINTENANCE BUDGET ALLOCATION

A report had been presented to the Community & Resources Committee on 1 February 2021, the purpose of which was to present to Members the draft Torridge District Council Play Area Strategy for adoption, and to consider the recommendation from External Overview & Scrutiny Committee in relation to finances associated with its delivery. This had been debated by Community & Resources Committee and they had resolved to adopt the Play Strategy and there be no allocation of a maintenance budget for play areas. This decision had been called in by Councillor Pennington.

The Chair invited Councillor Pennington to address the meeting and explain his reasons for calling in the decision. Councillor Pennington stated that not having an allocated budget for the maintenance of play areas was fundamentally wrong.

The Head of Communities & Place explained that the Council do have to maintain facilities to ensure they are safe and there is a budget for this, but not specifically ring fenced for play. The Council is not negligent in looking after play areas, if there are safety issues the area will be closed until repairs are carried out.

Following further comments made in relation to health & safety, the Head of Communities & Place again reiterated his comments made above and gave assurances that the safety of play areas was budgeted for.

Additional issues/concerns raised included:

- Inspection of play areas – Members were informed these are carried out weekly as part of the Grounds Maintenance Contract
- Until the Strategy is decided it will be difficult to put a figure on what maintenance fund is required.

Councillor Pennington recommended that the wording on the Decision Notice be amended to say that there are funds available for maintenance of the parks from other budgets and should not say “no allocation of maintenance budget”. The way forward and amended wording for the Decision Notice was discussed with advice being given by the Head of Communities & Place and the Head of Legal & Governance.

The Finance Manager & s151 Officer clarified what funds are available to maintain the play areas but added that to ring fence monies for parks would be too restrictive for the Council.

The Chief Executive summarised what had been established by this Committee, namely that in order to continue maintaining the play areas there is a budget available and that there is no separate budget for the continual replacement of obsolete equipment at play areas.

It was proposed by Councillor Newton, seconded by Councillor Watson that the decision of Community & Resources Committee stands.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, G			
Mr S Dengate		X	
Cllr Gubb, J		X	
Cllr Hames, P		X	
Mr I Harper	X		
Cllr C Hawkins		X	
Cllr Inch, A		X	
Cllr Langford, S		X	
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For 5, Against 6)

The motion was lost.

Following further discussion and advice being given by the Chief Executive and Head of Legal & Governance, it was proposed by Councillor Inch, seconded by Councillor Hames and –

Resolved:

That this Committee does not agree with the resolution of Community & Resources Committee that there will be no allocation of maintenance budget for play areas.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, C			
Mr S Dengate	X		
Cllr Gubb, J	X		
Cllr Hames, P	X		
Mr I Harper	X		
Cllr C Hawkins	X		
Cllr Inch, A	X		
Cllr Langford, S	X		
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For - Unanimous)

Councillor Manley left the meeting.

In accordance with the Constitution it was proposed by Councillor Inch, seconded by Councillor Newton and –

Resolved: That in view of the fact 3 hours had elapsed since the meeting had commenced, that the meeting should continue.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, C			
Mr S Dengate	X		
Cllr Gubb, J	X		
Cllr Hames, P	X		
Mr I Harper	X		
Cllr C Hawkins	X		
Cllr Inch, A	X		

Cllr Langford, S	X		
Cllr Manley, J			
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For - Unanimous)

76. **HOME WORKING AND REMOTE MEETINGS**

The Human Resources & Communications Manager presented the report, the purpose of which was to provide members with the requested information on the impact of COVID-19 in relation to working from home and Zoom meetings and the potential savings.

Councillor Hames expressed concerns and asked that Officers look at homeworking to ensure that work and leisure are being kept separate.

Following an enquiry from Councillor Leather regarding the costs of Zoom meetings, the Human Resources & Communications Manager confirmed she would circulate the figures to Members of the Committee.

The Committee noted the contents of the report.

77. **QBR 3**

The purpose of the report was to update members on the financial position as at the end of December 2020. Slide presentations were received from the Service Improvement Officer and the Interim Section 151 Officer.

The Service Improvement Officer presented a summary of the highlights of QBR 3:

Goal 1 - Prosperous and Sustainable Economy

- ✓ Lockdown 2 - speedy payment of government grants to support local business
- ✓ 99.5% of invoices paid on time
- ✓ Approval granted for the Northam Burrows centre (worked started in January 2021)
- ✓ A Moorings & Facilities Policy was adopted by the Council
- X Future High Street Fund Bid was unsuccessful

Goal 2 – Safer, Stronger, Healthier Communities

- ✓ TDC worked with the HSE to contact local businesses to make sure they were Coronavirus secure
- ✓ Housing Options maintained high level of service during lockdown to prevent homelessness
- ✓ Full Council decided that a comprehensive review/update of the Local Plan be undertaken
- X Low numbers regarding the delivery of new homes/affordable homes

X Low numbers of properties added to the Council Tax database

Goal 3 – Protecting & Enhancing our Quality Environment

- ✓ Waste and recycling collections continued during lockdown
- ✓ Strong recycling levels maintained (55.4%) mainly due to increased collection of glass/cardboard
- ✓ Rapid response to container being washed ashore at Bucks Mill minimised any adverse environmental impact on our coastline
- ✓ The first phase of enhanced sea defences at Westward Ho! Completed in December

Goal 4 – Effective Customer Focused Council

- ✓ Council officers handled high levels of incoming work volumes across a range of services (website, email and telephone traffic) to maintain high levels of customer service
- ✓ Despite increasing work volumes, we saw excellent turnaround times for planning applications
- ✓ Reduced sickness levels!
- X Turnaround times for Local Land Charge searches increased (but the additional allocation of resources has now brought this back under control)
- X Reduction in Council Tax and Business rate collection levels due to Covid-19

The Finance Manager & s151 Officer updated Members on the financial position as at the end of December 2020.

The key points highlighted included:

- Projected Surplus had improved by £443k
- Covid-19 and in particular Central Government response to it had led to increased financial volatility
- In light of financial volatility recommended that the decision regarding utilisation of the projected surplus for 2020/21 is deferred until the accounts are closed

The Head of Communities & Place responded to an enquiry from Mr Harper in relation to the Future High Street Fund. He explained why the bid had been unsuccessful. Consideration is now being given to other funding, such as the Levelling Up Fund and Officers are in discussion with the MP regarding this. In terms of this funding, the MP will need to support any bid put forward by the Council. Prior to any bid being submitted, a report will be presented to Full Council.

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

Recommended to Community & Resources Committee:

That in light of the continuing financial uncertainty, that any decision regarding usage of the 2020/21 surplus is deferred until the outturn for the current financial year is known.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Cllr Boughton, R	X		
Cllr Cottle-Hunkin, G			
Mr S Dengate	X		
Cllr Gubb, J	X		
Cllr Hames, P	X		
Mr I Harper	X		
Cllr C Hawkins	X		
Cllr Inch, A	X		
Cllr Langford, S	X		
Cllr Manley, J	X		
Cllr Newton, S	X		
Cllr Watson, P	X		

(Vote: For – Unanimous)

78. CONSIDERATION OF THE FORWARD PLAN

The Forward Plan was reviewed.

Mr Dengate referred to Agenda item 8 – call in Jet Ski Launch – and asked that a review of the Estuary Strategy be brought forward. The Head of Communities & Place explained that during the debate of the above item reference was being made to the Voluntary Code of Conduct which had been prepared in conjunction with the Taw & Torridge Forum and other outside bodies. Mr Dengate confirmed he would like the Estuary Strategy to be scrutinised by a small group to look at this and to take forward as a piece of work. Mr Harper asked that the use of the estuary also be considered. The Chair agreed for this item to be included on the Forward Plan.

Councillor Inch suggested including empty homes and affordable housing to the Forward Plan. The Chief Executive reminded Members of Councillor Hames Notice of Motion re housing. The Strategy, Performance & IT Manager have given a presentation at Leadership on Housing and Housing Strategy. This data and information will be key to pulling together on what is wanted to be done.

The meeting commenced at 10am and closed at 13.33pm

Chair:

Date: