

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETING

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

Monday, 12 April 2021 - 6.30 pm

PRESENT	Councillor D Brenton (Chair)	
	Councillor P Christie (Vice-Chair)	
	Councillors R Boughton, C Bright, M Brown, D Bushby, R Craigie, A Dart, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, D Hurley, T Inch, K James, D Jones, S Langford, N Laws, C Leather, R Lock, J Manley, D McGeough, J McKenzie, S Newton, P Pennington, G Rossi, P Watson and R Wiseman	
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)
	A Redwood	- Major Projects & Estates Manager
	T Vanstone	- Senior Electoral & Democratic Services Officer
	S Cawsey	- Democratic Services Officer
	M Richards	- Democratic Services Officer

The Chair read out a short statement expressing sadness at the news of passing of His Royal Highness, The Duke of Edinburgh, and commending Prince Philip's support for Her Majesty The Queen. A 2 minute silence was observed.

171. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clarke, Cottle-Hunkin, Ford and Hutchings.

172. COUNCIL MINUTES

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

Resolved: That the minutes of the meetings held on 1 February and 22 February be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Minute 143 Carbon Plan(s)

Councillor Pennington declared an interest – previously when offshore wind power had been considered (Atlantic Array) it had caused Councillor Pennington a lot of difficulties as it would have had to have been brought across **his** ground.

A recorded vote was taken.

COUNCILLOR	1 FEBRUARY 2021			22 FEBRUARY 2021		
	For	Against	Asbtain	For	Against	Asbtain
BOUGHTON, R	X			X		
BRENTON, D G			X	X		
BRIGHT, C	X			X		
BROWN, M	X			X		
BUSHBY, D	X			X		
CHRISTIE, P S	X			X		
CLARKE, M						
COTTLE HUNKIN G						
CRAIGIE, R	X			X		
DART, A L	X			X		
FORD, L						
GUBB, J	X			X		
HACKETT, P J W	X			X		
HAMES, P	X			X		
HARDING, S	X			X		
HAWKINS, C	X			X		
HEPPLE, K	X			X		
HICKS, R H	X			X		
HODSON, C	X			X		
HURLEY, D	X			X		
HUTCHINGS, J						
INCH, A T	X			X		

JAMES, K J	X			X		
JONES, D	X			X		
LANGFORD, S	X			X		
LAWS, N	X			X		
LEATHER, C	X			X		
LOCK, R A	X			X		
McGEOUGH, D A D	X			X		
McKENZIE, J	X			X		
MANLEY, J	X			X		
NEWTON, S	X			X		
PENNINGTON, P W	X			X		
ROSSI, G			X	X		
WATSON, P	X			X		
WISEMAN, R	X			X		

(Vote: Minutes 1 February 2021: For 30, Abstentions 2)

(Vote: Minutes 22 February 2021: For – unanimous)

Matters Arising – Minutes 1 February

Minute 143 – Carbon Plan(s)

The Chair of the Councillor Climate Emergency Working Group told the meeting that presentation of TDC’s Carbon Plan had been delayed to June for 2 reasons:

1. Certain maps were to be included but they were not ready yet.
2. It would be better presented after purdah in order to maximise publicity.

Matters Arising – Minutes 22 February

Minute -152 – Budget 2021 - 22, Medium Term Financial Strategy 2021 – 22

Action: Finance Manager (s.151 Officer) – To circulate to all Members the value of the Council’s land and building property portfolio.

173. PUBLIC CONTRIBUTIONS

Mr Alan Smith addressed Council on the issue of the hotel covenant Westward Ho!

stating that he felt it was undemocratic that he is permitted to speak but not given the opportunity to respond to any questions arising from any debates on the subject.

The Chair responded that the Council worked within democratic rules.

174. DECLARATIONS OF INTEREST

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

175. AGREEMENT OF AGENDA ITEMS PART I AND II

There were no Part II items.

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

There were no matters brought forward.

177. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

There were no questions submitted under Procedural Rule A9.

178. ANNUAL MEETING OF THE COUNCIL

The Leader of the Council explained that the legislation relating to remote meetings, as introduced at the beginning of the pandemic, would come to an end on 7 May, subject to the results of a case currently going through the courts. Safe distancing would still be required at physical meetings and it was proving difficult to find a room large enough to accommodate a meeting of the Full Council. Therefore, it was being proposed that the AGM be brought forward to 26 April, to be held via Zoom, thus enabling all councillors and members of the public to be involved.

In response to a question about feedback to Government on the benefits of remote meetings, the Chief Executive advised that TDC was working with the county council and other districts across Devon and had feedback through the LGA. A further meeting was due to take place later in the week with the Devon MPs.

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

Resolved:

That:

- The Council's annual meeting be rescheduled and brought forward to Monday 26 April 2021

- If between the 12 April 2021 and 26 April legislation allows then the annual meeting shall revert to the 17 May 2021.

A recorded vote was taken.

COUNCILLOR	For	Against	Abstain
BOUGHTON, R	X		
BRENTON, D G			X
BRIGHT, C	X		
BROWN, M	X		
BUSHBY, D	X		
CHRISTIE, P S	X		
CLARKE, M			
COTTLE HUNKIN G			
CRAIGIE, R	X		
DART, A L	X		
FORD, L			
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, C	X		
HEPPLE, K			X
HICKS, R H	X		
HODSON, C	X		
HURLEY, D	X		
HUTCHINGS, J			
INCH, A T	X		
JAMES, K J	X		
JONES, D	X		
LANGFORD, S	X		

LAWS, N	X		
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		
NEWTON, S	X		
PENNINGTON, P W		X	
ROSSI, G	X		
WATSON, P	X		
WISEMAN, R	X		

Councillor McGeough had left the meeting and did not take part in the vote.

(Vote: For 28, Against 1, Abstentions 2)

179. LEVELLING UP FUND AND COMMUNITY RENEWAL FUND

A report was presented by the Head of Communities & Place introducing the new Levelling Up Fund and the Community Renewal Fund and outlining the criteria for allocation of the funds, the 3 priority themes and the bidding process. It was noted that Torridge had been designated a priority 1 district for both funding streams.

Money had already been received from each fund for the purpose of developing projects.

The proposal was that Isaac's Yard would be put forward for the Levelling Up Fund, as the submission deadline is 18 June, and the project is ready to go. The Authority would continue to work with Devon County Council on a package of proposals for the Community Renewal Fund.

The Lead Member for the Economy added his full endorsement to the proposals.

The Head of Communities & Place clarified costings around the Isaac's Yard project, reiterating that the money already allocated was for the further development of the project. Under the Future High Streets Fund, costs for this project had been estimated at approximately £5million and it was logical that a similar amount would be sought from the Levelling Up Fund. Applications to the fund are capped at £20million.

Referring to the feedback from the Future High Streets Fund in relation to Isaac's Yard, the Head of Communities & Place confirmed that this would form part of the future negotiations with the landowner.

A short discussion took place on the Community Renewal Fund and collaborative working with West Devon particularly.

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

Resolved:

That that the Isaacs Yard project be further developed and prepared as the first round Levelling Up Fund Submission for Torridge and that proposals for Community Renewal Fund developed in line with the process set out in the report be approved.

A recorded vote was taken.

COUNCILLOR	For	Against	Abstain
BOUGHTON, R	X		
BRENTON, D G	X		
BRIGHT, C	X		
BROWN, M	X		
BUSHBY, D	X		
CHRISTIE, P S	X		
CLARKE, M			
COTTLE-HUNKIN C			
CRAIGIE, R	X		
DART, A L	X		
FORD, L	X		
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, C	X		
HEPPLE, K	X		
HICKS, R H	X		
HODSON, C			

HURLEY, D	X		
HUTCHINGS, J			
INCH, A T			
JAMES, K J	X		
JONES, D	X		
LANGFORD, S	X		
LAWS, N	X		
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		
NEWTON, S	X		
PENNINGTON, P W	X		
ROSSI, G	X		
WATSON, P	X		
WISEMAN, R	X		

Due to technical issues, Councillors Hodson and Inch were not present for the vote.

(Vote: For – unanimous)

180. COVENANT FOR THE HOTEL SITE WESTWARD HO!

Councillor Laws declared a personal and prejudicial interest – pre-determination. Councillor Laws extracted himself from the meeting and took no part in the debate.

Councillor Hicks declared a pecuniary interest - The bidder for the land is a client of his on other matters. Councillor Hicks extracted himself from the meeting and took no part in the debate.

The Leader reminded members that the decision had been made by Community & Resources not to remove the covenant and this had been called in to Internal Overview & Scrutiny by Councillors Jones, Cottle-Hunkin, Bushby, McGeough and Harding. Following discussion the Internal Overview & Scrutiny Committee had resolved to refer the matter back to Community & Resources with the recommendation that “The Community and Resources Committee be asked to consider removing the existing covenant and putting on a new covenant requiring

the land be used for commercial use only". Community & Resources had refused this recommendation.

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

Resolved:

That the decision by Community & Resources not to remove the restrictive covenant from land be accepted.

A recorded vote was taken.

COUNCILLOR	For	Against	Abstain
BOUGHTON, R	X		
BRENTON, D G	X		
BRIGHT, C	X		
BROWN, M	X		
BUSHBY, D		X	
CHRISTIE, P S	X		
CLARKE, M			
COTTLE HUNKIN G			
CRAIGIE, R	X		
DART, A L	X		
FORD, L			
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S		X	
HAWKINS, C	X		
HEPPLE, K		X	
HICKS, R H			
HODSON, C	X		
HURLEY, D	X		
HUTCHINGS, J			

INCH, A T			X
JAMES, K J	X		
JONES, D		X	
LANGFORD, S	X		
LAWS, N			
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		X
NEWTON, S			
PENNINGTON, P W	X		
ROSSI, G	X		
WATSON, P	X		
WISEMAN, R	X		

Due to technical issues, Councillors Newton was not present for the vote.

(Vote: For 22, Against 4, Abstain 2)

181. PROGRESS ON THE REOPENING OF TORRIDGE LEISURE FACILITIES

The Chief Executive detailed the Government's road map out of lockdown and provided an update on the financial assistance which has been provided during the year and the proposals to reopen leisure facilities.

Step 1 of the road map had meant the skatepark and the paddling pool in Victoria Park were able to reopen at the of March.

During the year, as lockdown restrictions were eased, only Torridge Pool had been able to reopen, albeit only for a short period in December. Leisure had been particularly badly hit by the pandemic and will continue to face challenges going forward, although it will be difficult to ascertain how much impact that will have on customers and usage. It will be monitored.

At previous meetings the Council had determined in November that TDC continue to work with 1610 until the end of the contract and that Torridge Pool should reopen but the reopening of Torridge and Holsworthy pool would be deferred. Further negotiations re costs had been approved to enable the reopening of Torrington and

Holsworthy pools. Finally, Full Council had agreed a budget of £150,000 for this financial year to support the leisure services throughout 2021/2022.

At the end of March it had been resolved that officers work with 1610 to reopen all 3 centres in line with the most recent legislation and that the £110,000 from the National Leisure Recovery Fund be used to support the reopening. Up until the end of December, approximately £184,000 had been provided with a projected increase to £217,000 by the end of March.

- Torrington Pool and gym reopened today and appropriate documentation regarding safe reopening had been received.
- Torrington Pool should have reopened today but was unable to do so because of a boiler failure. The lead time for the parts to carry out the repair is 4 – 6 weeks.
- Holsworthy pool requires more substantial works, some of which have already been commissioned. It was hoped the facility will reopen at the end of May and 1610 were looking at the possibility of relocating staff to help bring this forward, especially in light of the continued closure of Torrington Pool.

Looking forward, April – June will provide an opportunity for the service to be recommissioned and it is estimated that costs will be £81,000, although they could be lower due to Torrington Pool being decommissioned. It is possible that 1610 will be eligible for a £60,000 government kick start grant.

Post June, 1610 are hoping to rebuild their customer base.

The Leader acknowledged the frustrations but maintained that it was important to get to the end of the contract with 1610 and to provide a leisure service.

The Chair summarised as follows:

- The leisure centres should be opened as soon as possible
- TDC will continue to work with 1610
- 1610 will be closely monitored financially

A short debate took place, during which the following were discussed:

- Repairs to the boiler at Torrington Pool – it was suggested it might make better financial sense to use some of the grant money to replace rather than repair the boiler. The response here was that parts replacement was the responsibility of 1610 and boiler replacement would be the responsibility of TDC and this would require a longer shutdown.
- Costs identified in the first 3 months as the responsibility of 1610 in relation to urgent repair works – 1610 have started to carry out some of the repairs, although acceptance of responsibility had not yet been confirmed. This will be pursued in the forthcoming meeting with 1610.

- It was proposed by Councillor Leather and agreed by Councillor James that an addendum be included that “the Leader and Deputy Leader be more involved in the financial negotiations with 1610”.
- The budgeted £150,000 should not be used if possible so that it can be utilised for any repair works at the end of the contract should 1610 not meet their contractual obligation to address these.
- There were concerns that the third recommendation in the report, relating to the discretionary basis for payments, was not incorporated in the proposals being put forward by the Leader. It was noted that the Head of Legal & Governance had made the Council’s legal position quite clear to 1610. However, it was feared that the inclusion of the third recommendation might be seen by 1610 as adversarial, albeit payments were being carefully monitored.
- It was proposed by Councillor Lock and agreed by Councillor James that recommendation 3 in the report be included in its entirety as an addendum to the Leader’s proposal.

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

Resolved;

1. We work with 1610 until the end of the contract to provide the services, and officers work with 1610 to get all centres open;
2. Officers ensure we do so keeping costs under control using the 117K grant and 150K set aside in the budget.
3. Leader and Deputy Leader to be involved with future discussions with 1610.
4. That members acknowledge that any payment to 1610 post lockdown and post any change in law whilst the restrictions are imposed, will be made on the basis of not a contractual obligation but, on a discretionary basis, intended to assist 1610 and expedite the reopening of facilities for the benefit of the community. Post any qualifying change in law, 1610 may not claim for any losses, meaning that if lockdown requirements are lifted and there is no longer a change in law, TDC are not liable for any payments to them, and any payments will be on a discretionary basis. At this stage we do not know when the requirements will be lifted entirely.

A recorded vote was taken.

COUNCILLOR	For	Against	Abstain
BOUGHTON, R	X		
BRENTON, D G	X		
BRIGHT, C	X		

BROWN, M	X		
BUSHBY, D	X		
CHRISTIE, P S	X		
CLARKE, M			
COTTLE HUNKIN C			
CRAIGIE, R	X		
DART, A L	X		
FORD, L	X		
GUBB, J	X		
HACKETT, P J W	X		
HAMES, P	X		
HARDING, S	X		
HAWKINS, C	X		
HEPPLE, K	X		
HICKS, R H	X		
HODSON, C	X		
HURLEY, D	X		
HUTCHINGS, J			
INCH, A T	X		
JAMES, K J	X		
JONES, D	X		
LANGFORD, S	X		
LAWS, N	X		
LEATHER, C	X		
LOCK, R A	X		
McGEOUGH, D A D			
McKENZIE, J	X		
MANLEY, J	X		
NEWTON, S	X		
PENNINGTON, P W	X		

ROSSI, G	X		
WATSON, P	X		
WISEMAN, R	X		

(Vote: For – unanimous)

182. PETITIONS

There were no petitions.

183. NOTICES OF MOTION

There were no notices of motion.

The meeting commenced at 6.30 pm and closed at 8.01 pm.

Chair:

Date: