

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdawn Business Support Centre, Clovelly Road, Bideford - BidefordMonday, 2 August 2021 - 6.30 pm

PRESENT

Councillor D Bushby (Chair)
Councillor P Christie (Vice-Chair)

Councillors R Boughton, D Brenton, C Bright, M Brown, R Clarke,
C Cottle-Hunkin, A Dart, J Gubb, P Hackett, P Hames, K Hepple,
R Hicks, C Hodson, D Hurley, K James, D Jones, N Laws,
C Leather, J Manley, D McGeough, J McKenzie, S Newton,
P Pennington, 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)
D Burgess	- Senior Planning Policy Officer
T Vanstone	- Senior Electoral & Democratic Services Officer
K Brown	- Democratic Services Officer

201. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: Ford, Harding, Hawkins, Inch, Langford and Lock.

202. COUNCIL MINUTES

The Chief Executive confirmed, following queries from Councillor Christie, that a meeting is scheduled with the developer of Brunswick Wharf with a report being presented to Full Council in the future and that clarity will be sought on whether an Independent Member's planning application should automatically go to Planning Committee.

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

Resolved: That the minutes of the meeting held on 14th June 2021 be confirmed as a correct record and signed by the Chair.

(Vote: For 23, Abstentions 3)

203. PUBLIC CONTRIBUTIONS

A statement was received from Hilary Birch, Bideford Community Group in support of Councillor Gubb's Notice of Motion, which was read out by the Chief Executive.

The statement raised concerns to the proposed development at Brunswick Wharf and the affect it would have on the historic aspects of the area. Other concerns included car parking, public conveniences and waste.

Councillor Jones arrived at 6:37pm.

204. 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.

205. AGREEMENT OF AGENDA ITEMS PART I AND II

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

Resolved: That the agenda be circulated as agreed.

(Vote: For 23, Abstentions 3)

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

The Chair informed the Committee, that following a phone call from another Member suggesting an additional item be brought forward, advice had been sought from the Chief Executive and Head of Legal & Governance (Monitoring Officer) and it was decided it was not possible to proceed. Suggestion was made for the Member to speak to the Chief Executive to move this topic forward.

The Chair invited Councillor Gubb to provide an update on Councillor Inch.

Condolences were given to Councillor Hodson.

207. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Questions had been submitted under Procedural Rule A9 by Councillors Ford and Hames.

In accordance with the Constitution written answers to the questions had been circulated to all Members.

Question from Councillor Ford

In response to the last question regarding DBS checks, I think it would be best practice if the Councillors who have not had a DBS obtained, it should state on the Torrridge District website that "No DBS obtained".

Councillor L Ford
16 July 2021

Response

This was a matter that was discussed at the Constitution Review Working Group. The Constitution currently states: -

“Councillors are expected and encouraged to undertake Disclosure and Barring Service (DBS) checks and a record of those undertaken will be published on our website. This is intended to increase public confidence in their elected Members and gives the Council an opportunity to put measures in place to mitigate any risk arising from previous conduct, if necessary”.

It was agreed by Full Council that Members who had undertaken a DBS check would have that recorded against their name on the Council Website. For Members who have decided not to have the check it would be left blank.

In the absence of Councillor Ford, the question and response were noted.

Question from Councillor Hames

As I understand Northam Town Council has been waiting for some years for the land at Blackies in Appledore to be transferred to it from Torridge District Council I would be grateful for an explanation of why the process is taking so long and what measures are being taken by the District Council to achieve the transfer.

Councillor P Hames
6 July 2021

Response

Northam Town Council have a lease of the land known as Blackies. It was agreed some time ago to transfer the land to NTC. Prior to the transfer taking place there were some legal agreements that needed to be entered into in relation to an affordable housing development at The Mount, Appledore. Both TDC and NTC were agreeable to the agreements, and it was agreed that TDC would do the legal work for the agreements to save NTC the expense of having to do so.

The Council needed to enter into a Section 104 agreement for the affordable housing development at The Mount, Appledore; The draft Section 104 is progressing among the other parties but has been agreed by TDC.

A Variation is also needed to an earlier easement relating to access to the site. That access is now being formally adopted by County, and TDC or NTC will need to enter into the Section 38 Agreement to facilitate adoption.

The outstanding paperwork is with DCC and the developer and completion is outside the control of TDC.

This is work that is needed to be done for the affordable housing, and TDC retained the work to assist NTC from having to instruct a third-party solicitor to complete the documentation.

Unfortunately, TDC have not heard back for some time, despite chasing.

Councillor Hames addressed the Committee and advised no response had been received from Devon County Council and asked if Councillor McGeough could investigate it for a conclusion

Question from Councillor Ford

Because of my recent experiences I would like to suggest for transparency and best practice that senior officers should declare if they are freemasons; the same as Councillors should do so.

Councillor L Ford
26 July 2021

Response

That all Senior Officers, which includes both the Senior Management Team and Operational Management Team are required to declare interests, which already correlates to that as required to be submitted by Councillors.

In the absence of Councillor Ford, the question and response were noted.

208. MAKING OF THE GREAT TORRINGTON AND WINKLEIGH NEIGHBOURHOOD PLANS

Councillor Brown declared an interest – dual hatted – Torrington Town Council.

The Senior Planning Policy Officer introduced herself and presented the report. The purpose of the report was to seek the ‘making’ of the Great Torrington Neighbourhood Plan and the Winkleigh Neighbourhood Plan following successful referendum outcomes.

Congratulations were given to all involved in preparing both Neighbourhood Plans.

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

Resolved: That the recommendations detailed in the report be approved.

(Vote: Unanimous)

209. STATUTORY OFFICER ROLE

The Finance Manager (S151 Officer) presented the report, the purpose of which to confirm the Senior Capital Accountant as Deputy S151 Officer.

Councillor James spoke and commended Peter Hudson for the work he had carried out, particularly surrounding the grant schemes.

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

Resolved: That the appointment of Peter Hudson as permanent Deputy S151 Officer be effective immediately.

(Vote: Unanimous)

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

210. PARLIAMENTARY BOUNDARY REVIEW

The Chief Executive presented the report, the purpose of which was for Full Council to decide whether to submit a response to the initial consultation from the Boundary Commission for the England proposals for the new Parliamentary constituency boundaries (deadline of 2nd August 2021).

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

Resolved: That Members agree with the initial consultation from the Boundary Commission for England for the new Parliamentary constituency boundaries.

(Vote: Unanimous)

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

211. APPOINTMENT OF INDEPENDENT PERSONS FOR STANDARDS COMMITTEE

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was to approve the appointment of two Independent Persons to work with the Head of Legal & Governance (Monitoring Officer) and Standards Committee.

The Committee were advised of addendums to the report:

- 1) 3 Independent Persons be allowed to sit on the Standards Committee due to historic difficulties in recruitment
- 2) the two new Independent Persons also be approved to join the External Overview and Scrutiny Committee as non-elected members.

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

Resolved: That Mr Louis Bach and Mr Kenton Baker be appointed to the role of Independent Person for a term of 4 years, pursuant to section 28 of the Localism Act 2011 and the two addendums also be approved.

(Vote: For 25, Abstentions 1)

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

212. MEMBERSHIP OF OUTSIDE BODIES

The Head of Legal & Governance (Monitoring Officer) and the Leader presented the report, the purpose of which was to agree the Membership of Outside Bodies.

Following a query from Councillor Hames, the Head of Communities Place confirmed he would speak with the Chair of Taw & Torridge Estuary Forum regarding possible representation from the Council.

The Chair agreed that individuals could bring forward reports of their contributions to Outside Bodies.

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

Resolved: That the membership of Outside Bodies be agreed.

(Vote: Unanimous)

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

213. ANNUAL REPORT 2021

The Leader presented the report, the purpose of which was for Members to note the Council's Annual Report 2021 and agree to circulate to partners.

Congratulations were given to the Strategy, Performance & ICT Manager and the Service Improvement Officer for an excellent report and all the work they had carried out.

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

Resolved: That the report be noted and approved that the report is distributed to relevant partners.

(Vote: Unanimous)

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

214. PETITIONS

There were no petitions.

215. NOTICES OF MOTION

There were two Notices of Motion.

(a) Written Notice of Motion from Councillor Brenton

In the context of the pandemic, and its consequences, and the review of the District Plan TDC should adopt a progressive policy regarding open spaces and play areas namely that:

- All public accessible open spaces within TDC will not receive planning consent for development partial or otherwise. This will include public local government areas, open play spaces, play areas that are part of a housing development and housing association recreational areas.

Councillor Brenton presented his Notice of Motion giving examples of areas of land that had been lost.

Councillor Dart re-joined the meeting at 7:03pm.

The Chair expressed his support for the motion.

Confirmation was given to Councillor Jones that if the motion is approved then it would be referred to the Local Plan Working Group.

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

Resolved: That the Notice of Motion be referred to the Local Plan Working Group.

(Vote: For 24, Against 1, Abstentions 2)

(b) Written Notice of Motion from Councillor Gubb

That Torridge District Council support in principle **the creation of a working group** (comprising some elected Members, the Council's Conservation Officer and Planning Manager) to collaborate with the owner of the East-the-Water Wharves, Barnstaple Street, Bideford (Council owned land at the time of determination of planning application 1/1126/2020/FULM), the independent Design Review Panel (designreviewpanel.co.uk), Historic England, and Bideford Community Group (BCG).

The **objective of the working group** would be to **facilitate changes to the design** of the three overly-large housing blocks in respect of planning consent 1/1126/2020/FULM, identified by Historic England ("HE") as generating "*high levels of cumulative and individual harm*"

to the setting and significance of multiple nearby designated heritage assets including grade I listed Bideford Long Bridge, grade I listed Royal Hotel and two conservation areas. (HE consultation responses, 5 and 25 February 2021). HE robustly objected to planning application 1/1126/2020/FULM on heritage grounds.

Collaborative efforts would also seek to address serious concerns about the approved scheme raised by BCG including but not limited to grossly inadequate car parking levels, lack of public toilets provision and absence of a waste management plan to deal with operational waste from this major development comprising 85 residential dwellings and 15 commercial units.

Councillor Gubb presented her Notice of Motion explaining she had submitted the motion on behalf of the members of her community and that it is for them.

A brief debate then took place with mixed views from Members.

It was proposed by Councillor Gubb, seconded by Councillor Brenton.

(Vote: For 2, Against 23, Abstentions 2)

216. EXCLUSION OF PUBLIC

It was proposed by Councillor Bushby, seconded by Councillor McGeough 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.

(Vote: For – unanimous)

217. PART II - (CLOSED SESSION)

218. LEISURE MANAGEMENT OPTIONS

The Chief Executive introduced this item, gave a brief summary of the report, and then a presentation was received presenting the key decisions to be made in order to progress arrangements

Councillor Cottle-Hunkin left the meeting at 7:32pm.

Following the presentation, a discussion took place.

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

Resolved: That the recommendations in the report be approved.

(Vote: For 23, Against 2, Abstentions 1)

Following the vote, it was decided that Members interested in recommendation 5 put forward an application to be ratified at Full Council.

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

Resolved:

That the press and public be readmitted.

(Vote: For – unanimous)

The meeting commenced at 6.30 pm and closed at 8.10 pm

Chair:

Date: