

TORRIDGE DISTRICT COUNCILFULL COUNCIL MEETINGCaddsdow Business Support Centre - BidefordMonday, 31 January 2022 - 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, L Ford, J Gubb, P Hackett, P Hames, S Harding, C Hawkins, K Hepple, R Hicks, C Hodson, D Hurley, J Hutchings, K James, D Jones, S Langford, N Laws, C Leather, R Lock, J Manley, J McKenzie, S Newton, P Pennington, P Watson, R Wiseman and C Woodhouse

Independent Persons L Bach

## 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)
J Williams	- Public Health & Housing Manager
T Vanstone	- Senior Electoral & Democratic Services Officer
K Brown	- Democratic Services Officer
K Hewlett	- Electoral and Democratic Services Officer
S Ayres	- HR & Comms Manager
A Beacham	- Programme Manager, One Northern Devon
T Davies	- Superintendent, Devon & Cornwall Police
D Hill	- Chief Executive, Torrridge Voluntary Service
Dr T Tinsley	- Director, Alcantara Communications

285. APOLOGIES FOR ABSENCE

Before entering the agenda the Chair welcomed Councillor Woodhouse to TDC.

Apologies for absence were received from Councillors: T Inch and R Craigie.

286. COUNCIL MINUTES

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

Resolved: That the minutes of the meeting held on 13<sup>th</sup> December 2021 be confirmed as a correct record.

(Vote: For – 29, Abstentions 4)

287. PUBLIC CONTRIBUTIONS

Dr Teresa Tinsley, director of Alcantara Communications addressed the Committee on standards in public life. She expressed her concerns regarding the recent behaviours of Members in Central Government and urged TDC Councillors to make a stand.

288. 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.

289. AGREEMENT OF AGENDA ITEMS PART I AND II

Following on from the public speaker Councillor Cottle-Hunkin addressed the meeting expressing her disappointment that her Notice of Motion had been refused for the agenda and felt a message needed to be sent to central government from TDC expressing profound disappointment and lack of confidence regarding recent events at Number 10.

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

Resolved: That agenda item 21 be presented in Part I.

(Vote: For 31, Against 1)

As item 21 concerned Councillor Ford he refrained from taking part in the vote.

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

The Chair read a letter received from the 5 group leaders detailing their concern regarding the recent behaviour of Councillor Ford. A copy of the letter was attached with the minutes of the meeting.

291. TO ANSWER QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

Questions had been submitted by Councillors Cottle-Hunkin and Ford under Procedural Rule A9.

In accordance with the Constitution a written answer to each of the questions had been circulated to Members.

**Question from Councillor Cottle-Hunkin**

We are told by a resident in Great Torrington that a proposed housing development (on land adjacent to South St car park) will overshadow his solar panels, cutting off his power over the winter months, and as a result will put his current carbon-neutral business into jeopardy.

We are told that just a small change to the design is all that is needed to allow him to keep his solar panels producing energy to the same extent as they do currently (i.e., the placing of single-storey garages next to the solar panels rather than two-storey houses as is currently proposed).

Given this information, and given that the council has declared a Climate Emergency, will TDC be seeking for the developer to make changes to the existing design? And if not, why not?

**Answer**

This question relates to a live Reserved Matters application (ref: 1/1086/2021/REM), outline planning permission having been granted by Plans Committee in December 2020 for the erection of 9 dwellings.

The only matters currently under consideration are the appearance of the dwellings and landscaping with other matters such as the layout and scale of the development having been agreed at outline. As with all planning applications, the proposal is being considered in accordance with the development plan, unless material considerations indicate otherwise in accordance with planning law.

A supplementary question was asked by Councillor Cottle-Hunkin where she asked for the council to commission a valid report into it using the correct data before they progress the application forward.

The Chair advised the information was not available at the meeting and a separate response would follow.

The question and response were noted.

**Question from Councillor Ford**

How much did the Jack Hegarty report cost the Council?

**Answer**

The cost to the Council of engaging Mr Jack Hegarty was £6,777.

For the benefit of other Councillors who may not be aware of the detail Mr Hegarty was commissioned with the help of the Local Government Association in a capacity of an independent person to investigate complaints made against Cllr Ford.

The cost also includes wider work necessary to produce the report as Mr Hegarty needed to interview all the complainants separately, produce and agree statements from each, liaise with Cllr Ford and then produce a report, which was presented at a hearing.

It was necessary to engage an external investigator as Cllr Ford had made allegations directed at TDC officers, which meant it was not possible to conduct the investigation internally as ordinarily the case in other circumstances.

The Chair read to Members the question submitted by Councillor Ford.

Following a supplementary question by Councillor Ford, asking if the independent investigator had all the evidence required, the Chair advised that a response would be given outside of the meeting.

The question and response were noted.

The Chair confirmed that Councillor Ford's second question was not answered as it was not a matter for TDC to consider and advised Councillor Ford to progress his query with the Police.

Councillor Ford left the meeting at 6.49pm

## 292. ONE NORTHERN DEVON PRESENTATION

Superintendent, Toby Davies from Devon & Cornwall Police, Andrea Beacham the One Northern Devon (OND) Programme Manager, Northern Devon Healthcare Trust and Darran Hill, Chief Executive of TTVS introduced themselves and jointly presented this item.

Prior to the meeting additional information had been circulated to Members.

The aim was to request that TDC consider a joint investment proposal with One Northern Devon to enhance services already being provided.

A detailed explanation of the One Communities Project was delivered along with how the organisation had grown over the years. Information was provided on the cost of staff to run the project and funds already invested by OND partners.

Toby Davies continued by providing details of how the High Flow project operates locally. It was explained this is a joined-up approach between services, working with people who require high intensity support across several services – the aim

being to pull together a team around the person and address the underlying issues for an individual.

It was confirmed at part of the presentation that partners were being asked to contribute a sum of £12,000.00.

A brief discussion followed, and several Councillors expressed their support for the project.

Following a query regarding monitoring, Andrea Beacham explained that data had been collated for the 12-month period prior to intervention and then during involvement with High Flow – the data was then compared like-for-like. She explained that the wider implications of Covid-19 were unknown currently, though Covid did impact on how the service was delivered during that time.

Darran Hill provided the rationale for the change from One Bideford to One Atlantic. The referral process was explained as well as access to the programmes for rural areas and communities.

There was further discussion regarding the High Flow project referral process, and it was confirmed that it was a consent lead but so far engagement with the project has been very positive.

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

Resolved: That a full report be presented to Community & Resources to consider the proposal of granting £12,000.00 to the scheme.

(Vote: For - unanimous)

## 293. GAMBLING ACT - STATEMENT OF PRINCIPLES

The Public Health & Housing Manager presented the report, the purpose of which was to present the Authority's revised Statement of Principles published under s.349 of the Gambling Act 2005 for formal adoption.

Councillor McKenzie reminded Members of Licensing training they could attend the following week.

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

Resolved: That the revised Statement of Principles be formally adopted.

(Vote: For - unanimous)

294. DEVON CARBON PLAN

The Public Health & Housing Manager presented the report, the purpose of which was to inform the group of the outcome of the Devon Climate Citizens' Assembly, make members aware of new actions proposed for the Devon Carbon Plan as a result of the Citizens Assembly, to request members agree that these new actions are put forward for inclusion in the next public consultation document and to request members note and endorse the additional comments from the Climate Change Working Group.

Following member discussion in relation to page 75 condition 3.4 and DIY installation. It was suggested that the Councillor Climate Change Working Group could explore the possibility of TDC providing guidance or a signposting service to the public in relation to this resolution.

It was proposed by Councillor Hames, seconded by Councillor McKenzie and -

Resolved:

1. That the results of the Citizens' Assembly be noted.
2. That the proposed actions in Appendix 1 are included in the next public consultation.
3. That the additional comments of the Climate Change working group be endorsed and raised with Devon County Council/ Local Plan Committee.

(Vote: For 29, Against 1, Abstention 2)

295. HOUSING PROVISION - UPDATE REPORT

Chief Executive provided members with the context to this update report, the purpose of which was to update on the Provision of Housing Project and to request match funding to help progress the project further. Members were reminded of the agreed actions from the member workshops, which were set out in section 2 on page 78 of the report.

The Chief Executive provided a summary of the progress on the listed actions and the proposed way forward.

Members were advised that following an unsuccessful bid to the Local Government Association's Housing Advisor Programme the Council had since been successful in the second round and awarded £25k. The recommendation of the report is that match funding from the Council is considered, though the Chief Executive highlighted that this recommendation would be considered alongside 2 other requests that have been made at this morning's Community & Resources Committee.

Cllr James then spoke to members about the progress taking place within the region on housing and there was a member discussion regarding Viability Assessments.

Following a query regarding a schedule of dates for the work, the Chief Executive confirmed that a detailed delivery plan is in development, but the immediate priority is implementation of the Leisure Service.

It was proposed by Councillor James, seconded by Councillor Christie and

Resolved

That the recommendations be agreed, with a specific request that the request for match funding go directly to Internal Overview & Scrutiny for consideration.

(Vote: For, Unanimous)

296. CONSTITUTION UPDATE

The Head of Legal & Governance presented the report, the purpose of which was to seek Full Council's approval for updates to the Constitution.

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

Resolved: That the recommendations in the report be adopted.

(Vote: For - unanimous)

297. APPOINTMENT OF EXTERNAL AUDITORS

The Finance Manager (S151 Officer) presented the report, the purpose of which was to set out proposals for appointing the external auditor to audit the Authority's annual statement of accounts for a five-year period from 2023/24.

It was advised that the PSAA would require a formal letter if TDC were to adopt the recommendations.

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

Resolved: That the recommendation from Audit & Governance on 18<sup>th</sup> January - Torridge opts into the PSAA procurement of external audit services - be approved.

(Vote: For - unanimous)

298. APPLEDORE FISH DOCK ICE MACHINE

The Head of Communities & Place presented the report, the purpose of which was to seek approval to add the acquisition and installation of a replacement ice machine for Appledore Fish Dock to the 21/22 capital programme.

It was proposed by Councillor Manley, seconded by Councillor Clarke and -

Resolved: That the sum of £33,000 be added to the Capital Programme (21/22) for the replacement ice machine at Appledore Fish Dock.

(Vote: For - unanimous)

299. PAY POLICY

The Chief Executive, Head of Legal & Governance (Monitoring Officer), Head of Communities & Place and Finance Manager (S151 Officer) left the room while this report was presented.

The HR & Communications Manager presented the report, the purpose of which was to invite Members to agree to a Pay Policy statement, in accordance with the requirements of the Localism Act. It was confirmed the report did not ask Members to agree to any changes to the Pay Policy or the remuneration of senior officers.

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

Resolved: That the Pay Policy be approved.

(Vote: For - unanimous)

300. UPDATE - LEAD MEMBER

The Leader presented this report, the purpose of which was to appoint a Lead Member for Legal & Democratic Support.

The Leader praised Councillor Hurley for his time as Lead Member.

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

Resolved: That the Councillor Newton be elected as the new Lead Member for Legal & Democratic Support.

(Vote: For - unanimous)

301. PETITIONS

There were no petitions.

302. NOTICES OF MOTION

There was one notice of motion.

- (a) Written Notice of Motion from Councillor Brenton

NOTICE OF MOTION FROM COUNCILLOR D BRENTON

Notice says that TDC produces a report to go to O&S External with answers to the following questions:-

- 1) How many incidents of permitted discharging of sewage into Torridge River have taken place in the last 12 months?
- 2) What has been the response of the E.A?
- 3) What has been the bathing water qualities for the last 12 months?
- 4) What are the stats for shellfish qualities?

Councillor Brenton presented his Notice of Motion voicing concern and giving examples of issues which lead to the Notice of Motion.

Councillor Manley advised this was already on the forward plan as an agenda item at a future External Overview & Scrutiny Committee meeting and external bodies would be involved.

It was proposed by Councillor Brenton, seconded by Councillor Christie and –

Resolved: That the Notice of Motion be agreed.

(Vote: For - unanimous)

303. RECOMMENDATIONS FROM STANDARDS COMMITTEE - 5TH JANUARY 2022

Following an earlier vote regarding the agenda this item was heard as a Part I item.

The Head of Legal & Governance (Monitoring Officer) presented the report, the purpose of which was for Members to consider and/or approve the recommendations of the Standards Committee.

This item had originally been kept private in accordance with TDC's constitution and to keep individual complainants' identities confidential, though confidentiality of the complainants was still being observed there was a recommendation to make the details of the Standards Hearing public.

Background information was provided on complaints in relation to Councillor Ford's threatening and abusive behaviour and the complaints process was explained for members. Along with Councillor Ford's involvement in that process.

It was explained that because the Head of Legal & Governance (Monitoring Officer) and other members of the Senior Management Team had been subject to Councillor Ford's complaints and allegations, an independent investigator was appointed. Further detail was provided regarding how the independent investigator progressed the complaint, and the outcome of the Standards Hearing on the 4<sup>th</sup> August and the subsequent Standards Committee held in January, where the recommendations to Full Council were made.

Councillor Newton addressed members and explained the reasons why he was requesting an amendment to the proposal, that Councillor Ford's access to his official Council email address should be removed. During discussion it was clarified that this would not impact on Councillor Ford's ability to represent his constituents as he would still have access papers and meeting details via ModGov / his usual IT access. It was also confirmed that members would be able to block email addresses if necessary.

Following a discussion between members it was proposed by Councillor Newton, seconded by Councillor Hodson and –

Resolved: That the draft press release included in the report be publicised along with an amendment that Councillor Ford's Torridge District Council email be removed for 6 months and re-instatement reviewed after this period.

(Vote: For - unanimous)

The meeting commenced at 6.30 pm and closed at 8.14 pm

Chair:

Date:

## Letter to Chair of Full Council

### Urgent Matters

Councillor Bushby,

We thought as the five Group Leaders of the Council imperative that we write to you as Chair of Council to express our deep concerns that the behaviour of one of the Council's elected Members Councillor Ford is becoming hugely damaging to the reputation and perception of the Council, its elected Members and staff to the outside world.

At the last Full Council meeting on 13 December 2021 Cllr Ford stood up in the public part of the meeting to make several accusations and allegations against fellow Members and Officers in particular Councillor McGeough and Staci Dorey our Head of Legal and Governance (the Council's Monitoring Officer). We need to put on public record that these accusations and allegations are completely unfounded and unsubstantiated.

We cannot continue to condone such intimidating and bullying behaviour towards our staff and Members.

Cllr Ford has been asked on numerous occasions that if he has any factual evidence to back up his stories then allegations can be investigated, but he has failed to do so. Cllr Ford instead chooses to use the opportunity and platform of our Council meeting to continually and publicly abuse Members and staff and it must be stopped.

We have discussed these matters with the Chief Executive and he is deeply concerned the damaging effect this is having on the Council's staff their morale and in particular the health and well-being of those staff being indiscriminately targeted by this unacceptable behaviour.

More widely the reputational impact this will have on the Council if not properly addressed and refuted, which could lead those outside of the Council believing the stories.

The Chief Executive asked that we as the most senior political leaders of the Council take action to address this as a matter of urgency.

As a Council we have achieved a huge amount over the last 2 and half years through the monumental efforts of our hardworking staff and Members, which Councillor Ford seems intent on trying to undermine.

We want to be a Council that is seen to want to achieve and deliver our ambitious plans with senior officers, staff and Members working together side by side with mutual respect.

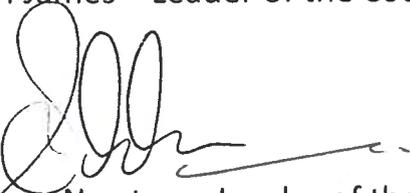
We therefore respectfully ask the Chair to ensure that Councillor Ford is stopped from making such unfounded statements in our Council meeting and if deemed necessary be removed from the meeting.

Signed by:



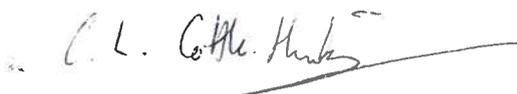
Date: 5/1/2022.

Cllr Ken James – Leader of the Council and Independent Group Leader



Date: 5/1/2022.

Cllr Simon Newton – Leader of the Conservative group



Date: 20/01/2022

Cllr Cheryl Cottle-Hunkin – Leader of the Liberal Democrat group



Date: 7/1/2022

Cllr David Brenton – Leader of Labour Group



Date: 10/1/22.

Cllr Peter Christie – Leader of Non-aligned Group