

E-mail: comsec@teignbridge.gov.uk

12 February 2021

FULL COUNCIL

A meeting of the **Full Council** will be held on **Monday, 22nd February, 2021 at 10.00 am**. This will be a virtual meeting and you can observe the meeting [via our Youtube Page](#).

PHIL SHEARS
Managing Director

Membership:

Councillors Austen, Bradford, Bullivant, Clarence, Colclough, Connett, Cook, D Cox, H Cox, Daws, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Jenks, Keeling, Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall, Orme, Parker-Khan, Parker (Vice-Chair), Patch, Peart, J Petherick (Chair), L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume and Wrigley

Please Note: The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

A G E N D A

5. **Public Questions (if any)** (Pages 3 - 6)

Members of the public may ask questions. A maximum period of 15 minutes will be allowed with a maximum period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

6. **Councillor Questions (if any)** (Pages 7 - 10)

Members of the Council may ask questions of the Council subject to procedural rules.

The deadline for questions is no later than three clear working days before the meeting.

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

COUNCIL MEETING

22 February 2021

Public Questions

Member of Public (1)

Question 1.

I would like to ask a question regarding planning enforcement or more to the point lack of enforcement, it appears at the moment that abuse of the Planning regulations and operating without planning permission is being overlooked or given a very low priority. Some cases involve major issues such as road safety, pollution, flooding, the environment etc, and are not being looked at for months and in some cases years.

As this is a dangerous situation to be in could you please give me some idea what time schedule the public can expect from reporting an incident to action being taken by the enforcement officer.

I fully understand that Covid makes some jobs very difficult to carry out but in this instance when most cases are outside a site visit can be carried out with social distancing and in safety.

Reponses from Executive Member for Planning

At <https://www.teignbridge.gov.uk/planning/enforcement/making-an-enforcement-complaint/> - there are pdf documents under 'related links' which set out the enforcement process and procedure.

Question 2.

I see on the Teignbridge District Council website that the TDC constitution has been revised, could you tell me why this was done and what consultation was carried out before the implementation.

Response from the Chair of Council

This was done in accordance with the resolution of Full Council September 2019. <https://democracy.teignbridge.gov.uk/ieListDocuments.aspx?CId=165&MId=1506&Ver=4>. The report together with the recommendations was published on the Council website five working days before that meeting (in line with legislation) to allow the public and members to read the documents and to submit questions. None were received on this report.

Member of Public (2)

Question 1.

With last year's illegal alteration of the precept, which has set a precedent for Dunchideock, would it not be sensible to cancel the DPC precept demand for £7,930 as DPC no longer has officers or members to legally administer and spend this public money as it does not have the external auditor's approval?

Response from Executive Member for Corporate Services

The precept for 21/22 was set at a public meeting. The parish council continues to exist and so the precept is lawfully due. Future meetings will determine replacement of officers and members. No external audit approval is necessary.

Question 2.

DPC might not be resurrected in May 2023 if nobody stands for the council seats. If so what happens to this frozen public money?

Response from Executive Member for Corporate Services

The Parish Council remains a legal entity issues relating to its assets are for the Parish Council to determine.

Question 3.

Next year DPC will not issue a precept demand so what will TDC do then?

Response from Executive Member for Corporate Services

The Parish Council remains a legal entity and as such may issue a precept demand

Member of Public (3)

Question 1

Item 7. The Parish Clerk and all Councillors of my Dunchideock Parish Council have allegedly resigned. I say “allegedly” since part V clause 84 of the Local Government Act 1972 puts legal doubt as to whether the Chairman could have resigned independently of a meeting, a question I have asked on 7 February of your Monitoring Officer – reply awaited. The TDC Electoral Services Manager advises that as things currently stand, the vacant seats on the Parish Council may be filled by election at the next ordinary elections in May 2023.

Why then is TDC imposing on we residents that we pay part of our Council Tax to Dunchideock Parish Council to enable TDC to fund the Parish Council precept of £7,930 in 2021/22, none of which can be operated or spent?

Response from Executive Member for Corporate Services

The precept was duly authorised at a public meeting and communicated to us. The parish council still exists as a legal entity and we must honour the precept demand placed upon us. The Parish has the opportunity to replace the staff and continue to operate the council and deliver the services voted on as part of its precept setting.

Question 2

Agenda Item 12. Members Allowances; Independent Remuneration Panel's (IRP) recommendations regarding Members Allowances 2021/22 and Table page 113. The proposed SRA's 10.7% (£14,068) increase is an amazing proposition in these financially constrained times and the IRP recommendations, even at a 5.5% increase, is surprising. Cannot not Members realise their predicament and decline such substantial increases for 2021/22?

Response from Executive Member from Corporate Services

These are recommendations from the Independent Remuneration Panel for Council to consider. Members can also choose on an individual basis whether to accept all or part of their allowance.

Question 3

Item 16 – Notices of Motion - Standards Committee process changes, presented by Cllr. Eden. As the Secretary of the Teignbridge Association of Teignbridge Councils (TALC), I see it as disappointing that TALC has not been consulted regarding this motion, one that is integral to the standards that govern its members. Why was TALC ignored in this process?

Response from the Leader

This Notice of Motion will be debated later in the meeting. Your question should be directed to the Councillor concerned outside of this meeting.

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COUNCIL MEETING

22 February 2021

Member Questions

Question from Cllr Patch

At the last meeting of Full Council I tried to raise a Point of Order. The Chairman did not allow me to state my Point of Order - choosing instead to make a summary judgement that I could not make my point since it did not refer to an item on the Agenda of the meeting.

I believe that this was not in accord with the Constitutional provisions that allow for Members to raise - and have heard - legitimate Points of Order at meetings of the Council: firstly, the Chairman did not allow me to set out my Point of Order before he made a decision on how to handle it - effectively, he denied me the right to raise a Point of Order; secondly, he stated that a Point of Order must refer to an item on the meeting's Agenda - contrary to the specific provisions in the Constitution.

In contrast, later in the same meeting the Chairman allowed another Member to raise a Point of Order - and allowed it to be stated in full without asking that Member to specify how it qualified as a legitimate Point of Order according to the Constitution.

The Question

Having had the opportunity to study the Constitution of this Council: does the Chairman accept that he ought to have allowed me to present my Point of Order at the last meeting of the Full Council before making a judgement on how to handle it; is he confident in his understanding of the Constitution of this Council; and will he commit to upholding the Constitution of this Council moving forward?

Response from the Chair of Council

I don't accept your view that I ought to have allowed you to present, what you considered to be, a Point of Order. I am confident that I understand the Constitution. I have always and will continue to uphold the Constitution. I trust you will too Cllr Patch, as the Constitution makes clear that my ruling as Chair, is final.

Questions from Cllr Daws

Question 1) Land next to Decoy

Given it has yet to be explained to any level of satisfaction, can TDC provide a simple and understandable rationale to tax paying residents why it paid more than twice the market price in 2010 for farmland that, perhaps coincidentally, the Council the landowners were considering adopting into the local plan?

Response from the Executive Member for Planning

A response to this question was previously given through the Members Newsletter. For completeness it is repeated below.

At Full Council on 23 November Cllr Daws asked the following supplementary questions regarding a parcel of land on the site known as NA3 that appears to owned by the Council. [This was identified on the map of Council owned assets](#)

- *What price did the council pay?*
- *What was the business case and rational was behind this purchase?*
- *Reassurance on time scale and that it was in no way relayed to the adoption of NA3 as an allocated site?*

The Council's Executive made the decision on 30 November 2009 to purchase nine acres of land at Decoy for £100,000. The price paid represented a fair market value for the land based on objective valuation.

The land was purchased using Growth Fund money 'to enable the delivery of new employment land in Teignbridge and to support related regeneration projects' and 'to provide clear evidence to funding agencies and partners that Teignbridge are delivering the regeneration and development goals of the Growth Point and funding agencies.'

[*The draft version of the Local Plan containing sites including NA3 was first published as the 'Preferred Options' stage in January 2012.*](#)

The site was chosen due to its proximity to Decoy Industrial Estate and was intended to be used for employment purposes. The price paid in 2010 formed a part of the deal that was struck. The land was sold back for the same price, plus interest that had accrued. If the land was to be used for agricultural purposes then paying agricultural land value would be appropriate.

Question 2) Ghost Objectors - Langford Bridge

As TDC has stated it is committed to transparency can you explain why the council is putting the onus on Cllrs to get legal advice to force the council to release to them information that is clearly their legal rights as elected members.

The statutory position is thus:

Under common law principles councillors have the right to access information held by their authority where it is reasonably necessary to enable the member to properly perform their duties as a councillor.

Section 100F Local Government Act 1972 (as amended) (the Act) provides that any document which is in the possession or under the control of a principal council being a non-metropolitan county, a district or a London borough council (and which by virtue of s.100J of the Act has a very wide meaning beyond that) and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall be open to inspection by any member of the council.

As in planning applications those objecting are told in the clearest terms that their details are a matter of a public record "Your name and address and comments will be displayed on our website." Can the leaders of the council explain why they are actively avoiding transparency and seeking to withhold the identities of the objectors who were allocated the slots to speak but withdrew on the day due to a family bereavement?

Response from the Leader

There is no onus on Councillors seeking independent legal advice. Your question on 14 January 2021 stated 'I have been advised the reasons given for not supplying this information have no basis.' The response to this was 'if (you) would like to share that advice we can review it and consider whether it changes the original decision to withhold the information.' No 'advice' has been shared.

You have cited the Local Government Act 1972 and the councillors 'need to know' clause of which the Council is aware and considered when you previously asked for names to be disclosed. However please refer to Categories of "Exempt Information" schedule 12A of the Act as amended;

Therefore without the benefit of your advice we do not agree with your own interpretation and it does not change the decision to withhold individuals details. Information relating to individuals, or which is likely to reveal their identity, is exempt information which the council is also obligated to protect under current data protection laws.

This planning matter has long since been dealt with, on what basis can it now be said that the disclosing of the identities of the objectors is reasonably necessary to enable you to properly perform your duties as a councillor?

Question 3)

The Planning Advisory Service investigation into Langford Bridge noted failings in the allocating of speaking slots at planning committee members by Teignbridge District Council, but failed themselves to note what these were in their report. In the interests of transparency could TDC acknowledge what these failings were and how they are going to be improved. At the very least to the members, part two if needed.

Response from the Executive Member for Planning

The Planning Advisory Service (PAS) report contained a number of recommendations on improvements to the Council's current processes. It was agreed that the report would be reviewed by the Planning Committee, to decide how best to deal with the recommendations set out in the report. The report is as received from PAS, so any information we have about the review is contained within that report.