

FULL COUNCIL

23 MAY 2023

Present:

Councillors Atkins, Bradford, Bullivant, Clarence (Chair), D Cox (Vice-Chair), H Cox, Daws, Dawson, Farrand-Rogers, Foden, Gearon, Goodman-Bradbury, Hall, Henderson, Jackman, James, Jeffries, Keeling, Lake, MacGregor, Morgan, Mullone, Nutley, Nuttall, Palethorpe, C Parker, P Parker, Parrott, Peart, Purser, Radford, Rogers, Ryan, Sanders, Smith, Steemson, Swain, G Taylor, J Taylor, Thorne, Webster, Williams and Wrigley

Apologies:

Councillors Buscombe, Hayes, Hook and Rollason

Officers in Attendance:

Neil Blaney, Head of Place & Commercial Services

Trish Corns, Democratic Services Officer

Kay Fice, Scrutiny Officer

Martin Flitcroft, Chief Finance Officer & Head of Corporate Services

Sue Heath, Audit Manager

Christopher Morgan, Trainee Democratic Services Officer

Fergus Pate, Economy and Delivery Manager

Amanda Pujol, Head of Community Services and Improvement

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Phil Shears, Managing Director

Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

21. ELECTION OF CHAIR OF THE COUNCIL 2023/24

Cllr Wrigley proposed that Cllr Clarence be elected Chair of the Council for the 2023/24 municipal year, this was seconded by Cllr Bullivant.

Cllr Macgregor proposed that Cllr Radford be elected Chair of the Council for the 2023/24 municipal year, this was seconded by Cllr Daws.

Cllr Clarence and Cllr Radford left the room for the vote.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

For Cllr Clarence: Cllrs Atkins, Bullivant, D Cox, H Cox, Dawson, Farrand-Rogers, Foden, Goodman-Bradbury, Henderson, Jackman, James, Jeffries,

Keeling, Lake, Morgan, Nutley, Nuttall, Palethorpe, C Parker, Parrott, Peart, Purser, Rogers, Sanders, Smith, Steemson, Swain, G Taylor, Thorne, Webster, Williams, Wrigley Total 32

For Cllr Radford: Cllrs Bradford, Daws, Gearon, Hall, MacGregor, Mullone, P Parker, Ryan, J Taylor Total 9

No Vote: Cllrs Clarence, Radford Total 2

Absent: Buscombe, Hayes, Hook and Rollason Total 4

RESOLVED that Cllr Clarence be elected Chair of the Council for the 2023/2024 municipal year.

The Chair announced that his charity for the coming year would be the Devon Air Ambulance and his consort would be his wife Mrs Sally Clarence.

22. ELECTION OF VICE-CHAIR OF THE COUNCIL 2023/24

Cllr Wrigley proposed that Cllr D Cox be elected Deputy Chair of the Council for the 2023/24 municipal year, this was seconded by Cllr Keeling.

Cllr J Taylor proposed that Cllr Radford be elected Deputy Chair of the Council for the 2023/24 municipal year, this was seconded by Cllr Mullone.

Cllr D Cox and Cllr Radford left the meeting for the vote.

RESOLVED that Cllr D Cox be elected Deputy-Chair of the Council for the 2023/24 municipal year.

23. MINUTES

It was proposed by Cllr Wrigley, seconded by Cllr Keeling that the minutes of Extraordinary Council on 14 February 2023 and Council on 21 February 2023 be approved.

Cllr Daws proposed an amendment to Extraordinary Council 14 February 2023 minutes to add at the end of the minute no.13 '*Cllr Daws was refused the right of reply under constitution 3.8.5:*' and Council 21 February 2023 minute no 20 a written record of the Notice of Motion that Cllr Patch has submitted as follows '*In light of the serious, documented and evidenced, systemic failings at this Council (including, though not limited to the findings of the Local Government Ombudsman), and the lack of confidence that this Administration will fully and properly address and remedy these failings, this Council resolves to write at the earliest opportunity to the secretary of state for the Department for Levelling Up, Housing & Communities to request that he appoint commissioners, or another organisational mechanism, to administer and guide this Council (as set out in the Local Government Act 1999) to take forward the reforms so desperately needed to restore public confidence to this Council; with this administrative arrangement*

to remain in place until a new administration can be formed following Council elections in May 2023'. This was seconded by Cllr Macgregor

This amendment was accepted by Cllr Wrigley and Keeling, put to the vote and carried.

RESOLVED that the minutes of the Extraordinary meeting on 14 February 2023 subject to add at the end of the minute no.13. '*Cllr Daws was refused the right of reply under constitution 3.8.5.'* and Full Council 21 February 2023 subject to adding the written record of the Notice of Motion to minute no.20 that Cllr Patch had submitted as follows '*In light of the serious, documented and evidenced, systemic failings at this Council (including, though not limited to the findings of the Local Government Ombudsman), and the lack of confidence that this Administration will fully and properly address and remedy these failings, this Council resolves to write at the earliest opportunity to the secretary of state for the Department for Levelling Up, Housing & Communities to request that he appoint commissioners, or another organisational mechanism, to administer and guide this Council (as set out in the Local Government Act 1999) to take forward the reforms so desperately needed to restore public confidence to this Council; with this administrative arrangement to remain in place until a new administration can be formed following Council elections in May 2023'* be approved and were signed as a correct record by the Chair.

24. ANNOUNCEMENTS

The Chair announced the sad death of a former Councillor, Mike Walters who had also been Chair of Teignbridge District Council.

The Chair received a petition from Cllr Jane Taylor as follows:-.

This petition is presented to the Chair of Teignbridge District Council, on behalf of the residents of Kingskerswell, who have been adversely affected by the decision to charge for parking in Fore Street, Car Park.

As a result of this change, local businesses have been impacted due to loss of footfall.

More than 40 vehicles have been displaced to surrounding roads, causing congestion.

The car park is not being used and therefore, not generating income for TDC. The petitioners ask that a review is undertaken on the impact of charging at this location.

That consideration is given to allowing a short period of free parking to support local business and that reasonable priced parking permits are offered.

The Chair stated that the petition would be referred to the Overview & Scrutiny Committee.

25. DECLARATIONS OF INTEREST

None relevant to the items on the Agenda.

26. ELECTION OF THE LEADER

It was proposed by Cllr Keeling that Cllr Wrigley be elected as Leader of the Council, this was seconded by Cllr G Taylor.

It was proposed by Cllr P Parker that Cllr Daws be elected as Leader of the Council, this was seconded by Cllr MacGregor.

Cllr Wrigley and Cllr Daws left the meeting for the vote.

RESOLVED that Cllr Wrigley be elected Leader of the Council.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

For Cllr Wrigley: Cllrs Atkins, Bullivant, Clarence, D Cox, H Cox, Dawson, Farrand-Rogers, Foden, Goodman-Bradbury, Henderson, Jackman, James, Jeffries, Keeling, Lake, Morgan, Nutley, Nuttall, Palethorpe, C Parker, Parrott, Peart, Purser, Rogers, Sanders, Smith, Steemson, Swain, G Taylor, Thorne, Webster, Williams Total 32

For Cllr Daws: Cllrs Bradford, Gearon, Hall, MacGregor, Mullone, P Parker, Radford, Ryan, J Taylor Total 9

Not Voted: Cllrs Daws, Wrigley Total 2

Absent: Buscombe, Hayes, Hook and Rollason Total 4

RESOLVED that Cllr Wrigley be elected Leader of the Council.

The Leader of the Council confirmed his Deputy Leader and Portfolio Holders would be:-

Leader Cllr Wrigley

Comms, HR, Partnerships, Community engagement Towns and parishes, refugees, Modern 25, IT

Deputy Leader Cllr Keeling

Finance, Legal, Revs& Bens, Procurement, Customer Service, Democratic services

Cllr Jeffries

Economic development, Regeneration, Parking, Culture

Cllr Hook

Climate, Coastal, Flooding, Trees

Cllr Goodman-Bradbury

Housing, Communities, Voluntary sector, Community safety and safeguarding, Equalities Diversity and Inclusion.

Cllr Nutley

Open spaces, Leisure, Sports, Resorts, Tourism

Cllr Huw Cox

T100 – delivering new council houses

Cllr Gary Taylor

Planning, Building Control

Cllr Nuttall

Refuse, Recycling, Street cleaning, Environmental Health, Licensing

27. COMMITTEE APPOINTMENT AND POLITICAL BALANCE

A schedule of the Members proposed to be nominated to the Council's committees in 2023/2024 had been circulated to all Members prior to the meeting.

Cllr Bullivant stated that Cllr Smith would be sitting on Strata Joint Scrutiny Committee in place of Cllr Peart.

It was proposed by the Leader, seconded by the Deputy Leader that the schedule as circulated with the replacement of Cllr Peart with Cllr Smith on Strata Joint Scrutiny Committee be approved. This was carried.

RESOLVED that membership of Committees as shown in the schedule circulated with the replacement of Cllr Peart with Cllr Smith on Strata Joint Scrutiny Committee be approved.

28. OUTSIDE BODIES

The schedule of the Members proposed to be nominated to the outside bodies (external organisations) had been circulated to all Members prior to the meeting.

The Leader proposed the recommendation as set out this was seconded by Cllr Keeling.

Cllr MacGregor proposed an amendment that the report be deferred to enable all 47 Councillors an opportunity to be nominated for an appointment to an outside body. This was seconded by Cllr Daws.

Cllr Swain proposed an amendment that the Council fill the places as set out in report today so not as to lose representation on these outside bodies. Where positions are not for Portfolio Holders to be appointed, information be circulated to all members and nominations be invited and brought back to the July Council meeting. This was seconded by Cllr Henderson.

This was put to the vote and carried.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

For the proposition: Cllrs Clarence, D Cox, H Cox, Dawson, Farrand-Rogers, Foden, Goodman-Bradbury, Henderson, Jackman, James, Jeffries, Keeling, Morgan, Nutley, Nuttall, Palethorpe, Parrott, Purser, Sanders, Steemson, Swain, G Taylor, Thorne, Webster, Williams, Wrigley Total 26

Against the proposition: Cllrs Bradford, Bullivant, Daws, Gearon, Hall, Lake, MacGregor, Mullone, P Parker, Peart, Radford, Rogers, Ryan, Smith, J Taylor Total 15

Abstention: Cllr Atkins Total 1

Absent: Buscombe, Hayes, Hook, C Parker and Rollason Total 5

This recommendation now became the substantive motion, it was put to the vote and carried.

RESOLVED that the Council fill the places as set out in report today so not as to lose representation on these outside bodies. Where positions are not for Portfolio Holders to be appointed, information be circulated to all members and nominations be invited and brought back to the July Council meeting.

29. DAWLISH LINK AND BRIDGE FUNDING ARRANGEMENTS

The Economic and Development Officer gave a presentation to Members on Dawlish Link Phase 1 project (attached to minutes).

Cllr G Taylor proposed the recommendation, this was seconded by Cllr Keeling.

The recommendation was put to the vote and carried.

RESOLVED to approve up to £1.3 million Community Infrastructure Levy funding towards the development costs of part of Dawlish's Local Plan DA2 allocation link road and associated bridge.

30. INCREASE IN FINANCIAL LIMITS

The Leader proposed that this report be reconsidered by the Procedures Committee, this was seconded by Cllr Keeling.

The recommendation was put to the vote and carried unanimously.

RESOLVED that the financial limits be reconsidered by Procedures Committee.

31. REFERRAL FROM AUDIT SCRUTINY 18 JANUARY 2023 -ANTI FRAUD AND WHISTLEBLOWING POLICIES

Cllr Sally Morgan proposed the recommendation, this was seconded by the Leader.

Cllr Daws stated that himself and Cllr Mullone had in depth conversations with Protect a charity that aims to make whistleblowing work for individuals and organisations and that the Council should invite them in to scrutinise the policy. All employees, Members of the Council and the public should be made aware of this policy and members of the Council should be offered training in this area.

Cllr Daws proposed an amendment that the policy be adopted and with expediency Protect be invited in to scrutinise and have oversight of the policy and that staff, members of the Council and the public are made aware of this policy. This was seconded by Cllr Mullone.

The amendment was put to the vote and carried and became the substantive motion. This was put to the vote and carried.

RESOLVED that the Anti Fraud and Whistleblowing policy be approved and with expediency 'Protect' be invited to have oversight and scrutinise the policy, and that all employees, Members of the Council and the public be made aware of the policy.

The meeting started at 10.00 am and finished at 1.20 pm.

Chair