

FULL COUNCIL

24 SEPTEMBER 2019

Present:

Councillors Austen, Bradford, Bullivant, Clarence, Colclough, Connett, Cook, D Cox, H Cox, Daws, Dewhurst, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, G Hook, J Hook, Jeffery, Jeffries, Keeling (Chairman), Kerswell, MacGregor, Morgan, Mullone, Nuttall, Orme, Parker-Khan, J Petherick (Vice-Chairman), L Petherick, Phipps, Russell, Swain, Taylor, Thorne and Wrigley

Apologies:

Councillors Eden, Evans, Hocking, Jenks, Nutley, Parker, Patch, Peart, Purser, Rollason and Tume

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Phil Shears, Managing Director
Paul Woodhead, Solicitor & Deputy Monitoring Officer

50. MINUTES

The minutes of the Full Council on the 29 July 2019 were approved as correct and signed by the Chairman.

51. CHAIRMAN'S ANNOUNCEMENTS

The Chairman brought Members attention to the recent visit by HRH Prince of Cambridge visit to Chudleigh fire station and asked Members to support Andy's Man Club a charity that supports men with who are at risk of suicide and helps them to deal with their mental health issues.

52. DECLARATIONS OF INTEREST

None.

53. PUBLIC QUESTIONS SESSION UNDER COUNCIL PROCEDURE RULE 4.5(J)

The public questions and members responses are attached to the minutes.

Members of the Public asked the following supplementary questions, the answer to which some would be provided in writing later in the week. *[For ease of reference these answers are set out in square brackets below]:-*

In response to the supplementary question regarding many local peoples concerns over the use of the car park late at night with shouting, slamming car doors and tooting horns, which would affect the amenity of the whole area. The questioner suspected that residents should have been notified by Planning Law. If that was the case does it invalidate the decision made at the February Planning meeting, which agreed to the DCFA request?

Response from the Portfolio Holder for Planning

[I would refer you to the Mid Devon Advertiser of 14th September 2018 (filed on page 5 of the TDC Planning Portal on the same day under 'Advert') in which the relevant public notice reads "18/01690MAJ NEWTON ABBOT - Devon County Football Association, Coach Road. Construction of an external 3G Artificial Turf Pitch (ATP) with fencing and associated hard standing and car parking area".

Alongside this published public notice, further notification would have appeared in the form of a standard site notice which would have been affixed to adjoining fencing, a telegraph pole or a street lamp. You will note that the block plan of the application shows neither the pitch nor the car park directly abutting any residential properties. If, as suggested, no residents had received direct mail from the Council, then this may have been the reason for such an omission. I would note however that Coach Road residents living close to site were amongst the first to contact the authority regarding the proposals, which would seem to point to some properties nearby receiving individual notices.

Finally, I would refer you to the Conditions Discharge Summary on the Planning Portal dated 4th June 2019. This shows that a number of conditions relating to site acoustics which are required are yet to be undertaken. It would be my expectation that these conditions will soon be met - and to this end I will forward ask the Planning Department for these measures to be followed up as quickly as possible, to the benefit of all those living near to the football pitch.]

In response to the supplementary question regarding the questioners shared 50 metre access boundary with the Devon County and the playing field being surrounded by trees which will made it an acoustic bowl. Car fumes would linger and will be blown over into the path of houses in Coach Road. Surely this goes against the local authority air quality plan.

The Leader responded that it was the council's responsibility to monitor air quality in the area.

In response to the supplementary question regarding refusal in February 2019 of the Wolborough Barton development what steps are the council taking to ensure full transparency?

The Leader responded that it was important that the Council was as transparency as possible and he is working hard to ensure that this was the case.

54. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K)

The Members' questions and responses are attached to the minutes.

Members asked the following supplementary questions, the answer to some which would be provided in writing later in the week. [*For ease of reference the answers are set out in square brackets below*]:-

Further to his questions, Councillor Bullivant commented that the Council had zero debt when the current administration took over and refuted the claims of financial mis-management in the previous administration. He was disappointed with the lack of information in the responses to his questions.

The Portfolio Holder for Corporate Services referred to the Audit Scrutiny Committee 21 March 2019 minutes which stated Council's net exposure to external borrowing in the four year period of 2019-2023, would be around £45 Million if all the proposed projects went into the Capital Programme.

Further to his questions, Councillor Connett asked supplementary questions with regards to what action the Council would take to improve the relationship with the Environment Agency, what action was being taken to bring the Environment Agency to account for the dumping of 10.000 tonnes of soil, and assurance to Whitstone residents if the Environment Agency do not enforce their own legislation.

[The Portfolio Holder for Planning thanked Councillor Connett for the supplementary questions. He had every sympathy with local residents on the subject of the threat of flooding from run off from this land, having witnessed at first-hand how rapidly water levels can rise in this area during adverse weather conditions. He would therefore very much hope that these supplementary questions and other questions can be properly resolved at the meeting arranged with Business Manager Strategic Place to which local residents and the Environment Agency have also been invited.]

Further to Councillor Bullivant's supplementary question regarding the Fur Trade, the Portfolio Holder for Waste Management & Environmental Health commented that the notice of motion was to support the Market Inspectors and Trading and Standards.

Councillor Daws asked a supplementary question with regards to his three times asked question of why was it publicly stated in 2012 that the population forecasts in 2033 were 151k when the 2012 ONS forecasts were 138k. He had communication from the 18th December 2012 from APC that delivered these numbers to you and the rationale that supported the fact that the housing numbers creating an oversupply. Something that is now apparent.

[The Portfolio Holder for Planning responded that his answer to this was as noted in my earlier written response - but for the record, it was not possible to

prepare this report until the Executive had considered whether an update of the 2013-2033 Local Plan was required at the 5-year review point. As has been pointed out since, due to the legal requirement under the National Planning Policy Framework (NPPF) to comply with the Government's increased housing need calculation of 760 houses per year, we continue to have a 5-year land supply, albeit with a reduced margin.

You are correct in saying the five year land supply is a live document in that it should assess our year-on-year housing completions (with windfalls) together with our unbuilt allocations. You are incorrect, I am sad to say, in continuing to refer to the 2012 figure of 620 houses per year in any workable sense. While you dispute this figure, I am sure you would acknowledge it was found sound by the Planning Inspector in 2014 - however the only number which any Planning Appeal Inspector would recognise today is the one with which we are now obliged to move forward in our review - the Government's housing need calculation for our District of 760 houses per year.]

Councillor Daws asked a supplementary question to his second question, he commented that to halt the environmental disaster that is the current Local Plan, could the Council commit to a full and proper review of the Local Plan? One that looks at sites and housing numbers and balances these fully against an holistic zero carbon planning approach that puts the protection of the natural world at its centre. As Sir David Attenborough outlined recently, crimes against the natural environment will soon be seen as morally defensible as the slave trade. Can the council do everything it can to halt our currently flawed Local Plan and stop Teignbridge District Council being rolled out as worst practice in legal case law for decades to come.

[The Portfolio Holder for Planning confirmed that the Council was committed to a full and proper review of the Local Plan, looking at all sites and the quantum of housing within them. This review will also be informed by those external and local organisations (such as ClientEarth and ACT) whereby best science can be encouraged and employed to help us towards our ambitious zero carbon 2025 target for our district.]

In response to Councillor Parker-Khan supplementary question, the Leader commented that he shared the Councillors concerns regarding the Devon and Somerset Fire Authorities consultation process and that they did not accept the Council's invite to address Members.

In response to Councillor Parker-Khan supplementary to her second question, the Portfolio Holder for Climate Change Emergency and Housing commented that the Council was committed to look at all its services to address the climate change emergency and the appointment of a Climate Change Officer would support this commitment going forward.

Councillor Mullone asked a supplementary question regarding the process of entering into Section 106 agreements before planning permissions were approved, was this pre-determination of planning applications and questioned the five year land supply and housing numbers.

The Portfolio Holder for Planning commented that in the case that mentioned that the Section 106 agreement was necessary to protect the Council should an application be determined at appeal.

55. NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)

Members considered a Notice of Motion submitted by Councillor Dewhirst supported by Councillors H Cox, J Hook, H Cox, Foden, Goodman-Bradbury, Nutley, Nuttall, J Petherick, L Petherick and Wrigley that:-

This Council notes that:

- *The United Kingdom has outlawed the farming of animals for their fur on ethical grounds since 2000 and that the use of one of the most common traps used to catch animals for their fur has been illegal for many years.*
- *Nonetheless fur products are imported from overseas nations, particularly China, where such bans do not operate and where there is virtually no animal welfare legislation in force.*
- *Real fur comes from animals raised in deplorable conditions or trapped in the wild and killed inhumanely.*
- *Regrettably these products are often found for sale on public markets in the UK and customers can inadvertently buy them thinking them to be made of imitation fur.*

Accordingly Council resolves to:

- *Prohibit the sale of any product wholly or partially made with real animal fur on Council owned land and at Council run or Council leased markets. This ban to cover such items as fur coats, vintage fur, fur shawls, garments with fur trim, fur pompom hats, and fur accessories and trinkets.*
- *Support the Fur Free Markets campaign of the animal welfare charity, Respect for Animals, the UK's leading anti-fur organisation, by:*
 - *Becoming a signatory to the initiative.*
 - *Seeking the advice and assistance of the charity in the enforcement of this ban.*

Councillor Dewhirst stated that this Notice of Motion would assist the Market Supervisors and Trade and Standards to enforce prohibiting the sale of animal fur products on Council owned land and at Council run or Council leased markets. He proposed and seconded by Councillor Connett that the Notice of Motion stand adjourned to Executive for a report on the matter to detail what policies the Council could put in place to support the Notice of Motion. The proposal was carried unanimously.

RESOLVED that the Notice of Motion stand adjourned and be referred to Executive.

56. 2018/19 STATEMENT OF ACCOUNTS INCLUDING THE ANNUAL GOVERNANCE STATEMENT

The Chairman of Audit Scrutiny Committee presented the Statement of Accounts 2018/19 which had been considered by Audit Scrutiny Committee for Council approval.

Members were advised of the delay by Grant Thornton in the annual audit of the accounts and that there had been an increase in fees caused by the additional work that Grant Thornton had had to undertake to look at the potential impact of the McCloud Pension case judgement. This unprecedented case could possibly impact all Local Authorities, a note had been added to the Council's accounts regarding the potential financial liability impact to the Council of £1.2 million. Council officers were continuing dialogue to look to mitigate or reduce the proposed increase in fees.

The recommendation was proposed the Chairman of Audit Scrutiny Committee seconded by Councillor J Petherick and carried.

RESOLVED that:-

- 1) the 2018/19 Statement of Accounts be approved including the Annual Governance Statement and letter of representation as recommended by the Audit Scrutiny Committee subject to any final adjustments agreed with the external auditors to be reported to Council; and
- 2) the Audit Findings Report from Grant Thornton be note and the actions arising from the action plan be approved.

57. PROGRESSING CARBON NEUTRAL

The Portfolio Holder for Climate Change Emergency and Housing presented the report which set out the Council's initial response to its declaration of a Climate Change Emergency made on the 18 April 2019 and the proposed framework for moving towards a Carbon Neutral District by 2025. The Council was making good progress and the report proposed the appointment of a dedicated officer to take forward the Councils work to address its declaration of a Climate Change Emergency. The Council would be working with Devon County Council, Towns and Parishes, community groups including Action for Climate in Teignbridge (ACT) and individuals to identify how they could engage with the Council's work and to offer advice and assistance. Public meetings would be held across the district so the Council could engage with all to work towards a Carbon Neutral District by 2025.

During discussion Members raised the following:-

- Welcome the declaration of the Climate Change Emergency
- Every single decision the Council took should be examined to ensure that it addressed the real emergency of Climate Change
- Need to consider the loss of amenity and green space and the effect this will have on climate change

- Need for all of us to change and challenge ourselves and do all we can
- Right housing in right place
- Part of the challenge was to lobby central government for change
- There was a need for a National Framework
- The Council needs to clear what it could achieve

The Leader thanked all the members for their commitment in the Council's fight against Climate Change and the need to support all the residents of Teignbridge to look at their way of life and see where they could make changes to help address this emergency.

The Portfolio Holder for Climate Change Emergency and Housing concluded that the current planning policy system was created by central government and that huge changes were required at that level to address the climate change emergency. It was the district council role to do what they could and also to lobby central government. There would be engagement with residents on the review of the Local Plan.

The recommendation was proposed by the Portfolio Holder for Climate Change Emergency and Housing, seconded by the Leader and carried unanimously.

RESOLVED that the

- (1) the progress made be noted; and
- (2) the appointment of a dedicated officer for this work be approved.

58. CONSTITUTION WORKING GROUP REPORT

The Leader presented the report which set out the Constitution Working Group's (CWG) recommendations on changes to the Constitution. This was work in progress, the CWG would meet again over the coming months and further reports would be presented to Council in due course. This report extended the 'call-in' for planning applications to cover district councillors of contiguous wards and parish / town councils. The CWG would keep the number of call-ins under review over the coming 6 months and any significant issues would then be considered by the CWG and, if it is so minded to do so in response to the review findings, may recommend to full Council that the right may be removed.

The recommendation was proposed by the Leader seconded by Councillor Haines and carried unanimously.

RESOLVED that the Constitution amendments be approved as follows:-

1. (a) The format (including content) of the Constitution be revised as outlined in Section 3; and
 - (b) Delegated authority be given to the Monitoring Officer to make such minor amendments to the Constitution as they consider appropriate (including changes to reflect current legislation, organisational

arrangements, to promote clarity and to enable the Constitution to be kept up to date).

2. The Scheme of Delegations be amended to:
 - (a) Reflect current legislation and operational arrangements;
 - (b) Extend the 'call in' procedure for planning applications as detailed in Section 4.3 to cover district councillors of contiguous wards and parish / town councils for at least six months subject to a review of its application not revealing significant resource implications for the Council as outlined in Section 4.3; and
 - (c) Delegate operational matters to CMT as detailed in Section 4.4;
3. The Constitution Working Group reconvene to consider the additional matters outlined in section 5 of the report and report back with its recommendations (if any) to full Council before the end of the municipal year.

59. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

The Leader proposed, seconded by the Portfolio Holder for Corporate Resources that, because of the financial sensitivity and staffing negotiations and in the public interest, the Council go into Part II session and exclude the press and public. This was carried.

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972 that press and public be excluded from the meeting of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12 A of the Act and such restricted consideration was in the public interest.

60. SHERBORNE HOUSE, NEWTON ABBOT

The Portfolio Holder for Corporate Resources presented the report on Sherborne House, Newton Abbot, to advise Members of continuing negotiations and to ensure that the necessary authority and delegated powers were in place to further advance this regeneration project.

The recommendation was proposed by the Portfolio Holder for Corporate Resources, seconded by Portfolio Holder for Waste Management & Environmental Health and carried unanimously.

RESOLVED that Portfolio Holder for Corporate Resources, Interim Head of Commercial Services and Chief Financial Officer be given delegated powers to approve the final scheme as outlined in the preceding Council report and detailed in the circulated report.

61. APPOINTMENT OF HEADS OF SERVICE TO THE SENIOR LEADERSHIP TEAM (SLT)

The Leader presented the recommendation from the Appointment & Remuneration on 4 September 2019 to approve the Senior Management Structure following a consultation and recruitment process.

The recommendation was proposed by the Leader, seconded by Councillor J Petherick and carried unanimously.

RESOLVED that the internal permanent appointments to the Senior Leadership Team of Head of Operations, Head of Community Services & Improvement and Head of Corporate Services be approved.

The meeting started at 10.04 am and finished at 12.05 pm.

Chairman