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18 July 2022

## FULL COUNCIL

A meeting of the **Full Council** will be held on **Tuesday, 26th July, 2022** in the **Buckland Athletic Football Club, Kingskerswell Rd, Newton Abbot, TQ12 5JU** at **10.00 am**

PHIL SHEARS  
Managing Director

### Membership:

Councillors Austen, Bradford, Bullivant, Clarence (Vice-Chair), 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 (Chair), Orme, Parker-Khan, Parker, Patch, Peart, J Petherick, L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume and Wrigley

**Please Note:** The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

## AGENDA

### Part I

#### 14. **Councillor Questions** (Pages 3 - 12)

Members of the Council may ask questions of the Council subject to procedural rules. The deadline for questions is 5pm three clear working days before the meeting for this meeting being Wednesday 20 July 2022 5pm.

If you would like this information in another format, please telephone 01626 361101 or

e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

**Full Council 26 July 2022**

**Members Questions**

**Question from Cllr Mullone**

*I have a letter from the ELM Wildlife Hedgehog Rescue based at Seale Hayne. This is the largest hedgehog rescue centre in Devon, taking in more than 1400 casualties a year, and able to deal with 220 hedgehogs at any one time.*

*The organisation is desperately trying to find some land to purchase with or without a barn to relocate the rescue centre as they have outgrown the space at Seale Hayne. Their rescue centre is, in any case, soon to be encroached upon by the very development that has put hedgehogs on the Red List of threatened species deemed to be facing extinction in the UK.*

*We also have letters from the public pointing out roads that are particularly lethal to hedgehogs – the dual carriageway where Addison Road meets Penn Inn is particularly bad.*

*The hedgehog is one of our most treasured mammals, and until recently South Devon was one of its few remaining strongholds.*

*Would the Executive Member for Climate Change, Coastal Protection, and Flooding agree that Teignbridge, being instrumental in seeking new roads and the housebuilding that funds them, is morally obliged to mitigate for species decline and should do something specific and quick for our hedgehogs? Would she be willing to support a task and finish group that could liaise with ELM and help them look at all options, from finding land to wildlife-friendlier roads?*

**Executive Member for Climate Change, Coastal Protection, and Flooding**

Devon County Council already have various responsibilities with regards to mitigation as a result of road building, as do housing developers with regards to house building.

In terms of achieving better mitigation of road building projects this would be something to take forward at DCC, since it is them that place conditions on road building projects.

With regards to mitigation for house building this is being tackled currently via planning conditions and planning enforcement and also via new policies in our draft Local Plan. If you feel there is any way these policies can be tightened up then there is still opportunity to comment on these new policies. ELM Hedgehog comments would be welcome, maybe we can tighten up policies.

In terms of finding land for the ELM Hedgehog premises, maybe a public appeal via press and social media?

However, if you feel a Task and Finish Group is the best way forward then you are of course at liberty to request this via Overview and Scrutiny and enlist the help of other Scrutiny members. If you feel I can be of any help with the Task Group I will do my best to offer support.

### **Question from Cllr Bradford**

*I have been contacted by residents living in Conservation Areas who are stranded between two problems and desperately need this council's help. They live in Georgian or Victorian houses where the outward appearance of their houses must be kept in keeping with area and the period of construction. This would usually mean replacing rotten window frames with new timber framed windows.*

*There are two huge problems with this requirement timber- framed sash windows now cost up to £4000 EACH, and, even when fitted, these windows are enormously inefficient and will continue to cost the residents, and of course the planet, dearly.*

*We have residents with rotten windows, some of them elderly, who cannot afford to repair them within TDC rules and are suffering from cold and degradation of their homes while they try to find a way through this impasse.*

*Since a conservation area is not the same as a listed building and its rules are set locally rather than by a national statute, does the Executive Member agree that we should look into a compromise to this? There will be companies who can make windows that are both sensitive to our local environments and made from durable materials delivering a vastly improved carbon footprint for our historical residences. A list of approved suppliers, fitters and frame models could be drawn up if we task the right people with it.*

### **Response from Executive Member for Planning**

Conservation Areas are identified locally but protected by national law, policy and guidance – decisions we make must preserve and enhance the appearance of the area itself. This is not something on which we are able to “compromise”.

Timber windows can very often be repaired, which is best in terms of resource use, and energy efficiency can be enhanced through other aspects of repair and maintenance to the home including installing secondary glazing.

Historic England has extensive guidance on its website about how older properties can be sensitively modernised in these ways and energy efficiency in older buildings in general:

[Living in a Conservation Area | Historic England](#)

[Tips for Home Owners | Historic England](#)

[Energy Efficiency and Historic Buildings | Historic England](#)

### **Question from Cllr Macgregor**

*In April 2019, April 2020, April 2021, the agenda had “public questions (if any)” at item 5 and “councillor questions (if any)” at item 6. This was the standard placing for these two agenda items throughout the 2 and a 1/2 years up to the September 20th meeting last year. Since November last year Councillor questions have been moved to the last item in the agenda. This has led to dissatisfaction amongst a broad group of elected members who feel that scrutiny is being avoided. At the meeting in April 2022, members who had been asked questions couldn’t even be bothered to remain to respond or to be asked supplementary questions. In fact the meeting was at risk of not remaking quorate, which is a damning indictment of the leadership.*

*Q1. Why has this decision been taken and who was the person who decided Councillor Questions were no longer seen as important?*

### **Response from the Chair**

This was a decision taken by officers in consultation with the Chair of Council at the time to ensure that Council business can be debated and decisions taken in a timely fashion.

### **Question from Cllr Macgregor**

*1) In late 2020 and early 2021, the administration was going to look at naming the block of accommodation in East Street as a single building. The discussions centred on naming the building with a local person of note from either the BAME community or a prominent local female historical person. Names mentioned included Jimmy Peters, (the first black rugby Union player to be called up to the England side in 1906 and was the star player in the Devon County side the same year) and Dr Ivy Williams (the first woman to be called to the bar in England - first woman barrister).*

*What progress has been made in deciding on a suitable name?*

### **Executive Member for Homes & Communities**

Whilst many suitable names were mentioned, a consensus had yet to be reached. Before that could happen a name was needed urgently to register for utilities which were on a critical path for the project to complete. The building was called the Wellhouse to reflect the historic well that had been uncovered on the site.

### **Questions from Cllr Macgregor**

*At Full Council on the 24th May 2022, under the agenda item ‘Levelling Up Fund Round 2’ which resolved to 1) Approve the presentation and submission of a Levelling Up Fund Round 2 bid for funding to deliver a strategic cycle route between Newton Abbot and Torquay. 2) Approve a contribution of up to £500,000 toward the scheme from our capital programme. 3) Delegate authority to the Head of Place etc.*

*During the debate the officer stated the following “...taking the funding first, I think this report sets out that we’re committing up to £500,000, we can’t spend that twice.*

*Teignbridge has a record of setting aside on average £1million towards walking and cycling improvements every three years on a rolling basis through our capital programme, and certainly there is more community infrastructure levy funding to come, so there's good potential that there will be more funding available through the community infrastructure levy in future years to support the Teign Estuary Trail and other walking and cycling projects..... If we spend up to £500,000 now, that money will be gone towards, quite possibly a worthy scheme."*

*Q1) Community Infrastructure Levy (CIL) is under threat and has been for some time. Mooted alternatives include a 'National Infrastructure Levy' (perhaps fittingly rename NIL) and local Conservative opposition would prefer no CIL and NIL to mean zero contributions from developers. The original white paper suggested scrapping S106. Thankfully the most recent Queen's Speech set out some details about direction of travel which retains S106. The latest proposal means LPAs can set the levy amounts but can use the levy to set against affordable homes directly. This places the income from the levy and potential future set aside in jeopardy and subject to political manoeuvring. Can we request that the Exec commits not to water down the commitment to the Teign Estuary Trail through manipulation of any potential changes in levy collection and allocation?*

### **Response from the Executive Member for Planning**

The Community Infrastructure Levy has been operating in Teignbridge since 2014 and approximately £1.7 million has been spent on or committed to cycle improvements to date. This has helped us to match fund strategic schemes and draw in additional funding from elsewhere. £200,000 was recently spent on helping to secure conditional planning permission for the Teign Estuary Trail.

The Levelling Up and Regeneration Bill describes an Infrastructure Levy, the parameters of which would largely be defined through future regulations. Transitional arrangements for introduction of the new levy are being considered by the Government and it could be some time before this new system is introduced.

Meanwhile, the existing Teignbridge Community Infrastructure Levy remains in place. There are no plans for its removal but adjustments may be required to ensure consistency with the revised Local Plan. This could involve changes to ensure that charging zones reflect new development allocations. Any decision on such changes will ultimately be a matter for Full Council.

*"As for the timescales, the Teign Estuary Trail does benefit from planning permission, that is conditional planning permission... there is work to be done on discharging the planning conditions associated with that scheme, there's more detailed design work that needs to be undertaken, there would be procurement then there would be implementation of what is quite a considerable contract and the advice from the transport planners and engineers at the County Council is that it can't be done within the levelling up fund round 2 timescale of March 2025."*

*Q2) Will the strategic planning team pull together a full list of conditions requiring discharge as detailed, and the detailed design work outstanding in full?*

### **Response from the Executive Member for Planning**

Devon County Council is the planning authority for the Teign Estuary Trail and granted the conditional planning permission. Mike Deaton is the Chief Planner at Devon County Council and can be contacted at the following email address: [planning@devon.gov.uk](mailto:planning@devon.gov.uk)

*Q3) with a timescale of 3 years, until the levelling up fund round 2 timescale, what is the expected timescale for the completion of the Teign Estuary Trail, were funding to be available?*

### **Response from the Executive Member for Planning**

The Levelling Up Fund Round 2 requirement is for funds to be spent by March 2025. The deadline for submissions is 6 July and decisions on which schemes have been successful are unlikely to be immediate.

County Council officers have advised that even if the funding were available today, The Trail would not complete until 2026/27.

### **Questions from Cllr Macgregor**

*Last October/November (2021) the Group Mail:Councillors option was disabled for emails sent by councillors.*

*There was no discussion nor explanation provided prior to the decision, or even who took the decision to disable this option.*

*1) Who took the decision to disable this option?*

### **Response from the Leader**

Officers consulted myself, members of the Executive and Cllr Bullivant were consulted along with appropriate Senior leadership Team Members.

*2) What reasons were behind the decision?*

### **Response from the Leader**

The reason for the action being that the system was being used inappropriately by some and concerns had been expressed by others. The onus being placed on the recipient of unwanted emails to ignore them. The misuse was having an unacceptable and increasingly adverse impact on officers' workloads who were caught up in the situation. Part 7 of the member's Code of Conduct was also engaged.

The decision was made in full knowledge that members had the ability to create their own special interest groups/address books and the option remained available for corporate messaging as appropriate.

3) *Why was this not announced formally, with an explanation?*

**Response from the Leader**

I would refer Cllr Macgregor to the Members Newsletter No 113 9 Dec 2021.

4) *When will the option be restored?*

**Response from the Leader**

The decision was reviewed after a three month period but as no complaints had been received at all therefore there was no reason at that time to revert back to the situation giving rise to the decision. The next three monthly review is now due.

**Questions from Cllr G Hook**

*Will the PH for Recycling give an assurance that recycling material collected in Teignbridge is recycled within the United Kingdom, and that none is transported abroad?*

**Response from the Executive Member for Recycling, Household Waste and Environmental Health**

This is available online [What happens to my waste? - Teignbridge District Council](#)

*Will he further list which products go where to be recycled within the UK?*

**Response from the Executive Member for Recycling, Household Waste and Environmental Health**

Not all material is recycled in the UK (as detailed) – our cardboard also goes to mainland Europe on occasion due to UK mill capacity.

**Question from Cllr Mullone**

*I am aware of a great deal of financial loss and distress caused to residents hoping to buy new homes at Aller Gardens, Kingskerswell. Between reserving with a down payment and today they have been told that they must find many thousands more in order to exchange contracts. They are very angry with the developer and with the estate agent involved.*

*From my research, price hikes like this do not seem to be normal practice. Can the portfolio holder for housing, or both, confirm that they are speaking to the parties concerned and supporting the people who have, at considerable expense, had to abandon their hopes of living in one of these houses? In some cases their current home has been sold leaving them and their children in a terrible situation.*

**Response from Executive Member for Housing and Communities**

Thanks for the question. It is a dreadful situation for people to lose their dream of a new home in the area.

Sadly, this is an issue with the private contract between the buyer and the developer/agent. In our broken housing market, the developers have all the power,

and the contracts signed when the deposit was paid no doubt had small print that allowed the price to go up. I do feel for the buyers, and this and other stories demonstrate the need for an independent solicitor to check the contracts. Unfortunately, the council has no powers that could be used to help this situation.

### **Question from Cllr Bradford**

*With regard to the plans for the new cinema in Newton Abbot (Architects for the Planning application:*

*1) What is the tendering process?*

### **Response from the Executive Member for Economy and Jobs**

This commission was procured under the NHS Shared Business Service (NHS SBS) framework.

*2) Who else tendered?*

### **Response from the Executive Member for Economy and Jobs**

The consultant was procured via the NHS shared business service framework found here <https://sbs.nhs.uk/fas-construction-consultancy-services>

It was awarded under a direct award route to AECOM who had already been competitively tendered along with other suppliers within the lot.

### **Questions from Cllr Macgregor**

*On Tuesday 5th January 2021, in a part 2 meeting, the executive debated and decided on recommending delegated authority as detailed in the minutes for that meeting.*

*1) What progress has been made in finding a development partner?*

### **Response from the Executive Member for Planning**

A development partner has been identified and contract negotiations are progressing.

*2) was the tender for self build homes aimed at maximising the number to be built?*

### **Response from the Executive Member for Planning**

The evaluation criteria were identified at Appendix 4 of the committee report and included the number of homes to be built.

## Questions from Cllr Patch

### *Questions Regarding the Refusal of Legitimate Motions on Notice for Full Council*

*I submitted, on time, 2 legitimate Motions on Notice to be put on the agenda of the Full Council meeting of 26<sup>th</sup> July 2022 – the first a Motion of No Confidence in the Council Leader, the second a Motion of No Confidence in the Chairing of the Council’s Standards Committee. I understand that both received the requisite support in good time. Both were, however, **summarily rejected** by the Democratic Services Team Leader. I asked her to confirm: a) which fellow Cllrs supported each of my Motions, and when; b) precisely how each Motion was deemed out of order in light of the constitution, which makes a clear distinction about the difference between ‘personal affairs or conduct’ of Members and ‘the responsibilities of the Council’; and c) who made the decision to reject my legitimate Motions on Notice? **I received no answer to these questions, and so repeat them as a Member’s Questions to Council:***

- A. *Can you please share with me details of what support you received for each Motion, and when?*

### **Response from the Vice-Chair**

It is the Councillor submitting a Notice of Motion responsibility to obtain the requisite number of signatures within the seven clear working days i.e. on this occasion Thursday 14 July at 5pm

#### **Motion 1**

Cllr Patch 13/7/22 18:18

Cllr Bradford 13/7/22 20:58

Cllr Macgregor 14/7/22 09:56

Cllr Daws 14/7/22 15:27

#### **After the deadline**

Cllr Mullone 14/7/22 18:52

#### **Motion 2**

Cllr Patch 14/7/22 16:00

After deadline

Cllr Daws 14/7/22 17:01

Cllr Macgregor 14/7/22 17:26

Cllr Mullone 14/7/22 18:52

Cllr Bradford 14/7/22 20:42

*B It is my understanding that you [Democratic Services Team Leader, Sarah Selway] have made the decision to reject my motions - though please confirm if this is not the case, by stating who made the decisions?;*

**Response from the Vice-Chair**

This is set out in the constitution 4.9.3 - Scope

*C. Also in the interests of transparency, could you also please explain to me precisely how paragraph 4.9.3 (b) and (c) of the Constitution apply to each of my motions so as to justify their rejection?*

**Response from the Vice-Chair**

(b) related to the conduct of individual members

(c) they included inappropriate and inflammatory language

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