

FULL COUNCIL

28 JULY 2020

Present:

Councillors Austen, Bradford, Bullivant, 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, Patch, Peart, J Petherick, L Petherick, Phipps, Rollason, Russell, Swain, Taylor, Thorne, Tume and Wrigley

Officers in Attendance:

Christopher Morgan, Trainee Democratic Services Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Phil Shears, Managing Director
Beth Tipton, Administrative Assistant
Karen Trickey, Solicitor to the Council and Monitoring Officer

28. MINUTES

The minutes of the previous meeting held on 17 March 2020 were signed as a correct record by the chair.

29. ELECTION OF CHAIR OF THE COUNCIL 2020/21

It was proposed by Councillor Keeling and seconded by Councillors Bullivant and Haines that Councillor J Petherick be elected as the Chair of the Council 2020/21.

The Chair announced that his charity for the coming year would be East Teignbridge Community Transport Association and that his Chaplain would be Dr Mark Jones of the Dawlish Christian Fellowship Church.

RESOLVED that Councillor J Petherick be elected Chair of the Council for 2020/21.

A Roll Call was taken.

Voting for

Councillors Bullivant, Clarence, Colclough, Connett, Cook, H Cox, D Cox, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffrey, Jeffries, Jenks, Keeling, Kerswell,

MacGregor, Morgan, Nutley, Nuttall, Orme, Parker, Parker-Khan, Patch, L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume, Wrigley, J Petherick
(Total: 42)

Abstain

Councillors Bradford, Daws and Mullone
(Total: 3)

Absent

Councillors Austen and Peart
(Total: 2)

30. ELECTION OF VICE-CHAIR OF THE COUNCIL 2020/21

It was proposed by Councillor Parker-Khan and seconded by Councillor Purser that Councillor Jeffries be elected Vice-Chair of the Council. Councillor Jeffries thanked members for the kind nominations but said that she would be unable to take up the position at this time.

It was proposed by the Leader and seconded by Councillor Jenks that Councillor Parker be elected Vice-Chair of the Council.

RESOLVED that Councillor Parker be elected Vice-Chair of the Council for 2020/21.

A Roll Call was taken.

Voting for

Councillors Bullivant, Clarence, Colclough, Connett, Cook, H Cox, D Cox, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffrey, Jeffries, Jenks, Keeling, Kerswell, MacGregor, Morgan, Nutley, Nuttall, Orme, Parker, Patch, L Petherick, Phipps, Purser, Rollason, Swain, Taylor, Thorne, Tume, Wrigley, J Petherick
(Total: 41)

Abstain

Bradford, Daws, Mullone, Parker-Khan and Russell
(Total: 5)

Absent

Councillor Peart
(Total: 1)

31. RECOMMENDATION FROM REGULATORY AND APPEALS COMMITTEE

It was proposed by Councillor J Petherick (Committee Chair (2019/20)) and seconded by Councillor Hayes that the recommendations be approved.

RESOLVED

- (1) That appeals on personnel issues where the Council's internal procedure gives an employee a right of appeal, be delegated to the Managing Director (Head of Paid Service) and dealt with as outlined in the report ([Staff Appeals Procedure-minute 14](#)) paragraph 4.1; and
- (2) The Council's Constitution and associated staff Discipline, Capability, Redundancy and Grievance policies / procedures be amended accordingly.

A Roll Call was taken.

Voting for

Councillors Bullivant, Clarence, Colclough, Connett, Cook, H Cox, D Cox, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffrey, Jeffries, Jenks, Keeling, Kerswell, MacGregor, Morgan, Nutley, Nuttall, Parker, Parker-Khan, L Petherick, J Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne, Tume, Wrigley
(Total: 41)

Voting Against

Councillors Bradford, Daws, Mullone, Patch,
(Total: 4)

Abstain

Orme
(Total: 1)

Absent

Councillor Peart
(Total: 1)

32. RECOMMENDATIONS FROM STANDARDS COMMITTEE

This item was adjourned to a meeting of Annual Council on 3 September 2020.

33. RECOMMENDATION FROM STRATA JOINT EXECUTIVE COMMITTEE

This item was adjourned to a meeting of Annual Council on 3 September 2020.

34. SECOND REPORT OF THE CONSTITUTION WORKING GROUP

This item was adjourned to a meeting of Annual Council on 3 September 2020.

35. COMMITTEE APPOINTMENTS AND POLITICAL BALANCE

This item was adjourned to a meeting of Annual Council on 3 September 2020.

36. PUBLIC QUESTIONS

Public Questions and responses are attached to minutes.

37. COUNCILLOR QUESTIONS

Councillor Question and response are attached.

Councillor Bullivant asked the following supplementary question, the answer was provided in writing later in the week. [*For ease of reference these answers are set out in square brackets below*]:-

Given that councillors have the right to express an opinion that reflects their ward issues regardless of any other matter is it right that a member of an executive who have agreed a policy decision that affects all residents of Teignbridge votes against something that meets the objectives of that policy, as confirmed by officers qualified To make such an assessment. Where a decision is required should a portfolio holder either uphold the policy or abstain from voting (but still be allowed to comment on it)?

For the avoidance of doubt this refers to planning applications where Council Policy to encourage employment sites have been voted down by Portfolio holders even though they have no connection or ward association with the sites involved and the recommendation from officers is to grant permission as they meet the requirements of council policy.

[Response from the Leader - I regret that Cllr Bullivant didn't think the answer provided to his first question was answered. There was certainly no intention on my part to avoid answering in any way, and I hope therefore that elaboration may help? I similarly hope that all who attended yesterday's planning training found it advantageous and improved their understanding of planning issues. If a councillor believes that an officer recommendation does not conform to the existing Council Local Plan then they would be entitled to vote against an application. Planning policy is mostly subjective and from time to time existing policies conflict with one another. A balance then needs to be made, which is again subjective and personal, consequently it is perfectly reasonable that councillors, irrespective of their position on the Executive, could well come to different opinions, despite the evidence presented to them being identical. Surely that is why we have planning committees? Without subjective judgement why have a committee? I can't really believe that Cllr Bullivant believes officer opinion should always be accepted at face value and never challenged? We live in a democracy where views should be challenged and examined closely.]

38. NOTICE OF MOTION

Councillor Peart attended for this item only.

Councillor Jeffries in presenting her Notice of Motion, stated that it was important that the Council recognised the contributions of individuals from BAME communities in society, business, and infrastructure across Teignbridge both now and historically and that it should seek to remove barriers, tackle prejudice and address inequality.

This was seconded by Councillor H Cox.

During debate members agreed that to ensure that there was full consideration of the issues raised by the Notice of Motion it should be referred to Audit Scrutiny Committee, Overview and Scrutiny Committee and Executive before coming back to Full Council.

Councillor Jeffries fully supported the actions agreed by the members.

RESOLVED that:-

- The review of Teignbridge District Council's Human Resources and Equalities practices and the inclusion of regular training for members and officers, to ensure the needs of underrepresented groups are met through addressing poverty and encouraging economic and social mobility:-
- [The Council to] Work with Devon County Council (DCC) to explore the prospect of making changes the curriculum to include BAME experiences, contributions, and the FACTs of History, throughout the year:-
- [The Council to] Explore the possibility of an education transformation project in conjunction with schools that creates a suite of curriculum resources specific to Teignbridge's History:-
- [The Council to] Lobby Government to invest and resource changes to the curriculum across the UK through the support of organisations such as The Black Curriculum and via associated campaigns:-
- An advisory board [to be] put in place linked to the Equality Impact Assessment for the Covid -19 recovery plan, to connect the experiences of BAME individuals within the community with the aim of driving forward positive change:-
- [The Council to] In partnership with DCC, [to] conduct a review of street names and monuments within Teignbridge to assess where information plaques relevant to uncovering the history of Imperialism and links to slavery can be put in place as soon as possible: [and]

- [The Council to] Encourage Teignbridge organisations to contribute to diversity and social mobility through revising the Cllr Community Fund grants criteria to include (but not exclusively); *projects that contribute to addressing inequalities and raising educational attainment within underrepresented groups.*

The vote was unanimous.

The meeting started at 2.15 pm and finished at 4.00 pm.

Chair

ANNUAL COUNCIL MEETING

28 JULY 2020

Public Questions

1. **The following questions have been asked Friends of the Alexandra Theatre**

Question 1

Following the publication of the plans for the redevelopment of the Alexandra Theatre and Market Hall, to what extent is there any option to amend such plans that have been submitted with the Future High Streets Funding bid?

Response from Portfolio Holder for Business, Economy & Tourism

In order to secure the £10m funding from FHSF, detailed plans will need to be developed and planning permission sought and approved. A great deal of work has been done working with specialists who have vast experience of redevelopment schemes that have rejuvenated those towns, increasing both footfall and income. The Alexandra and Market Hall buildings will remain and internal reconfiguration made to increase and extend the use as part of the evolving Market and Cultural Quarter offer within the town. The cinema will, of course, be relocated to a new, fit for purpose, high tech cinema offer close by, which will be fully DDA compliant and provide an altogether more comfortable experience for the audience.

Question 2

Following recent communication, would the council be willing and able to prepare a monetary target that an independent group, such as FoTAT, would be required to raise in order to take over the theatre and run as a Community Hub Arts Theatre?

Response from Portfolio Holder for Business, Economy & Tourism

The business case was prepared pre-Covid and the findings were that such a facility would need subsidy in the short term and not viable in the medium to long term. The Newton's Place project is now complete; this new community hub in the town centre has taken years to raise the necessary capital and carry out the works required. In the current financial climate, theatres around the country are struggling now, more than ever to remain open. We need to be realistic that funding a community hub without a guarantee of income would be extremely difficult, threaten the longer term future of both the Alexandra and Market Hall buildings.

The FHSF Team at TDC were responsible for the new Pavilions in Teignmouth. For some in the town, losing the old Carlton Theatre was a blow, however, Pavilions is now a much loved, hugely successful space enjoyed by thousands over the years. During the planning for Pavilions, team members visited many small theatres around the West Country and know first-hand just how difficult it is to fund a small theatre and ensure the future of such buildings without large subsidies.

Question 3

What was/is the position of advice when in discussion with Quarterbridge regarding the plans? Was/is it to focus on those parts which would simply maximise the projected economic outcome (retail) and putting needs of the community in a secondary position, whilst completing a degree of 'box-checking exercises', such as offering a 'flexible multi-use entertainments space', to ensure that this side of proceedings is covered and hence presenting a reluctance to deviate from the plan at this point in time?

Response from Portfolio Holder for Business, Economy & Tourism

The flexible entertainments space is most certainly not a box ticking exercise, and the team working on this project are all passionate about Newton Abbot and securing its future. The discussions with Quarterbridge were based around the desire, both from TDC and the local community over the past 10 years to regenerate Newton Abbot, and through the development of the FHSF business case it provided an opportunity to review how the Alexandra and Market Hall buildings can be re-established as a social and entertainment space, alongside an enhanced market and food and beverage offer.

The buildings are currently not sustainable or viable in the current layout and design; we are fully aware that retail and markets alone in town centres is not enough to attract footfall and secure the buildings future. They need to once again provide a flexible social, community and commercial space, as originally intended when built.

The social and economic benefits of the plans form a key part of a comprehensive package of proposals across the town as part of the business case which has been developed for the Future High Street Funding. The improvements extend to include greenery and seating within Market Square and the ability to host various events, live entertainment and performances from the Square, into the Alexandra and Market Hall buildings. Alongside the new cinema and Market Walk we are providing a destination for the wider area, helping to secure the town's future.

We want to provide a showcase for the many local artists in and around Newton Abbot. There will be space including theatre in the round, musical performances dance and comedy, further supported by a place for the community to shop, eat, drink and socialise.

Newton Abbot prides itself on being an Historic Market Town, dating back almost 800 years but it needs to adapt. The development of a Markets Quarter alongside the evolving Culture Quarter within the town will help strengthen the town for the

future and we would look forward to working with representatives from FoTAT, to ensure the entertainment space works well for all.

The following questions have been asked Newton Abbot and District Musical Comedy Society

Question 1

We understand that 'Quarterbridge', as experts in markets and retail, is the lead consultant for the regeneration of the Alexandra Theatre. Do you consider that they have enough experience in the provision of arts and social entertainment?

Response from Portfolio Holder for Business, Economy & Tourism

Quarterbridge has a strong understanding and experience in the costings and viability of building operation costs, particularly historic buildings. In order to build a strong business case, for a successful bid, the costs and benefits ratio must support realistic outcomes that offer good levels of benefits in relation to cost inputs. The buildings are currently not sustainable or viable in the current layout and design; we are fully aware that retail and markets alone in town centres is not enough to attract footfall and secure the buildings future. They need to once again provide a flexible social, community and commercial space, as originally intended when built. Entertainment and events are an integral part of the business case.

The discussions with Quarterbridge were based around the desire, both from TDC and the local community over the past 10 years to regenerate Newton Abbot, and through the development of the FHSF business case it provided an opportunity to review how the Alexandra and Market Hall buildings can be re-established as a social and entertainment space, alongside an enhanced market and food and beverage offer.

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Newton Abbot prides itself on being an Historic Market Town, dating back almost 800 years but it needs to adapt. The development of a Markets Quarter alongside the evolving Culture Quarter within the town will help strengthen the town for the future and we would look forward to working with representatives from FoTAT, to ensure the entertainment space works well for all.

Question 2

Are all Council members familiar with the business case produced by 'The Fruit Tree' company, commissioned by Teignbridge District Council? If so, what are their views on the economic viability of the Alexandra Theatre as a social hub which is highlighted within the report?

Response from Portfolio Holder for Business, Economy & Tourism

The business case was prepared pre-Covid and the findings were that such a facility would need subsidy in the short term and not viable in the medium to long term. The Newton's Place project is now complete; this new community hub in the town centre has taken years to raise the necessary capital and carry out the works required. In the current financial climate, theatres around the country are struggling now, more than ever to remain open. We need to be realistic that funding a community hub without a guarantee of income would be extremely difficult, threaten the longer term future of both the Alexandra and Market Hall buildings.

The FHSF Team at TDC were responsible for the new Pavilions in Teignmouth. For some in the town, losing the old Carlton Theatre was a blow, however, Pavilions is now a much loved, hugely successful space enjoyed by thousands over the years. During the planning for Pavilions, team members visited many small theatres around the West Country and know first-hand just how difficult it is to fund a small theatre and ensure the future of such buildings without large subsidies.

28 JULY 2020

Member Questions

1. **The following questions have been asked by Cllr Bullivant**

Question 1

The policies of the council are decided by the executive. Such policies are passed to officers who base their professional recommendations upon these policies.

When an officer, having followed the requirements of such a policy makes a recommendation that confirms that an application meets the requirements of the agreed policy is it appropriate that an executive member votes against the officer recommendation?

Response from the Leader

Planning applications are decided individually on their merits taking account of national and local planning policy and other material planning considerations. Policies are often subjective in nature and can be interpreted differently. Therefore it is possible for any member of the Planning Committee to vote either way based on personal judgement of all relevant factors. Where other policy has been made by Executive, decisions are made within the confines of policy but also often taking account of Executive's political views, which are obviously not for officers to advocate

Question 2

This issue has been recognised by another local council who have changed their committee membership to ensure that executive members do not take part in decisions made in committees where such policies apply.

Should Executive members be excluded from committees such as planning where a potential conflict of interest arise?

Response from the Leader

The issue of whether Executive members should be members of the Planning Committee, a non-executive function, is a matter of debate. Personally, I do not have an issue with such; others may have different views. The Constitution Working Group, of which the Conservative Group Leader like me is a member could consider this but it hasn't to date – I am happy to include this on a future agenda of the group. Nevertheless, the position always remains that any person with a conflict of interest, to which our Code of Conduct refers, should act in accordance with the Code.

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