

Full Council

Thursday, 13 January 2022

Present:

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

Apologies:

Councillors Austen, Eden, Foden, Haines, Hayes, Jeffries, Orme, Parker-Khan, Peart, L Petherick and Tume

Officers in Attendance:

Democratic Services Officer, Chief Finance Officer & Head of Corporate Services, Trainee Democratic Services Officer, Democratic Services Team Leader & Deputy Monitoring Officer, Managing Director, Administrative Assistant and Head of Legal Services & Monitoring Officer to the Council

1 Minutes

It was proposed by the Executive Member for Sport, Recreation and Culture, seconded by the Executive Member for Planning that the minutes be approved.

The minutes of the meeting on 30 November 2021 were approved and signed as a correct record by the Chair.

2 Announcements

The Chair on behalf of the Council congratulated two residents from Teignbridge, Brian Smith and Dr Jill Diprose who have both been recognised with a British Empire Medal in the New Year's Honours List and Karime Hassan the Chief Executive at Exeter City Council who was awarded an MBE.

He brought to Member's attention the Westbank Community Health & Care who have been awarded the Queens Award for Voluntary Services presented by Her Majesty's Lord-Lieutenant of Devon.

The Chair announced that on 06 January 2022, an Appointment and Remuneration Panel had considered a complaint made by Councillor Patch against Paul Woodhead, namely that he had breached the Officers' Code of Conduct. Having considered the information presented to it, which included counsel's opinion, the Panel unanimously determined that no breach of the Officers' Code of Conduct had occurred and no further action is required. The Panel requested that Members be informed that the estimated costs of dealing with this complaint in terms of officer time and necessary external legal support,

amount to £6,130.

3 Declarations of interest

Cllr D Cox declared in interest in respect of minute no.6 as a Member of Teignmouth Town Council.

4 Council Tax Base 2022/23

It was proposed by the Executive Member for Corporate Resources and seconded by the Leader that the recommendation be approved.

RESOLVED that the council tax base of 49,633 for 2022/23 be approved.

5 Public Questions

Public questions and responses attached.

The relevant Executive Member responded to the supplementary questions arising therefrom - [see live stream 13 Jan 2022](#)

6 Play Area Refurbishment - The Den Teignmouth

The Executive Member for Sport, Recreation and Culture proposed the recommendation, this was seconded by Cllr Macgregor.

Member were informed that it was anticipated the works would be completed before the summer holidays this year.

RESOLVED that:-

- (1) Capital expenditure of £280k be approved, to be funded from CIL and S106 contributions, for refurbishment works as outlined in this report for the play area at the Den Teignmouth; and
- (2) The Head of Operational Services be granted delegated authority, in consultation with the Chief Finance Officer and Executive Member for Leisure and Green Spaces to accept the most economically advantageous tender for the works.

7 Recommendation from Audit Scrutiny Committee - Appointment Process - External Audit

The Chair of Audit Scrutiny Committee proposed the recommendation, this was seconded by Cllr Bullivant.

The Chief Finance Officer clarified that the external audit was a financial audit looking at value for money and included housing benefits.

RESOLVED that the acceptance of the invitation to opt in to the national scheme for auditor appointments from April 2023 be approved.

8 Recommendation from Executive - Notice of Motion - moving with the times - 21st Century Councils

The Leader proposed the recommendation, this was seconded by Executive Member for Recycling, Household Waste and Environmental.

Cllr Macgregor proposed an amendment that the recommendation should include a request to Government that there was implementation of a full set of regulations and constitutional matters in connection with virtual meetings, this was seconded by Cllr Daws, Cllr Patch proposed an addition to include a review by Overview and Scrutiny into how virtual meetings had operated since the beginning of their use should be undertaken, Cllr Macgregor and Cllr Daws agreed to this addition. This amendment was put to the vote and lost.

The substantive recommendations were put to the vote and it was:-

RESOLVED to:-

- (1) Write to the Department of Levelling Up, Housing and Communities (DLUHC) urging a permanent amendment to the meeting rules set out in the Local Government Act 1972 be enabling local authorities to hold virtual, hybrid or physical meetings;
- (2) Write to the Members of Parliament serving Teignbridge to ask for support for this flexible approach to council meetings; and
- (3) Continue to explore the use of technology to develop online meetings to attract a wider audience once our request has been successful.

9 Councillor Questions

Member's questions and responses are attached to minutes.

The relevant Executive Member responded to the supplementary questions arising therefrom - [see live stream 13 Jan 2022](#)

The meeting started at 10.00 am and finished at 11.16 am.

Chair

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Public Questions

13 January 2022

Questions from Mallory

1-Before making council buildings available for covid 'vaccinations', and before promoting covid 'vaccinations' in TDC newsletters, has TDC carried out risk assessments into the 'vaccines' or weighed and assessed publicly-available information about 'vaccine' deaths and adverse reactions? If so, please provide these risk-assessments - if not, please explain why not."

Response from the Leader

The risk assessment for the use vaccines was undertaken by HM Government and its advisors e.g. SAGE, UKHSA etc. The use of Sherborne House as a vaccination centre was solely a landlord/tenant matter.

2 - As many services originally agreed by the council to be provided to the residents as part of the council tax contract had been limited or stopped during the lockdown's periods, some funds were obviously saved. Please explain what the council plans are in regards to the council tax funds that hadn't been spend on the contracted services

Response from the Leader

The Council operates its services via funding from numerous income streams including council tax. All streams of income have been hit during the pandemic and lockdowns however the vast majority of services continued to operate and additional support from government was provided to partly support the loss in income. We still have significant budget gaps to close which have been heightened due to the pandemic and lockdowns. I would refer you to the initial budget proposals for 2022/23 that are on our website which provide more detail on the medium term financial plans.

Questions from Mia Stalstedt

- (1) *What is the council doing to improve the infrastructure, which cannot support all the new housing developments, resulting in constant water leaks and water outages?*

Response from the Executive Member for Planning

The Council identifies its plans for new homes and employment sites in its Local Plan – our current one being the Teignbridge Local Plan 2013 – 2033. This identifies our priorities and sets the high level infrastructure requirements to support new development.

Mitigation for any impacts on infrastructure arising from new development (i.e. ensuring the position is no worse following the development – development cannot be required to make good existing problems) is then either required as part of any planning permission (through planning conditions and Section 106 Obligations) that is granted or may be able to be funded through the Community Infrastructure Levy. More information about this is available on our website www.teignbridge.gov.uk/planning

Each year we publish information detailing the funding received: [Developer Contributions 2020/21 - Teignbridge District Council](#).

For the Newton Abbot and Kingsteignton Garden Community, this is also available in diagrammatic form [Newton Abbot & Kingsteignton Garden Community \(arccgis.com\)](#)

Finally, to support our overall vision and strategy as set out in the Council Strategy, we also develop a Capital programme, details of which for the year 2022/2023 are currently being prepared and reviewed through the Committee Approval process – most recently at Overview and Scrutiny on Tuesday 11 January 2022 [Agenda item - Initial Financial plan Proposals 2022/23 to 2024/25 - Teignbridge District Council](#).

Where necessary, improvements to sewerage and drainage capacity can be addressed under separate powers between developers and SWW direct.

- (2) *can the council please guarantee an immediate stop to the illegal and unsafe disposal of raw sewage into waterways and off the coastline and a halt to planning of any further housing estates, until these issues have been resolved?*

Response from the Executive Member for Planning

This question should be directed to Environment Agency and/or South West Water

Questions from Michelle Gibbons

This letter is regarding the current situation with the community car park in Fore street, Kingskerswell.

For us personally, it was a huge factor in our purchase of Forge Cottage. In August we decided to make Kingskerswell our forever home. We fell in love with Forge cottage and also felt the strong community feel around the village but the parking was a huge issue. Our estate agent very quickly reassured us that the car park was for all residents of Fore Street. Unfortunately, Forge Cottage has double yellow lines outside which then proceeds through Fore street. There is roadside parking for 1 hour so as you can imagine the community car park is essential for not only us but affects at least 40 houses.

Forge cottage was built in the 1600's so parking cars wasn't part of the infrastructure but obviously now it is.

(1) Has a feasibility and infrastructure study been done?

For instance, where cars are going to park as there is nowhere for cars to park on the road.

There are no proposed changes to the car park so there is no requirement to undertake a feasibility or infrastructure study. We are proposing to introduce charges that will help to support the long-term management and maintenance of the car park, and to ensure that spaces are available for all visitors to the village centre, including those using the local shops and businesses.

(2) What does the risk assessment look like?

As this is a village we have many pedestrians, which at this time people are encouraged to get out and exercise. With the displaced parking from the car park this could become a hazard.

Response from the Leader

There are no changes to the car park or on-street parking provision to require a risk assessment.

(3) Back in November we attended a Parish Council meeting. We were led to believe that there had been a previous meeting that none of the villagers were aware of, so attendance was very low. At this meeting we were told that the car park costs £ 5000 a year for maintenance as a community we discussed parking permits, ie: Torquay residents pay £30 a year for resident parking, this doesn't guarantee parking but the council still has revenue from the residents. The chairperson shut the idea down. The chairperson also mentioned that all Teignbridge car parks are pay and display. This is true for towns but most of the villages have free car parks and no double yellow lines ie: Liverton, Ilsington.

Why do the residents of Kingskerswell have to pay when other villages don't?

Response from the Leader

The 'free' car parks mentioned are not managed by Teignbridge District Council. We review our car parks annually, including the free car parks which are mostly linked to leisure and recreation provision or employment premises. I understand this was referred to at the meeting. Some Parish Councils own the car parks in their villages which are free – for example – Ide and Kenton. This may therefore be a more appropriate question for the Parish Council to consider.

Questions from Clare Pollard

Hopefully by now you are aware of the proposal of Kingskerswell car park on fore street and the proposal of introducing pay and display parking. The address I reside at is one-way narrow road with no parking, as with other roads within the village like water lane only has limited spaces. Fore street has also limited parking by means of a one hour no return which only enables the residents to use the carpark.

The proposal of pay and display for residents like us as a family cannot afford an extra expense of a daily parking charge, we are both keyworkers and on a limited income to which would put our family under considerable financial and impractical constraints.

Not only will this impact on our family life but this would also upset my son's routine which is vital to his wellbeing, my son lives with autism and rare genetic condition.

(1) Residence with disabilities

How are Teignbridge district council, going to ensure that families with disabled adults/children are not negatively affected by such restricted accessibility.

There has been no Consultation with any of the residence, the first villagers knew about the proposal was a leaflet put together and distributed by some residence informing them of the proposed pay and display to fore street carpark. This is the core part of the village and first part of Kingskerswell where majority of these homes are all terrace homes and don't have the luxury of off street or parking outside their own homes like the newer parts of the village.

Response from the Leader

Discussions regarding this car park and the possible introduction of charges have been ongoing for a number of years. To confirm, we are not removing the service or restricting accessibility and there are disabled bays in the car park. In relation to disabled parking spaces on the road, Devon County Council as the highway authority is responsible for the provision of dedicated parking spaces for people with a disability and residents may wish to contact the county council directly or use the link below:

<https://www.devon.gov.uk/roadsandtransport/make-a-request/disabled-parking-bay/>

(2)– If Imposed

What steps would the council take to provide more acceptable and affordable parking for residence in the main heart of the village, most of the earlier property's built in the village were done so with only the option of street parking.

Response from the Leader

We are not responsible for providing parking for properties that do not have their own provision. Anyone purchasing their property would have done so in the knowledge that it had no parking and made a decision accordingly. We provide a car park that serves the village centre, including shops and businesses, and the proposed new charges will help with the long-term management and maintenance of the car park.

Questions from Jenny Daly

I am writing to register my objection to the proposal to make the Kingskerswell car park on Fore Street a pay and display car park.

As a resident of Fore Street for 25 years I use this car park daily and in all this time there have been minimal issues. As you will know there is very limited parking along the length of Fore Street, with one hour restriction during the daytime in front of the shops. The 30 or so spaces (I haven't counted exactly) within the car park are used predominantly by the residents, many of whom leave during the day to work and anyone wanting to use the coop or local facilities during the day will find plenty of spaces. Most issues arise after 16.30 when most residents are returning from work and where parking infringements occur this is generally where residents have been unable to find alternative space in the surrounding roads. I understand that no residents permits will be issued and residents will be expected to buy daily tickets. This is clearly simply a money making exercise, which will not be used for the benefit of the village.

I have the following questions:

1. Please provide full expenditure of 'maintenance' of the car park, as to my 25 years of experience is minimal - lighting (takes weeks to get these replaced when they have gone a few times) and only last year some fence repairs. Lines have been repainted once.

Response from the Leader

The cost of operating the car park is approximately £4,700 per annum. This includes a proportionate cost for staff to inspect and manage the car park, mechanical and electrical maintenance, seasonal work, business rates, and a proportionate cost for advertising annual changes to the Off Street Parking Places Order.

2. If payment absolutely has to happen why is there no permit options for residents of Fore Street when there is No other daytime parking available? Residents have to park somewhere and along the whole of fore street there are only 5/6 spaces. I will certainly Never pay for parking so will park in any adjacent streets I can which will add to conflict amongst neighbours in the village, which has always been such a lovely harmonious village. If the car park is not used in future (if all residents boycott

it and I cannot see people will pay for nipping into the coop) will they return to free parking?

Response from the Leader

We have carefully considered the option of introducing permits. However, given the size of the car park, if permits were introduced there is no fair way of allocating them and ensuring sufficient space remained available for those looking for a short stay space. We are also very aware of similar situations elsewhere, where permit demand far exceeds car park space supply, leading to ongoing waiting lists if permits are restricted, or oversupply if they aren't.

3. Will the front of the coop be cordoned off to prevent cars parking on the pavement often causing a hazard to pedestrians. Or will a meter be placed at the front of the car park too? If time was spent observing Coop customers, you will see there is a constant stream of people parking on the pavement directly in front as they are just nipping into the shop. When no one is parking in the car park in future , lorries can go in there. I hope the coop loses many customers.

Response from the Leader

Devon County Council is the Highway Authority and is included in the consultation process for our car parking fees and charges. We will highlight to Devon County Council that there is a potential issue with vehicles parking on the pavement in front of the Co-op.

Question from Richard Westwell

I am a resident of Kingskerswell and use the car park on a daily basis as there is very limited street parking near my house in Daccabridge Road.

I see there are plans to make our local car park a pay and display area. I was surprised to hear about this as there have been no notices placed publicly to give us reasonable time to discuss and consider things.

In short it seems an unworkable proposal and one that has not considered. There are a number of valid reasons why this would not work.

I gather the main reason is a financial one whereby TCC would benefit from an income stream from ticket sales.

Any conversion of this car park to a paid solution would be highly disruptive to village life and make car ownership virtually impossible for some of us.

Please tell me, has anyone done a comprehensive cost - benefit analysis for the proposed plan ? And if so, can I please see a copy.

Response from the Leader

As the car park is currently free there are no figures available with which to carry out a cost benefit analysis. As referenced in an earlier response, it currently costs us around £4,700 per year to manage the car park. At a time when we are facing an annual budget deficit of £2.7m we need to ensure that we make a number of difficult but prudent financial decisions that allow us to be able to continue providing the many services to the residents of the district.

Questions from Simon Baxter

In the last few years, Kingskerswell has lost from Fore Street: a butcher, a bakery, a greengrocer, a pharmacy (now on School Hill), a dentist and of course the Post Office.

I am sure the councillors share my hope that we can keep the heart of Kingskerswell as a living community, and not let it become a lifeless dormitory for commuters. The imposition of parking charges can only detract from the prospect of shopping, haircuts, and so on, for the existing and potential customers of the Fore Street businesses.

Has the likely impact of parking charges on the existing businesses on Fore Street been taken into consideration, and the further impact of that on the community?

Response from the Leader

The feedback we are receiving from business, residents and the civil enforcement officers, who patrol the car park, suggests there are a large number of vehicles that are parked by residents for long-stay use. The proposal to introduce charges will allow a more active management of the car park, freeing up spaces for those wishing to 'pop and shop' or visit local businesses.

2. I was informed by Alistair Dewhirst that a cross-party committee has been looking at the different levels of charges in TDC car parks, over a number of years. This is a quote from the minutes on your website pertaining to the Car Park Review Group:

"The Car Park Review Group was formed to undertake a strategic review of the Council's off-street parking policies to ensure that Teignbridge District Council's parking policy and operations remained current and reflected the local need." (My bold)

It is difficult to see how this avowed policy is consistent with imposing a one size fits all 'solution' such as seems to be proposed.

I would hope that such a report would include a comprehensive set of analyses of the socio-economic impacts implied by any proposed changes for each community affected. I can find no such evidence in the report.

Again from the report: "The group will canvass the views of car park users, local businesses

, and Town and Parish Councils to help the Council understand how it can best support the needs of the communities in which the car park is located. "

Subjectively, as a parishioner of Kingskerswell, there seems to have been silence on the subject, until, apparently, the Parish Council were presented with the proposal at such short notice that they were only able to publish its inclusion in the next meeting with the shortest legal notice to the parishioners.

Consequently, few people had heard about it, and few attended. By the time the next parish meeting was held, over 30 concerned people came to protest the plan, but, it seems that the Parish Council had waved the proposal through at the previous meeting, and failed to support those principally affected by the plan.

Q. Please can you direct me to the findings on which this report and the subsequent proposal purports to be based?

Response from the Leader

The Car Park Review Group was first introduced in 2015 to look at the modernising and improvement of our car park offer and led to the introduction of new machinery, card reading facilities and an overhaul of fees and charges.

The Group was then tasked with developing a new Car Park Strategy but has not yet reported its findings back to the Overview and Scrutiny Committee. I expect this work to be completed this year and its recommendation to come forward to inform the budget for the next financial year.

Any consultation the review group undertakes with the public or local business will be outside of the fees and charges process. The proposed charges have been set at a level reflecting a range of comments and we will continue to review the use of the car park over the coming 12 months.

3. What policies can the councillors explore, possibly with a cross-party group, to strengthen this centre of our community, and other small communities, rather than to risk undermining it?

Response from the Leader

This is a question best directed to the Parish Council. There are different options available, such as to develop a community plan or a Neighbourhood Plan. We did extensive work with the Parish Council and community in 2011 as part of the development of the current Local Plan, and this may be something you wish to explore further in developing a vision for the village centre.

Questions from Lynn Baxter

My First Question Below concerns the possible negative impact on the lives of the community from the proposal to impose pay and display meterage to Kingskerswell car park. At the final KKPC meeting of last year Tonya Short, Parking Officer, was unable to reassure attendees that Residents' Parking Permits would be available. She referred only to some expensive, region-wide permit. Not fit for purpose.

One assumes that a properly-conducted Cost Benefit Analysis has already been carried out for this project; not merely considering the Cost aspect, but also the Benefit to the Community aspect. I understand that any study should involve the canvassing of local people and businesses potentially impacted. Any proposals and policies therefrom would be expected to reflect current conditions [socio-economic] and the realistic local needs of the community affected. Where there seems to be no benefit to the Community, one wonders about the democratic gulf thus demonstrated in this proposed imposition of steep charges. I assume that such a CBA is a statutory requirement. I want to know where I can access and read this CBA, or any studies undertaken regarding this proposal.

As a resident who would be negatively impacted by this parking-charge imposition, I have seen no evidence of consultation within the local community of residents likely to suffer from the effects of this proposal. There has been reference to a year-long 'study' by elected officials, district-wide....who seem to propose that universal charges should be imposed across the district. Should this proposal be carried forward without adequate consultation with residents about the potential negative impact on their lives, it would seem to lack transparency as a process. I would question the democratic integrity of such an imposition.

There are several disadvantaged groups who would suffer, should this proposal see the light of day. Namely:

- *Disabled / elderly residents who cannot easily walk any distance to their vehicles.*
- *Bed-bound residents whose daily care enablers must visit several times daily, and who would be required to pay to do their essential work.*
- *Night workers*
- *Parents of small children forced to trek with kids, pushchairs, shopping etc., and the road safety concerns*
- *Residents of nearby streets with free parking, overspilled by former car park users who cannot pay. Their property access may be infringed as a result.*
- *Co-op customers whose shopping takes more time due to their age, mental health status, long queues etc. Many local people depend on the Co-op for all their groceries, and if this proved troublesome, would go elsewhere, thus discouraging and threatening yet another business in this village.*

QUESTION 1: Has the assumed Cost Benefit Analysis taken all these factors into consideration? And where can I see the results of this study please?

Response from the Leader

As the car park is currently free there are no figures available with which to carry out a cost benefit analysis. As referenced in an earlier response, it currently costs us around £4,700 per year to manage the car park. At a time when we are facing an annual budget deficit of £2.7m we need to ensure that we make a number of difficult but prudent financial decisions that allow us to be able to continue providing the many services to the residents of the district.

There are no changes proposed to the number of spaces available or the layout of the car park.

(2) My Second Question below concerns the issue of displaced vehicles, unexpected low parking revenue, and the high overhead maintenance costs to council of pay and display metering, with all the costly equipment, installation and manning involved.

Due to the proposed steep daily parking charges, as per Tonya Short's information, neighbourhood conversations suggest that most affected residents would choose instead to migrate to on-street daytime parking in and around the lanes and streets nearby, or further afield. Given this tendency, [forced by this unaffordable-to-many proposed charging imposition] has the Council considered that their projected revenue may fall drastically short of the mark, due to a largely empty daytime car park? Based on the notional daily charges, for which there is no alternative offered so far, no Resident's permits etc, according to Ms Short - each of the 41 spaces could possibly generate approximately £500 per annum.

My 2nd Question is: If the rough figure of £20,000 revenue were not achieved from charges, how could the Council justify the increased overheads and expenses of consistently manning the meters, installing the costly equipment, constant vehicle inspection, maintaining them etc. given the alleged financial constraints, as well as affording the general ongoing car park maintenance?

Response from the Leader

The proposed charges for the car park have been set out in response to a previous question. We are not projecting a particular income for the first year as we do not have any previous usage data to base it on. This is not unusual for the first year when charges are introduced. We will be able to provide a baseline of income and usage information next year.

(3) My Third question, below, concerns Resident's Permits.

Tonya Short, at the last KKPC meeting, stated that no Resident's Permits would be on offer. This seems illogical and unfair. Other communities with limited car parking availability in the region are offered affordable permits. Why does Ms Short insist that this is not being considered for KK?

Other communities offer affordable permits, priced such that disadvantaged groups: disabled, low-income families etc, who have little other options can pay. Should such options not be offered to KK residents affected by this proposal, then it could be seen to constitute discrimination against certain disadvantaged groups; due to the fact that people in our situation have little or no other parking options.

MY 3rd Question is: How can the Council Justify the failure to offer affordable Residents' Permits?

Response from the Leader

We have carefully considered the option of introducing permits. However, given the size of the car park, if permits were introduced there is no fair way of allocating them and ensuring sufficient space remained available for those looking for a short stay space. We are also very aware of similar situations elsewhere, where permit demand far exceeds car park space supply, leading to ongoing waiting lists if permits are restricted, or oversupply if they aren't.

Question from Christina Scudder

My concern is if charges are made many will look for alternative places to park. The streets in Starcross are already jammed with cars parked in every available space. Those unfortunate enough not to have a driveway have little choice. There are the two car parks. The one on the front to which parking charges already apply but frequently is full, especially in the summer months when visitors use it to go for a walk, catch the ferry or train. The other is the New Road car park most frequently used by local residents, also usually full.

With the proposed new traffic scheme for the main road parking is only going to get much worse with all those living on the front, who currently park on the road, having to find alternative parking.

The housing estates in Starcross already have severe problems with street parking sometimes making it impossible for refuse lorries to get through. Emergency vehicles would not get through either. This is potentially a life threatening hazard which will only get worse if charges are applied.

I appreciate you need to cover costs for the upkeep of car parks but surely the funds raised from the main car park on the front covers this? I understand this goes into a central pot but most car parks in the area are for shoppers or visitors. These should be the ones funding car parks used mainly by residents.

Response from the Leader

We are proposing to introduce charges that will help to support the long-term management and maintenance of the car park, and to ensure that spaces are available for all visitors to the village centre, including those using the local shops, services and businesses. Feedback from a range of people shows that the New

Road car park is used for a variety of uses, including those who wish to park for free while catching the train from Starcross.

We have also received complaints about cars parked for long periods without being moved. This results in much-needed spaces being 'blocked' and other customers not being able to find spaces. The car park is ideally placed to park when visiting the doctors' surgery and other services in the village.

Introducing charges will result in those using the service contributing towards the costs providing the car parks and, generally, towards the range of services provided by the council.

Full Council 13 January 2022

Members Questions

Question from Cllr Swain

At the full council meeting in November, it was twice suggested that a councillors' human rights were being abused when the chair interrupted the speaker. The Human rights act is very important and not to be made light of.

In the legal opinion of the council's monitoring officer, Is it an abuse of human rights for a speaker to be interrupted by the chair? if so, we should all know, and we can all behave accordingly.

Response from Executive Member for Corporate Services

Article 10 Human Rights Act 1998 states:

1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Consequently, while freedom of expression is protected in the UK, it must be borne in mind that this freedom is a qualified right, meaning that there are certain circumstances in which it may be overridden. As a result, the UK allows for the regulation of free speech and the ultimate blocking of speech, eg to protect people from suffering abuse on account of who they are.

Council meetings are occasions when the business of the Council is conducted, political debate takes place and decisions made. Those meetings take place within a statutory framework and pursuant to the provisions and obligations provided for by the Local Government Act 1972 amongst others.

Arising from that legislation are the rules of debate as set out in the Council's constitution. The Chair conducts such meetings in accordance with those rules, so as to ensure that the business of the Council is conducted in a fair and equitable manner. The alternative being anarchy and chaos.

It is trite law that such rules and procedures are necessary in a democratic society. Therefore, any curtailing by the Chair of an attempt by a member to step outside of those rules for the purpose of making a speech or other reason would be a lawful infringement of the member's right to say what they want when they want. It should be remembered that such lawful infringement operates within a regime that makes provision for the making of speeches and expressing opinion.

Questions from Cllr Macgregor

1. South West Water's licence to dump untreated waste and faecal matter is predicated on what the Environment Agency term 'Storm Events' which affect capacity through increased run-off into drains and sewers. Does the authority have a full understanding of what a 'storm event' is as described by the EA?

Response from Executive Member for Planning

The Environment Agency regulates discharges from sewer overflows and waste water treatment works through environmental permits which will set the design standards for each individual storm overflow. Further details can be found at [Water companies: environmental permits for storm overflows and emergency overflows - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/publications/water-companies-environmental-permits-for-storm-overflows-and-emergency-overflows).

2. Does this authority know how many designated storm events occur annually as defined by the EA and if not why not?

Response from Executive Member for Planning

Teignbridge District Council does not have regulatory authority in relation to discharges. However, South West Water does publish this information on annual basis- [south-west-water-2020-storm-overflows.pdf \(southwestwater.co.uk\)](http://southwestwater.co.uk/edm-return-2020) and [southwestwater.co.uk/ edm-return-2020](http://southwestwater.co.uk/edm-return-2020)

3. "The Urban Waste Water Treatment Regulations (UWWTR) require sewer networks for agglomerations with a population equivalent of 2,000 or more to be designed, constructed and maintained according to best technical knowledge not entailing excessive costs (BTKNEEC). This includes the volume and characteristics of the wastewater, the prevention of leaks, and the limitation of pollution of receiving waters due to storm water overflows. The regulations supplement the duty imposed on sewerage undertakers by the Water Industry Act 1991 to provide, improve, and extend a system of public sewers. In accordance with long- standing guidance (DETR, 1997) where such overflows have an adverse environmental impact, measures are required to address these problems.

Recently, there have been concerns expressed regarding the frequency of discharge as well as the environmental impact. Population growth, urban creep, infiltration and changing rainfall patterns will further increase the likelihood of discharges from storm overflows. What is this authority doing to ensure that SWWater are following the legislation?

Response from Executive Member for Planning

– The Environment Agency are the regulatory authority, and they are responsible for ensuring South West Water comply with the legislation, not the District Council. Planning for future development was considered in the response to [previous questions at Full Council](#) and was also addressed in the presentation given by the Environment Agency and South West Water to the [Overview and Scrutiny Committee on 15 November 2021](#).

4. Will the authority request from SW Water the following information (Bearing in mind the recommended advice by Ofwat, the concerned regulatory body)?

Why are there so many storm overflows?

Why if capacity is deemed resilient until 2036 are there so many releases?

What is the most up to date rainfall catchment data?

What is the most recent water situation report?

What is the inspection and maintenance regime of SWWater assets - gravity drains, sewers, treatment works, dams etc?

Response from Executive Member for Planning

This information can be requested from South West Water via the following link <https://www.southwestwater.co.uk/environment/environmental-information-regulations/>. Again, Teignbridge District Council does not have regulatory responsibility for South West Water activities in relation to sewer overflows.

5. What other work is going on with other stakeholders in respect of pollution from water releases? Devon & Severn IFCA, for instance?

Response from Executive Member for Planning

– The authority is engaged with South West Water on the production of their Drainage and Wastewater Management Plans, which is the way for organisations to work together to improve drainage and environmental water quality. This is still at an early stage and there was an introduction to this process at the end of September 2021. We are awaiting further consultations on the Drainage and Wastewater Management Plans as it progresses. Further information about Drainage and Wastewater Management Plans can be found at [Working Together an overview of Drainage and Wastewater Management Plans.pdf](#)

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