

10 September 2021

## **FULL COUNCIL**

A meeting of the **Full Council** will be held on **Monday, 20th September, 2021** in the **The Paddock Room, Newton Abbot Race Course, Newton Abbot** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Austen, Bradford, Bullivant, Clarence, Colclough, Connett, Cook, D Cox, H Cox, Daws, Dewhirst, Eden, Evans (Vice-Chair), 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 (Chair), 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.

## **A G E N D A**

### **Part I**

1. **Apologies for absence**

2. **Minutes**

(Pages 9 - 12)

To approve as a correct record and sign the minutes of Annual Council 28 May 2021.

3. **Announcements (if any)**

Announcements only from the Chair of Council, Leader, Members of the Executive or the Managing Director.

In accordance with the constitution the Managing Director had been informed by the Conservative Group Leader that Cllr Peart replaced Cllr Bullivant on Planning Committee.

4. **Declarations of interest (if any)**

5. **Public Questions (if any)**

Members of the public may ask questions. A maximum period of 15 minutes will be allowed with a maximum period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

6. **Councillor Questions (if any)**

Members of the Council may ask questions of the Council subject to procedural rules.

The deadline for questions is no later than three clear working days before the meeting.

**Recommendations from Committees to Full Council**

7. **Recommendation from Executive - East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council Joint Strategy**

The Executive Member for Planning will present the recommendation from the Executive [Thursday, 16th September, 2021](#)

8. **Recommendation from Procedures Committee - Notice of Motion - Constitution**

The Chair of the Procedures Committee will present the recommendation from the [Procedures Committee on Wednesday 21st July, 2021.](#)

**RECOMMENDED** to Full Council that:-

- (A) The Council strive to uphold the integrity of the Constitution of this Council;
- (B) (i) The constitution as amended by the Monitoring Officer pursuant to the resolution of Full Council 24 September 2019 be reaffirmed as the Council's working Constitution; and  
(ii) The Procedures Committee would undertake to consider any Members queries on the published constitution at a future meeting; and
- (C) Future changes to the constitution be brought to the Procedures Committee for onward recommendation to Council.

9. **Recommendation from the Procedures Committee - Standards Sub-Committee**

The Chair of the Procedures Committee will present the recommendation from the [Procedures Committee on Wednesday 21st July, 2021.](#)

**RECOMMENDED** to Full Council that:-

- (1) The council's Procedural Rules should be amended so that Councillors serving on the Planning Committee are no longer permitted to vote on applications within their ward;
- (2) Motions to Approve/Refuse/Defer Planning Applications should be made at the end of a debate on the application, which would allow any questions raised during debate to be answered;
- (3) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is midnight Thursday prior to the meeting and no later; and
- (4) Any new information or submissions regarding planning applications should be submitted to the planning email address [planadmin@Teignbridge.gov.uk](mailto:planadmin@Teignbridge.gov.uk) by midnight Thursday prior to the meeting.

10. **Notices of Motion**

Notice of Motion's shall be referred to the appropriate Committee meeting. The mover of the motion can outline the proposal and then it will stand adjourned. The motion may be debated to assist debate later if agreed by two-thirds of Council Members.

**Notice of Motion 1**

The following motion on the Environment has been presented by Cllr MacGregor and supported by Cllrs H Cox, Daws, G Hook and Parker

**Background**

**Council Notes that –**

- This Council has declared its commitment to address the Climate and Ecological Emergencies via Declarations made in April 2019 and Sept 2020 respectively. We are also signatories to the Devon Carbon Declaration and being recognised as a leader in District Council responses to the twin emergencies.
- The Council has fulfilled the initial commitments we made at Full Council in Sept 2019 including employing a Climate Change Officer. We have completed our 2018/19 Carbon Footprint and have identified and funded projects to address the Council's top 15 emissions sites.
- The Council has made substantial progress in other areas including through our Local Plan, installing EV charging, promoting district heating schemes, energy efficiency and renewable energy retrofitting of the District's housing stock, created SANGS at Dawlish and Matford, planted more than 3000 trees and assisted with many other projects to reduce our District's carbon

- footprint, as well as protect and improve biodiversity and habitats.
- Central Government, however, has failed to provide the legislative framework to match Teignbridge District's Council ambition.
- The Government has delayed for the 3<sup>rd</sup> time the progress of the Environment Bill through Parliament. The Bill; created to enshrine in law environmental principles which will embed environmental values at the heart of government policy making and replacing EU regulations covering areas such as pollution, wildlife protection, air quality, biodiversity and waste reduction. However, the Bill will now not be in place until Autumn 2021, at the earliest.
- Despite these positive plans, the Government has already taken a backwards direction by reversing the EU ban on the use of neonicotinoids, undermining previous commitments in 2018 that the UK would keep the ban in place post Brexit. Research shows that neonicotinoids are highly toxic chemicals that can persist in the wider ecosystem for some time, potentially to be absorbed by wildflowers that pollinators then visit. In 2018 the government agreed with this research, and there is no new research to dispute this finding.
- Last year the Committee on Climate Change, the Government's own independent advisory body stated that steps taken so far by Government "do not deliver adequate progress in addressing even the unavoidable impacts of climate change, let alone the risks of expected levels of global warming of around 3°C above pre-industrial levels", and that "the delivery of effective new policies must accelerate dramatically if we're to seize this chance. Progress is generally off-track in most sectors, with only four out of 21 of the indicators on track in 2019."
- The United Nations has just produced the results of the largest public opinion poll in history, which demonstrates that 2/3rds of people agree that climate change is a "global emergency". 1.2 million people have been questioned in 50 countries. 81% of UK residents questioned also agreed there was a Climate Emergency.

### **Council believes that –**

- As a District, as a Nation, as a World, we are currently fighting two potentially cataclysmic emergencies. The Government must urgently make and enact a serious Plan to address the climate and ecological emergencies.
- The Government must urgently listen to the suggestions of environmental organisations in the UK, in order to tighten the proposed regulations in the Environment Bill, including to;
  - Further protect food import standards
  - Set a target date for the removal of deforestation from supply chains
  - Set air pollution targets in line with WHO guidelines
  - Introduce legally binding targets on loss of nature
  - Introduce legally binding targets on plastics reduction
  - Make a legal commitment to protect 30% of UK land for nature
  - Reintroduce the ban on neonicotinoids.
  -
- Teignbridge District Council is committed to do all it can to address the climate and ecological emergencies but needs government to provide the legislative framework via the Environment Bill, to fulfil its ambitions for our District.

## **Motion**

The Leader and relevant Executive Members will write to our MP's and Sec of State for the Environment urging them to ensure that the time delay to the Environment Bill is used to ensure the following improvements are incorporated,

- Further protect food import standards
- Set a target date for the removal of deforestation from supply chains
- Set air pollution targets in line with WHO guidelines
- Introduce legally binding targets on loss of nature
- Introduce legally binding targets on plastics reduction
- Make a legal commitment to protect 30% of UK land for nature
- Reintroduce the ban on neonicotinoids.

## **Notice of Motion 2**

The following motion has been presented by Cllr Eden and supported by Cllrs Bradford, Daws, Macgregor, Orme and Patch.

### **Background provided by Cllr Eden to the Motion:**

There are quite a number of gaps that have developed in the Standards Process – some highlighted in my previous motion on Standards Hearings procedure. There also needs to be a wider more precise application of what is or isn't acceptable in terms of conflict of interest.

Recently, this council had to resort to requesting an intervention from the PAS (Planning Advisory Service) over a matter that from the perspective of the general public should be quite clear cut.

From my experience chairing ethics committees in the NHS and from my professional training in matters of conflict and probity, it is clear that the result of the PAS report was far from satisfactory. We need to sharpen our focus on conflict or interest and raise the standard of those definitions.

Doing so will reduce the possibility of a councillor having their impartiality, integrity or probity being called into account.

### **Wording of Motion proposed by Cllr Eden:-**

With that in mind, I would like to propose that the following definitions are added or amended.

- 1) The definition of a Conflict of Interest to be extended (in respect of family and friends) for all elected members to reflect the high standards set by the Charity Commission in respect of a 'Connected Person' - defined as follows;

**“Connected person:** In broad terms this means *family, relatives or business partners* of a councillor, *as well as businesses in which a councillor has an interest through ownership or influence*. The term includes a councillor's spouse or unmarried partner, or civil partner, children, siblings, grandchildren and grandparents, as well as businesses where a councillor or family member holds at least one-fifth of the shareholding or voting rights.”

The Council's legal team would be able to advise (where there is any doubt), but such advice should be made a public record.

- 2) Conflicts of Loyalty to be introduced as a notifiable requirement. This is defined as follows;

**“Conflict of loyalty:** This means a particular type of conflict of interest, in which a councillor’s loyalty or duty to another person or organisation could prevent the councillor from making a decision only in the best interests of the council or the residents.”

- 3) Register of interests to include membership of ANY organisation that the member knows an officer of the council is also a member – for instance; Freemasons, professional bodies etc. Devon County Council requires members notify their membership of the Freemasons and TDC should do so right away.

This is an extension of the second point in the motion about Conflicts of Loyalty but deals potentially with influence exerted externally on, or by a councillor or officer.

### **Notice of Motion 3**

The following motion has been presented by Cllr Eden and supported by Cllrs Bradford, Daws, Macgregor, Patch and Wrigley:-

Planning is a process tied up in legislation, including the committee decision making element. Councillors are, when an application comes to committee, presented with recommendations accompanied by detailed reports and are expected to adopt an open mind when deciding on the merits of that application. Often, the officer presenting the report has anticipated where concerns might lie and along with technical aspects listed conditions that will apply should the application be passed.

On large sites those conditions might relate to aspects such as the street art, number of affordable homes and so on. Thus, typically, the committee members make a decision based on what is no more than a promise. Unfortunately often the delivery of the finished development falls short of those conditions. Usually one of the first aspects to be reduced in number is the affordable housing, then extras, like street art etc. The finished development then looks like every other homogenised estate around the country and far short of what was actually approved.

Despite developers and estate agents telling us this is what people want, and officers telling us the conditions need to be ‘varied after the fact’ , the problem remains that we continue to be asked to make a decision on an outcome we know will not be delivered.

The claim that there are hundreds of variations is simply not the case. There may be several, but the most important ones are those related to large developments across the district. These variations might well be on the website under the planning portal against the original application, but it is my view that variations to conditions on all large developments should be presented to committee with an explanation as to the application to vary and the decision. This is not to stop officers from making the decision, based on the technical nature of the variation and their expertise.

The motion calls for additional transparency by ensuring that on all major developments (over 20 homes) where variations to conditions are applied for, to be brought to the planning committee.

For the decision on the variation to be explained in detail to the planning committee members. To highlight the resulting outcome to planning committee members to explain why, if viability is used as a justification, that this wasn't covered at planning application stage when conditions were applied.

#### **Notice of Motion 4**

The following motion has been presented by the Leader and supported by Cllrs H Cox, Dewhurst, Evans, Foden, G Hook, J Hook, Keeling, Nutley, Parker, Rollason :-

#### **GIVING THE COMMUNITY A STRONGER VOICE IN LOCAL PLANNING**

Teignbridge Council notes:

The significant concerns expressed through the ballot box in Chesham & Amersham over the Conservative Government's Planning Reforms.

The concessions already made to Conservative backbench MPs concerns about the impact of planning deregulation.

Local residents concerns about their reduced ability to object to building works under Permitted Development Rights which have been extended under this Government.

Widespread concerns and condemnation of the Planning White Paper proposals across Local Government, The Planning and Architecture Sector, and organisations concerned with protecting green spaces and heritage.

Council is concerned that:

Government proposals to deregulate planning will remove the already limited rights of residents to influence or object to inappropriate development where they live.

The Government's proposals will decimate the character of our district and give carte blanche to developers to build what they please across large 'zones' without needing planning permission.

Council believes that:

Residents have the right to an improved say over development that will change the area they live in.

Local councils, in consultation with their residents and businesses are best placed to understand the issues in their area and respond with a spatial strategy tailored to that area.

Council calls for the Government to:

Scrap its Planning White Paper and instead

- Undertake a wholesale review of Permitted Development Rights

- Make the Government's Planning Inspectorate more accountable to local people
- Implement stronger controls to ensure Ministers making decisions on planning applications are not connected either financially or personally with the developers or related parties to the application.

11. **For Information - Urgent Decision - Decarbonisation pre works- Broadmeadow Sports Centre Roof Refurbishment** (Pages 13 - 14)

A Urgent Decision - Decarbonisation pre works- Broadmeadow Sports Centre Roof Refurbishment

12. **Bradley Lane Regeneration**

The Executive Member for Corporate Resources will outline the proposals for the Bradley Lane Regeneration.

**Part II: Items suggested for discussion with the press and public excluded**

13. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Part 1 of Schedule 12A of the Act.

14. **Recommendation from Executive - Bradley Lane Regeneration**

The Executive Member for Corporate Resources will present the recommendation from the Executive [Thursday, 16th September, 2021](#)

15. **Recommendation from the Appointments and Remuneration Committee**

The Leader, as Chair of Appointments and Remuneration Committee, will present the recommendation of the [Appointments & Remuneration Committee on Thursday, 16th September, 2021.](#)

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)