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21 October 2024

FULL COUNCIL

A meeting of the **Full Council** will be held on **Tuesday, 29th October, 2024** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

Councillors Atkins, Bradford, Bullivant, Buscombe, Clarence, Cox, Daws, Dawson (Chair), Farrand-Rogers, Foden, Gearon, Goodman-Bradbury, Hall, Hayes, Henderson, Hook, Jackman, James, Jeffries, Keeling, Lake, MacGregor, Major, Morgan, Mullone, Nutley, Nuttall, Palethorpe, C Parker, P Parker, Parrott, Peart, Purser, Radford, Rogers, Rollason, Ryan, Sanders (Vice-Chair), Smith, Steemson, Swain, G Taylor, J Taylor, Thorne, Webster, Williams 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**

To approve as a correct record and sign the minutes of the previous Council meeting.

3. **Announcements (if any)**

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

Cllr Keeling advised that Cllr Parrott has been appointed an Executive Member for Corporate Resources, Cllr Hook has replaced Cllr Wrigley on South and East Devon Habitats Regulatory Executive Committee, Cllr Palethorpe has replaced Cllr Keeling on Strata Joint Executive,

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.

6. **21/22 and 22/23 Statement of Accounts**

(Pages 7 - 284)

7. **Recommendation from Audit Scrutiny Committee - Audit Scrutiny Committee Terms of Reference**

To consider the following recommendation from the Audit Scrutiny Committee as follows. The minutes and background information can be found at the link below:

[Agenda for Audit Scrutiny Committee on Wednesday, 9th October, 2024, 10.00 am - Teignbridge District Council](#)

RECOMMENDED to Full Council that the revised terms of reference and authorisation process for the Council Tax base, the Annual Governance Statement, and the Financial Statements, are approved.

8. **Recommendation from Executive 10 September 2024 - Draft treasury management results for 2023/24**

To consider the recommendation from [Executive on Tuesday, 10th September, 2024,](#)

The Executive recommends to Council that the draft treasury management results for 2023/24 at appendix 4 are noted

9. **Recommendation from Executive 7 October - Business Rates and Council Tax Changes**

To consider the recommendation from Executive as follows.

The full Minute can be seen at the link [Agenda for Executive on Monday, 7th October, 2024, 10.00 am - Teignbridge District Council](#)

This was a recommendation from the Medium-Term Financial Plan task and finish group, and subsequently the Overview and Scrutiny Committee on 16 September 2024.

RECOMMENDED to Full Council that:-

1. The Council Tax Policy is amended to remove the 100% Council Tax exemption (1 month period) for empty, unfurnished properties. This revokes a decision made by Full Council on 15 January 2013 and concerns only the Class C discount
2. The Discretionary Non-Domestic (Business) Rate Relief Policy is amended to reflect the following changes:
 - a. £1,500 Cap (no step or phasing) to be introduced across all discretionary relief regardless of organisation type
 - b. 50% maximum award for 'Not for Profit' Organisations (£1,500 Cap would also still apply)
 - c. Maximum two years awards at any one time. After that organisations must re-apply and then depending on circumstances relief can be re-awarded on a one or two year basis if eligible
 - d. The policy will be strengthened to make it clear that Teignbridge District Council view Discretionary Rate Relief as a short-term assistance to allow the organisation to establish itself and achieve financial stability and are not minded to use discretionary rate relief as a financial top-up for organisations that are not otherwise financially viable.

10. **Committee Seat Allocation** (Pages 285 - 290)

11. **Update on Modern 25 Programme** (Pages 291 - 324)

To consider the attached report of the Director of Customer Experience and Transformation - Director of Corporate Resources to present

12. **Polling Districts and Polling Places Review** (Pages 325 - 340)

13. **Corporate Peer Challenge Action Plan** (Pages 341 - 348)

To consider the attached report

14. **Planning Validation Guide** (Pages 349 - 416)

15. **Constitution Amendment to Delegate authority to Head of Assets to waive car parking fees and charges** (Pages 417 - 420)

To consider the attached report

16. 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.

Motion 1

The following motion on the Lawns Covenant has been presented by Cllr Macgregor and supported by Cllrs Ryan, Bradford, Daws, Radford, Hall, P Parker, J Taylor

"In March 2023, the Bishopsteignton Scout Group was granted planning permission for a single storey building to be built at The Lawns, Bishopsteignton. (The Lawns, a former green space owned by Teignbridge District Council was sold to Bishopsteignton Parish Council for £25,000 over 20 years ago. Since then, the space has been looked after and maintained to an extremely high standard with Bishopsteignton matching with facilities and equipment, anything Teignbridge has done elsewhere and usually without the benefit of additional grants.)

The Scout Group were forced to exit their previous location as it was condemned and no longer fit or safe for purpose. The Scout Group which serves multiple neighbouring parishes and towns then sought an alternative site to build anew. Discussions were held with estates who informed the Scout Group there was a covenant, but that it should not be an issue and to proceed to planning. Planning is an expensive process and the application was thorough, detailed and agreement was reached with all the officers on a way forward, leading the application to be passed. Since then, the project has stalled. The covenant, which is far from clearly articulated states the land must be used for recreational purposes. The Scout hut planned and approved is a recreational community building. It is not a housing or residential development, and it is clearly within the scope of the use of The Lawns for recreation.

The Monitoring Officer has quoted cases specific to the removal of any recreational use with plans for the land to be developed. He has stated that the council would be liable, however, as they are no longer the owner of the land their liability would be at the best limited, particularly as 85% of The Lawns area remains open recreational land. An alternative opinion has been sought that paints a quite different picture from that put forward by the Deputy Leader and the Council's Solicitor. That opinion suggests that there is leeway for the construction of a recreational community building and notes that the covenant is poorly framed.

The Motion:

In light of the commitment to being community led and noting the extensive community interest in this Scout Hut, the Scout Group itself and continuing need to provide recreational services for the children of Teignbridge this council wishes to amend the covenant to both allow this recreational community building to proceed as approved by planning officers and to strengthen the covenant for the future protection of this recreation land.

This council seeks to engage an expert legal professional in the specifying and

writing of covenants to carry out this work.”

Motion 2

The following motion on Full Council Review of Equality and Diversity Policy has been presented by Cllr Taylor and supported by Cllrs Daws, Lake, Hall, Macgregor, Bradford

“It is my view and that of many others, as can be seen by the reaction of the public, to what occurred at the last meeting of the Council, that sex matters.

It is my further view that this Council cannot continue to ignore and sideline the centrality of sex as a key factor of discrimination and deny women single sex spaces, where they are necessary, proportionate and legitimate to the objectives of upholding their Safety and dignity.

I ask that you consider why we have toilets and changing rooms for women and girls only and why the Authority places a sign outside those facilities when a male cleaner is in a female only toilet or changing room. When you have answered those questions, you will have identified the legitimate reason for taking the proportionate action, of not allowing biological males into women only spaces.

This equally applies to men's facilities but in my opinion the legitimate aim is more likely to be around dignity and privacy rather than safety. However, the religious practices of some men may prevent them using a facility which could be accessed by biological women.

To lawfully establish a single sex provision, you must meet at least one of a number of statutory conditions and show that limiting any service or provision, on the basis of sex, is a proportionate means of achieving a legitimate aim. So, you need a legitimate aim and to achieve it you must act proportionately.

According to the Equality and Human Rights Commission (EHRC), a legitimate aim for a single sex toilet and changing room, include: reasons of privacy, decency, to prevent trauma, safety and to support religious practices but could include many others. It supports that, as long as it is a proportionate means of meeting the legitimate aim, then trans people can be excluded. (Including those with a Gender Recognition Certificate). Therefore, it stands to reason that if the presence of a member of the opposite sex is the cause, then the exclusion of that person, to meet the legitimate aim, is reasonable and proportionate.

They go on to say that even if you cannot prove that such an act is proportionate to achieving a legitimate aim then it MIGHT be unlawful. It doesn't say that it is but just that it MIGHT be.

Consequently, I am proposing that the matter be deferred to O&S so that a working group can be set up to review the Council's relevant Policies, call independent experts/witnesses and gather such evidence as it considers appropriate in order to:

- 1. agree a definition of single sex spaces, for males and females owned or managed by TDC and any appropriate service provision.*

2. *Consider whether the Council's policies discriminate against anyone on the grounds of a protected characteristic, unless lawful and proportionate. This includes those with the protected characteristic of Gender reassignment.*
3. *Make any recommendations to the Council as it considers appropriate."*

17. **Councillor Questions**

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

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk