

8 July 2024

## OVERVIEW AND SCRUTINY COMMITTEE

A meeting of the **Overview and Scrutiny Committee** will be held on **Tuesday, 16th July, 2024** at **10.00 am** in the **Council Chamber, Forde House Offices, Newton Abbot, TQ12 4XX**

PHIL SHEARS  
Managing Director

### Membership:

Councillors Atkins, Bullivant, D Cox, Dawson, Foden, Hall, Hayes, Henderson, James, Major, Nuttall, Parker, P Parker, Parrot (Vice-Chair), Radford, Rogers, Ryan, Sanders (Chair), Steemson and Thorne

**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.

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Public-i. By entering the meeting's venue you are consenting to being filmed.

## A G E N D A

1. **Apologies**

2. **Minutes**

(Pages 5 - 10)

To approve the Minutes of the meeting held on 18 June 2024

3. **Declaration of Interests**

4. **Public questions (if any)**

Members of the public may ask questions of the Chair. 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 three working days before the date of the meeting i.e. should the meeting be on a Thursday the deadline would be the Friday

before at 5pm.

5. **Overview of South West Water's emerging Management Plan and Storm Action Plan**

Presentation by representatives of South West Water.

South West Water's Drainage and Wastewater Management Plans (DWMP) and Water Resources Management Plans (WRMP) can be found at the links below.

[Drainage and wastewater management plan | South West Water](#)  
[Water resources management plan | South West Water](#)

6. **Improvements in Digital Connectivity across Teignbridge - particularly rural areas**

A representative from Building Digital UK and Connecting Devon and Somerset (CDS) will be in attendance to give an update to Councillors, along with Cllr Nuttall, the Council's representative on the CDS board.

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

Members of the Council may ask questions of the Chair of the Committee subject to procedural rules. The deadline for questions is no later than three clear working days before the meeting.

8. **Executive Forward Plan**

To note forthcoming issues anticipated to be considered by the Executive over the next 12 months. The Executive Forward Plan can be found [here](#).

9. **Scrutiny of Executive decisions 9 July 2024**

10. **Overview and Scrutiny Forward Plan**

To review the Committee's forward plan which can be found [here](#)

11. **Notice of Motion - public speaking procedure at planning committee** (Pages 11 - 16)

To consider the NOM deferred at the last meeting to enable the proposer of the NOM to be present

12. **Outside organisation updates from the Council's appointed representatives**

To receive updates on Teign Estuary Partnership - Cllr Hook and Cllr Nuttall Connecting Devon and Somerset Board. Cllr Nuttall's update will be given at agenda item 6.

### 13. **Feedback on task and finish groups**

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)

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## **OVERVIEW AND SCRUTINY COMMITTEE**

**TUESDAY, 18 JUNE 2024**

Present:

Councillors Sanders (Chair), Atkins, Bullivant, Hall, Henderson, James, Nuttall, Parker, P Parker, Rogers, Steemson and Swain

Members in attendance:

Councillors Keeling, MacGregor, J Taylor and Williams

Apologies:

Councillors Dawson, Hayes, Parrot, Radford and Thorne

Officers in attendance:

Neil Blaney, Head of Place & Commercial Services

Trish Corns, Democratic Services Officer

Christopher Morgan, Trainee Democratic Services Officer

Ian Perry, Planning Team Lead

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Raine Tudor-Williams, Democratic Services Administration Assistant

Paul Woodhead, Head of Legal Services & Monitoring Officer

### **14. MINUTES**

It was proposed, seconded and

RESOLVED

The Minutes of the meeting held on 28 May 2024 be approved as a correct record and signed by the Chair.

### **15. DECLARATION OF INTERESTS**

Cllr C Parker declared an interest in Minute 24 as Chair of the Planning Committee.

### **16. PUBLIC QUESTIONS**

None.

### **17. COUNCILLOR QUESTIONS**

None.

**18. EXECUTIVE FORWARD PLAN**

The Executive Forward Plan showing issues to be considered over the next few months was noted.

**19. SCRUTINY OF EXECUTIVE DECISIONS 4 JUNE 2024**

The Minutes of the Executive held on 4 June were noted. There were no matters arising.

**20. OVERVIEW AND SCRUTINY FORWARD PLAN**

The Committee's forward plan showing issues to be considered over the next few months was noted.

**21. EXECUTIVE MEMBER BIENNIAL UPDATE**

The Executive Member for recycling, household waste and environmental health presented a biennial update to the Committee on services within their portfolio. Staff were thanked for their time in assisting with the update given the Portfolio Holder being recently appointed to the Executive.

The Portfolio Holder particularly referred to:

- Waste and recycling - 53% of waste was currently recycled which placed the Council within the top 12% nationally.
- Waste fleet decarbonisation – the provision of 12 diesel refuse collection vehicles and 20 other electric vehicles. Additional electric refuse vehicle would be available later in the year.
- Producers of packaging being held more responsible for recycling.
- Environmental health and licensing - the additional government requirement for all funeral businesses to be inspected following the recent incident at Hull and East Riding. All Teignbridge business had initially been inspected and all were operating satisfactorily. Funeral business are not currently required to be licensed.
- Fly tipping – 312 incidents were dealt with in the previous year. All were investigated. Fixed penalty notices (FPN) of up to £1,000 were issued where necessary and successful prosecutions for those who did not pay the FPN.

Questions were raised by committee members. Unanswered questions included those issues as summarised below. Responses to unanswered questions would be provided in the Members Newsletter.

- The strategic objectives to improve recycling rates.
- Replacement of the Ashburton recycling aluminium can bin
- TETRA recycling site locations
- The impact of new equipment
- Support for work with school children
- Education stickers for bin sorting

- Recycling of food waste and how black bin waste dealt with
- % of recyclable waste - volume and weight
- Recycling of soft plastic and TETRA packaging

The full presentation can be found at the link below:

[Agenda for Overview and Scrutiny Committee on Tuesday, 18th June, 2024, 10.00 am - Teignbridge District Council](#)

*Councillor Williams left the meeting at this juncture.*

## 22. NOTICES OF MOTION DEFERRED FROM THE LAST MEETING

Consideration was given to the agenda reports regarding Notices of Motion (NOM) deferred from the last meeting to enable the proposers of the NOMs to be present.

### a) Loss of Section 106 contributions

Consideration was given to the agenda report.

It was considered that the current planning systems and procedures for dealing with both minor amendments to planning applications, and Section 106 agreements were robust. Material changes to a planning approval required the submission of a planning application. Councillors had the ability to call in planning applications for committee consideration if they considered necessary.

It was proposed, seconded and unanimously,

RECOMMENDED to Full Council that:

- 1) The current planning systems and procedures for dealing with both minor amendments to planning applications, and Section 106 agreements continue.
- 2) A recap on the above be provided in the next all Councillors planning training.

*Cllr J Taylor left the meeting at this juncture.*

### b) Green Improvements in conservation areas

Consideration was given to the agenda report.

It was noted that the District's conservation areas character statements and management plans were all to be reviewed and climate change implications would be considered as part of the reviews.

It was proposed, seconded and unanimously,

RESOLVED

The Notice of Motion be referred to the Planning Task and Finish group identified on the Committee's forward plan's priority list.

c) Public speaking at Planning Committee

Consideration was given to the agenda report which set out the legal implications of amending the public participation scheme in accordance with the Notice of Motion.

It was proposed and seconded that the current public participation scheme continue unchanged for the legal implications set in the agenda report.

*Cllr P Parker, the presenter of the NOM being debated, left the meeting at this juncture.*

*There was also a short adjournment.*

An amendment was proposed and seconded that consideration of the Notice of Motion be deferred to enable the presenter of the NOM to be present.

The proposer and seconder of the original motion above withdrew their motion.

A vote was taken on the deferment and it was unanimously

RESOLVED

Consideration of the NOM be deferred to enable the proposer of the NOM to be present.

**23. OUTSIDE ORGANISATION UPDATES FROM THE COUNCIL'S APPOINTED REPRESENTATIVES**

Cllr Bullivant updated on the Stover Park Advisory Board and improvement projects for the Park which had been funded by the National lottery. An open day would be held later in the year to which all Cllrs would be invited.

**24. REFERRAL FROM AUDIT COMMITTEE - WEBCASTING OF MEETINGS**

Consideration was given to the agenda report, relating to two Notices of Motion referred to the Committee from the Procedures Committee.

The report set out details which included those relating to the current publishing platform, data protection considerations and UK GDPR, and legal, finance and resource implications.

It was noted that there was no legal requirement to webcast Council meetings.



RECOMMENDED to Full Council that:

The current situation with webcasting of meetings continue and the position be reconsidered when the current webcasting contract is due for renewal.

**25. FEEDBACK ON TASK AND FINISH GROUPS**

An update on the work of the medium-term financial plan task and finish group would be provided at the next meeting.

CLLR S SANDERS  
Chair

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**Teignbridge District Council  
Overview and Scrutiny Committee  
16 July 2024 (deferred from the 18 June meeting)  
Part i**

**Notice of Motion (NOM) - Public Speaking at Planning Committee**

**Purpose of Report**

To provide information as requested by the Overview and Scrutiny Committee on 9 April 2024, on the Planning Committee's current public participation scheme (PPS) and consequences of the amendment to the scheme as proposed by the NOM, to enable consideration of the NOM.

**Recommendation(s)**

The Committee is recommended to consider the NOM detailed at paragraph 2.1 below.

**Financial Implications**

See 6.1 and 7.1 below for financial implications

Martin Flitcroft  
Head of Corporate Services  
Tel: 01626 215246 Email: [martin.flitcroft@teignbridge.gov.uk](mailto:martin.flitcroft@teignbridge.gov.uk)

**Legal Implications**

There are no legal implications arising from this report save that the Council's adopted policies and procedures should operate to mitigate any risk to the risk by way of challenge or otherwise. Care should be taken when considering this matter to avoid unintended consequences.

Paul Woodhead – Head of Legal Services & Monitoring Officer  
Tel: 01626 215139 Email: [paul.woodhead@teignbridge.gov.uk](mailto:paul.woodhead@teignbridge.gov.uk)

**Risk Assessment**

The risks with amending the PPS relate to legal implications as above.

Sarah Selway Democratic Services Team Leader  
Tel: 01626 215159 Email: [sarah.selway@Teignbridge.gov.uk](mailto:sarah.selway@Teignbridge.gov.uk)

## Environmental/ Climate Change Implications

No environmental or climate change implications.

David Eaton – Environmental Protection Manager  
Tel: 01626 215064 Email: david.eaton@teignbridge.gov.uk

## Report Author

Sarah Selway Democratic Services Team Leader  
Tel: 01626 215159 Email: sarah.selway@Teignbridge.gov.uk

## Executive Member

Councillor Keeling – Executive Member for Corporate Resources  
Councillor G Taylor - Executive Member for Planning.

## Appendices/Background Papers

Appendix – the current Planning Committee public participation scheme

### 1. BUDGET AND POLICY FRAMEWORK

1.1 The current PPS can be found at the Appendix. The impact of the scheme is that it enables the public to address the Planning Committee on planning applications as either a supporter or an objector. The scheme is a procedure and has no budget allocation.

### 2. BACKGROUND

2.1. The NOM was presented to Council by Cllr P Parker as follows:

*“In light of recent presentations by supporters and objectors at recent planning committee meetings it is apparent that the quality and clarity of presentations can vary.*

*There are instances where councillors would benefit from being able to request clarification for a point made during a presentation enabling a better decision to be reached.*

*For this reason I request **that standing orders for planning committee meetings are altered to allow, through the chair, questions requesting clarification of a point made during the presentation to be put to an applicant/objector and answered by them.**”*

2.2. The NOM was referred by Council to the Procedures Committee. The Procedures Committee referred the matter to the Overview and Scrutiny (OS) Committee as set out on the agenda for the OS meeting on 9 April [Agenda](#)

### **3. CURRENT POSITION**

- 3.1. The current PPS is detailed at the Appendix.
- 3.2. Legal advice was sought on interpretation of the proposed amendment to the PPS as set out in the NOM and is detailed below.
- 3.3. Should there be more speakers registered to speak than the scheme permits a spokesperson(s) is agreed by those registered who speaks on behalf of the others registered. I

### **4 ADVICE & OPTIONS**

- 4.1 Advise in relation to risk management is set out at paragraphs 5 to 8 below.
- 4.2 The options for consideration are:
  - No change to the current PPS.
  - An amendment to the PPS in accordance with the NOM.
  - An amendment to the current Committee debate practice whereby Cllrs continue to ask planning related questions of the Planning Officer for points of clarification and then through the Chair allowing the Planning Officer to direct the question to an objector or supporter in instances where the Planning Officer is unable to provide an answer.

### **5. RISK MANAGEMENT**

- 5.1 Risk implications include:
  - Incorrect information being provided by an objector or supporter which could be taken into account by Cllrs when reaching a decision.
  - The supporter or objector being perceived as being part of the debate.
  - The Meeting evolving into a magistrate's court room environment.
- 5.2 The Council is open to challenge in relation to a planning application decision if it is considered that a public speaker(s) has unduly influenced a decision.
- 5.3 Questions that the objector, supporter or Planning Officer cannot answer could result in an application being deferred for the information and therefore affecting the Council's national and local performance targets.

### **6. FINANCIAL IMPLICATIONS**

- 6.1 The Council could incur costs should it be challenged in relation to a planning decision considered to be unduly influenced by a public speaker(s).

## **7. RESOURCE IMPLICATIONS**

- 7.1 There is the potential for increased staff time with any increase in the average time for a planning Committee meeting to deal with all matters on the agenda at a meeting. Any issue that cannot be answered at the meeting could result in the application being deferred and resources required to research the matter and take back to Committee for a decision to be made.

## **Appendix**

### Current procedure for Speaking at Planning Committee

#### **What do I do if I wish to speak at Planning Committee**

If you wish to speak at a Planning Committee Meeting on an application please email [democraticservicestdc@teignbridge.gov.uk](mailto:democraticservicestdc@teignbridge.gov.uk) by 12 noon on the Thursday before the meeting giving your full name, email address, mobile telephone number and quote the planning reference number. If more than one person requests to speak your email address will be sent to all who wish to speak for you to arrange a spokesperson between yourselves.

Members of the public who speak at a committee will have their name published within the minutes and they will be recorded where a meeting is broadcast live. Should members of the public wish to remain anonymous then they should contact [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) to make this request.

#### **What is the order of speakers on an application at a Planning Committee**

- Planning Officer presenting the report
- Objector(s)
- Supporter(s)
- Discussion by Councillors
- Decision (which may be approve, refuse, or defer to a subsequent meeting e.g. to allow for a site visit).

#### **Who may speak and for how long**

For major applications up to two objectors and two supporters may speak for 5 minutes each. The time between objectors and supporters is balanced. For example if there are two objectors but only one supporter the supporter will be able to speak for 10 minutes.

For other applications one objector and one supporter may speak for a maximum of 3 minutes each.

## What may I speak about

Only planning related matters can be considered and any comments regarding disability, race or ethnicity, religion or belief, sexual orientation or gender reassignment or that are defamatory, prejudiced or otherwise likely to cause offence to the subject of the comments or any other reader will be removed. Any comments that are considered to constitute hate incidents or hate crimes may be passed to the police.

Examples of planning related comments include:-

- Overlooking/loss of privacy
- Design/effect on appearance of area
- Access, parking, traffic, road safety
- Trees/Biodiversity/Landscape/Heritage
- Noise/disturbance
- Local or Government Policy/Economic benefits
- Flooding issues

Comments which should not be made and cannot be considered include:-

- Loss of property value/loss of view
- Boundary/land ownership/neighbour disputes
- Impact on private drainage systems
- Inappropriate or personal comments
- Doubts as to integrity of applicant
- Breach of covenant
- Principle of development when outline consent exists

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