

FULL COUNCIL

30 NOVEMBER 2021

Present:

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

Apologies:

Councillors Austen, Bradford, Foden, Haines, Orme and Peart

Officers in Attendance:

Trish Corns, Democratic Services Officer
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services
Christopher Morgan, Trainee Democratic Services Officer
Louise Raymond, Communications Manager
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Phil Shears, Managing Director
Tim Slater, HR and Organisational Development Manager
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council

62. MINUTES

It was proposed by the Leader, seconded by the Executive Member for Member for Recycling, Household Waste and Environmental Health that the minutes be approved.

Cllr Patch proposed that the minutes be deferred in order that the supplementary questions and responses be written into the minutes, this was seconded by Cllr Eden, put to the vote and lost.

The minutes of the meeting on 20 September 2021 were approved and signed as a correct record by the Chair.

63. ANNOUNCEMENTS

The Chair brought to Members attention that woodland known as Perridge estate was the joint winner of the All-England Woodland Resilience Award.

Cllr Taylor, with permission of the Chair, gave a sincere apologies for his part in what occurred at the last meeting of this Council and that he would not act in that manner in the future.

The Chair stated that agenda item 18 would be taken after agenda item 19.

64. DECLARATIONS OF INTEREST

Cllr Patch commented that he made a judgement call on putting these declarations of interest in the public domain. In respect on agenda item 8 (minute no.68) as he was engaged in legal action against Teignbridge District Council and the Interim Monitoring Officer was representing the Council in respect of this legal action. He also declared that he had submitted a complaint for the breach of the officer's code of conduct against Interim Monitoring Officer. He commented he would take part in the debate but not vote.

65. PUBLIC QUESTIONS

Public question and response attached.

See the live stream - [Full Council - YouTube](#).

66. 2020/21 FINAL ACCOUNTS INCLUDING THE ANNUAL GOVERNANCE STATEMENT

The Executive Member for Corporate Resources proposed the recommendation and thanked Grant Thornton, the External Auditors, and officers for their work on concluding the audit. This was seconded by Cllr Morgan.

Julie Masci from the external auditors Grant Thornton commented that there were no significant issues. There was qualification around the valuations this was a very complex area and the detail of this was being looked at by the moderators.

The Chief Finance Officer advised that payments to ex-employees was detailed in the accounts annually.

RESOLVED that:-

- (a) The 2020/21 Statement of Accounts including the Annual Governance Statement and letter of representation as recommended by the Audit Scrutiny Committee be approved subject to any final adjustments agreed with the external auditors and reported to Council;
- (b) The Audit Findings Report from Grant Thornton be approved and the actions arising from the action plan be noted; and
- (c) The mid year review of Treasury Management for 2021/22 as recommended by Executive on 2 November be noted.

67. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

The Chair proposed, seconded by the Leader that because of information relating to an individual the Council go into Part II session and exclude the press and public. This was carried.

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

68. RECOMMENDATION FROM THE APPOINTMENTS AND REMUNERATION COMMITTEE - APPOINTMENT OF THE MONITORING OFFICER TO THE COUNCIL

The Head of Legal Services and Interim Monitoring Officer left the meeting for the consideration of this item.

The Leader proposed the recommendation of the Appointments and Remuneration Committee, this was seconded by Executive Member for Recycling, Household Waste and Environmental Health and it was carried.

RESOLVED that the appointment of Paul Woodhead as the Monitoring Officer to the Council be approved.

69. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Chair proposed, seconded by the Executive Member for Recycling, Household Waste and Environmental Health that the following items be taken in Part I. This was carried.

70. NEW FINANCIAL MANAGEMENT SYSTEM

The Executive Member for Corporate Services proposed the recommendation be approved, this was seconded by Cllr Morgan and carried.

RESOLVED the proposed capital budget of £267,000 for the replacement of the current financial management system and any associated systems linked to the financial management system be approved.

71. RECOMMENDATION FROM EXECUTIVE - DRIVER AND OPERATIONAL STAFF SALARIES – MARKET FORCES

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

RESOLVED that the Driver and Operational Staff salary changes be approved.

72. RECOMMENDATION FROM LICENSING AND REGULATORY COMMITTEE - GAMBLING POLICY

The Deputy Chair of Licensing and Regulatory Committee proposed the recommendation be approved, this was seconded by Cllr Russell and carried.

RESOLVED that the amended Statement of Principles be approved.

73. RECOMMENDATION FROM AUDIT SCRUTINY COMMITTEE - REVIEW OF THE FINANCIAL THRESHOLDS - CONTRACT PROCEDURE RULES

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

RESOLVED that the revision of the financial thresholds within the Contract Procedure Rules be approved as stated in table 2 of 3.7 of the report.

74. RECOMMENDATION FROM STANDARDS COMMITTEE - APPOINTMENT OF TOWN/PARISH REPRESENTATIVES

The Chair of Standards Committee proposed the recommendation for the appointment of Sheila Brooke and Jane Taylor as the Town/Parish Representatives to sit on Standards Committee, this was seconded by the Leader and carried.

It was noted that this was initially for a period of two years.

RESOLVED that Sheila Brooke and Jane Taylor be appointed as the Town/Parish Representatives on Standards Committee.

75. RECOMMENDATION FROM PROCEDURES COMMITTEE - LATE INFORMATION PLANNING COMMITTEE

It was proposed by the Chair and seconded by the Leader that the recommendations be approved.

Cllr Patch proposed an amendment that the recommendations be deferred until a full and through review of the planning process had been undertaken, this was seconded by Cllr Macgregor, put to the vote and the amendment was lost.

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

RESOLVED that:-

- (1) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is two clear working days prior to the meeting and no later; and
- (2) Any new information or submissions regarding planning applications should be submitted to the planning email address planning@teignbridge.gov.uk by two clear working days prior to the meeting.

76. RECOMMENDATION FROM PROCEDURES - NOTICE OF MOTION ON VARIATIONS OF CONDITIONS ON MAJOR PLANNING APPLICATIONS

The Chair proposed the recommendations be approved, this was seconded by the Leader and carried.

RESOLVED that:-

- (1) Members and Parish Councils can request that applications to vary conditions (including legal aspects) be called-in to Planning Committee in-line with the Council's usual process: and
- (2) A report on the variations to conditions for major applications that have been approved be placed on the Planning Committee for information.

77. COMMITTEE SEATS ALLOCATION

The Leader proposed the recommendation for the committee seat allocations as per the printed agenda and circulated update sheet, this was seconded by Cllr Macgregor.

Cllr Daws proposed an amendment that Cllr Patch be allocated a seat on Planning Committee, this was seconded by Cllr Mullone put to the vote and lost.

The substantive motion was put to the vote and it was:-

RESOLVED that the Seat Allocation be agreed as below:-

Committee	Total Seats	Lib Dems	Cons	Inds	NSN	Lib Dem Ind Grp	Ind – No Group
Overview & Scrutiny (1)	13	6	3	2	1	1	0
Overview & Scrutiny (2)	13	6	3	2	1	1	0
Planning	17	8	4	3	1	1	0

Licensing & Regulatory	11	5	3	2	1	0	0
Audit Scrutiny	8	4	2	1	1	0	0
Standards	6	3	2	1	0	0	0
Strata Scrutiny	3	1	1	1	0	0	0
Total	71	33	18	12	5	3	0

Not politically balanced:-

Name of Committee	Chair	Lib Dems	Cons	Inds	NSN	Lib Dem Ind Grp	Ind No Grp
Procedures Committee	Chair of Council	2 plus Group Leader	2 plus Group Leader	2 plus Group Leader	Group Leader	Group Leader	0

Name of body other than ordinary committee	Places	Lib Dems	Cons	Inds	NSN	Lib Dem Ind Grp	Ind No Grp
Highways & Traffic Orders - Teignbridge	3	2	1	0	0	0	0

- Overview and Scrutiny Committee (1) nomination – Cllr Macgregor
- Overview and Scrutiny Committee (2) nomination - Cllr Eden
- Licensing and Regulatory Committee nomination – Cllr Linda Goodman-Bradbury
- Procedures Committee – Cllr Macgregor

78. NOTICES OF MOTION

Cllr Swain presented his Notice of Motion on the constitution. This was referred to Procedures Committee for consideration.

The Leader presented his Notice of Motion on moving with the times - 21st Century Councils This was referred to the Executive for consideration.

Cllr Macgregor presented his Notice of Motion on a vote of no confidence in the Leader.

Some Members asked for a debate in line with Council Procedural Rule 4.9.4 having two thirds of those present needed to agree to a debate. A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5 and it was lost.

Recorded vote under Procedure Rule 4.13.5

*For: Cllrs Daws, Eden, Hocking, MacGregor, Mullone and Patch
(6 Members)*

*Against: Cllrs Bullivant, Colclough, Connett, D Cox, H Cox, Dewhirst, Goodman-Bradbury, Gribble, Hayes, G Hook, J Hook, Jeffrey, Jeffries, Jenks, Keeling, Kerswell, Morgan, Nutley, Nuttall, J Petherick, Phipps, Rollason, Russell, Swain, Taylor, Wrigley, Evans and Parker.
(28 Members)*

*Abstain: Cllrs Clarence, Parker-Khan, L Petherick and Tume.
(4 Members)*

Cllr Cook did not vote.

Absent: Cllrs Austen, Bradford, Foden, Haines, Orme, Peart, Purser and Thorne.

(8 Members)

The Leader gave a statement in response to this Notice of Motion of no confidence.

Cllr Macgregor proposed his Notice of Motion, this was seconded by Cllr Eden, put to the vote and lost.

A recorded vote was asked for by at least five Members under Procedure Rule 4.13.5.

Recorded vote under Procedure Rule 4.13.5

*For: Cllrs Daws, Eden, Hocking, MacGregor, Mullone and Patch
(6 Members)*

*Against: Cllrs Bullivant, Colclough, Connett, D Cox, H Cox, Dewhirst, Goodman-Bradbury, Gribble, Hayes, G Hook, J Hook, Jeffrey, Jeffries, Jenks, Keeling, Kerswell, Morgan, Nutley, Nuttall, J Petherick, Phipps, Rollason, Russell, Swain, Taylor, Wrigley, Evans and Parker.
(28 Members)*

*Abstain: Cllrs Clarence, Parker-Khan, L Petherick and Tume.
(4 Members)*

Cllr Cook did not vote

*Absent: Cllrs Austen, Bradford, Foden, Haines, Orme, Peart, Purser and Thorne.
(8 Members)*

79. COUNCILLOR QUESTIONS

Member's questions and responses are attached to minutes.

The relevant Executive Member responded to the supplementary questions arising therefrom. See the live stream - [Full Council - YouTube](#) and [Full Council part 2 - YouTube](#)

The meeting started at 10.00 am and finished at 12.50 pm.

Chair