

Full Council

Tuesday, 22 February 2022

Present:

Councillors Austen, Bradford, Clarence, Colclough, Connett, Cook, D Cox, H Cox, Daws, Dewhurst, Evans (Vice-Chair), Foden, Goodman-Bradbury, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Keeling, Kerswell, MacGregor, Mullone, Nutley, Orme, Parker (Chair), Patch, Peart, J Petherick, L Petherick, Phipps, Rollason, Russell, Swain, Taylor, Thorne and Wrigley

Apologies:

Councillors Bullivant, Eden, Gribble, Haines, Jenks, Morgan, Nuttall, Parker-Khan, Purser and Tume

Officers in Attendance:

Trainee Solicitor, Head of Place & Commercial Services, Economic Development Officer Town Centres, Senior Estates & Development Surveyor, Democratic Services Officer, Chief Finance Officer & Head of Corporate Services, Trainee Democratic Services Officer, Communications Manager, Democratic Services Team Leader & Deputy Monitoring Officer, Managing Director, Green Infrastructure Officer, and Head of Legal Services & Monitoring Officer to the Council

10 Minutes

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

RESOLVED that the minutes of the meeting on 13 January 2022 be approved and signed as a correct record by the Chair.

11 Announcements

The Chair announced that he sent a letter to Her Majesty the Queen to congratulate her on her Platinum Jubilee and there would be a COVID Tree Memorial planting in the grounds of Old Forde House on 23 March 2022.

He continued that Members would recall at the 30 November 2021 Full Council meeting Cllr Patch announced that he had made an application to the High Courts to Judicially Review the Council. Yesterday for the second and final time the High Courts refused permission to Judicially Review the Council and ordered the Cllr to pay the Councils costs of £7,811.25.

In response to an interjection from Cllr Patch, the Leader moved that Cllr Patch be no further heard on this agenda item, this was seconded by Executive Member for Recycling, Household Waste and Environmental Health and carried.

12 Declarations of interest

Cllr Wrigley declared an interest in relation to the Future High Street Fund item (minute no.15) as he had been appointed by the Council to the position of Director of Newton Abbot Community Interest Company, he had no personal financial interest and no pecuniary interest and intended to speak on the item.

Cllr J Hook declared an interest in relation to Future High Street Fund item (minute no.15) as a Director of the Newton Abbot Community Interest Company and had no pecuniary interest and may speak on the item.

Cllr Clarence declared an interest in relation to the member questions (minute no.24) as he lived in one of the lower lying property's which had been subject to flooding in the past.

Cllr Daws declared an interest in relation to the Future High Street Fund item (minute no.15) as he was the owner of two mid-scale entertainment venues and had sat on the Culture Groups at Bath and Brighton and Hove.

Cllr Phipps declared an interest in relation to the budget item (minute no.13) as the Vice-Chair of the Dawlish Air Show Committee.

13 Budget and Council Tax 2022/23

The Executive Member for Corporate Resources proposed the recommendation from the Executive in relation to the Final Financial Plan Proposals 2021/2022 to 2024/25, this was seconded by the Leader.

In presenting the budget, the Executive Member for Corporate Resources thanked officers for their preparation of the budget and the Overview and Scrutiny Committees for their work and input into the budget proposals.

During the debate it was acknowledged that there was a piece of work that Overview and Scrutiny Committee could undertake with regards to a Framework for the Councillors Community Fund.

RESOLVED that:-

- a That the Teignbridge band D council tax for 2022/23 be increased by 2.78% or £5 to £185.17 per annum;
- b That general reserves be increased to 12.8% of the net revenue budget for 2022/23 or just over £2.0 million;
- c That £100,000 of the general reserve balance in any one year continues to be available to the Executive to meet unexpected expenditure in addition to the agreed revenue budget;
- d All other decisions with regard to budgetary change will be

approved by reference to virement rules in the financial instructions;

- e That the summary revenue budget for 2022/23 is £16.1 million as shown at appendix 4. In particular the revenue budget includes:
- Assumptions of a 2.0% pay from 1 April 2022
 - Revenue contributions to fund capital continue to be suspended in the medium term to protect the revenue budget
 - Voluntary grants are amended as detailed at 8 February Executive minute number 12 and adjusted in 2022/23 by virement
 - A 'Tidy Teignbridge' pot is introduced for 2022/23 at £40,000 per annum for 2 years
 - The councillors community fund grant is increased to £1,200 each and adjusted in 2022/23 by virement
 - A payment of £1,000,000 to reduce the pension deficit;
- f That fees and charges are approved as shown summarised at appendix 6;
- g That the capital programme as shown at appendix 7 be approved. In particular this includes:
- Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning.
Work has begun on the Teignbridge 100 affordable housing project with a second site in Newton Abbot nearing completion. An increasing rented programme across urban and rural sites has commenced and delivery will continue over the next 3 years of the programme.
 - Increased investment for climate change projects following successful funding bids for low carbon heating and energy system improvements. Schemes are underway at leisure sites and Council offices with further provisions under the Carbon

Action Plan.

- Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces

Regeneration investment, including one hotel in Newton Abbot funded mainly from prudential borrowing. The funding offer from the Government Future High Street Fund for grant of £9.2 million aimed at improving town centres was confirmed. This will have a positive impact on Newton Abbot and the wider Teignbridge economy. Co-funding includes CIL, grant from other sources and prudential borrowing. There is also an indicative provision for employment site investment to be funded through prudential borrowing. A business case will be brought to members for consideration once it is finalised;

- h That the prudential indicators are noted and the prudential limits approved all as set out in appendix 10;
- i That the updated treasury management strategy statement and authorised lending list as set out in appendix 11 is approved together with the capital strategy in appendix 11a;
- j That each scheme will be considered on its merits as explained at the end of appendix 11 to decide the calculation of minimum revenue provision for capital expenditure in 2022/23; and
- k That the council tax resolutions as recommended in appendix 14 be approved.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote was recorded.

*For: Cllrs Austen, Clarence, Colclough, Connett, D Cox, H Cox, Dewhirst, Foden, Goodman-Bradbury, Hayes, Hocking, G Hook, J Hook, Jeffery Jeffries, Keeling, Kerswell Macgregor, Nutley, Orme, Peart, J Petherick, L Petherick, Phipps, Rollason, Russell, Swain, Taylor, Thorne, Wrigley, Evans and Parker
(32 members)*

*Against: Cllrs Bradford and Mullone
(2 members)*

*Abstain: Cllrs Daws and Patch
(2 member)*

*Not voted: Cllr Cook
(1 member)*

*Absent: Cllrs Bullivant, Eden, Gribble, Haines, Jenks, Morgan, Nuttall, Parker-Khan, Purser and Tume
(10 members)*

14 Public Questions

Public questions and responses attached to agenda.

See the live stream - [Council 22 Feb 22 - YouTube](#)

15 Future High Street Fund - Newton Abbot Market

The Executive Member for Economy and Jobs proposed the recommendation with an additional recommendation *'that the Council continues to engage and consult with regard to the design and considers the needs of the market and cultural hub/performance space through a new Steering Group chaired by the Portfolio Holder for Economy & Jobs, and that the council's appropriate committees are regularly updated on progress'*. This was seconded by the Executive Member for Homes and Communities.

The Chair proposed, seconded by Cllr Macgregor that because of the financially sensitive information to be discussed 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 for the discussion of the financial sensitive information on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12 A of the Act.

The Chair proposed, seconded by Cllr Macgregor that the meeting return to Part I with press and public present. This was carried and the meeting resumed in Part I.

Cllr Colclough proposed an amendment that the Council welcome the £9 million to renovate Newton Abbot but that the Alexandra Theatre is not included in the proposal and it is keep as it is being an asset to the town. This was seconded by Cllr Clarence 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 Bradford, Clarence, Colclough, Daws, Hocking, Jeffery, Macgregor, Mullone, Patch, J Petherick, L Petherick, Phipps and Russell
(13 members)*

Against: Cllrs Austen, Connett, D Cox, H Cox, Dewhirst, Foden, Goodman-Bradbury, Hayes, G Hook, J Hook, Jeffries, Keeling, Nutley, Peart, Rollason, Swain, Thorne, Wrigley, Evans, Parker
(20 members)

Abstain; Cllr Taylor
(1 member)

Not voted: Cllr Cook
(1 member)

Absent: Cllrs Bullivant, Eden, Gribble, Haines, Jenks, Kerswell, Morgan, Nuttall, Orme, Parker-Khan, Purser and Tume.
(12 members)

Cllr Patch proposed an amendment that a six month time scale be given for an alternate scheme to be developed based on the Jeremy Newcombe plan to incorporate a financially viable business plan as to how that scheme might operate this being an alternative as to what is being put forward. With the alternative scheme to come forward for consideration by the Council. This was seconded by Cllr Daws, 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 Bradford, Clarence, Colclough, Daws, Hocking, Jeffery, Macgregor, Mullone, Patch, J Petherick, L Petherick, Phipps and Russell
(13 members)

Against: Cllrs Austen, Connett, H Cox, Dewhirst, Goodman-Bradbury, Hayes, G Hook, J Hook, Jeffries, Keeling, Nutley, Peart, Rollason, Swain, Taylor, Thorne, Wrigley, Evans, Parker
(19 members)

Abstain - Cllrs D Cox and Foden
(2 members)

Not voted: Cllr Cook
(1 member)

Absent: Cllrs Bullivant, Eden, Gribble, Haines, Jenks, Kerswell, Morgan, Nuttall, Orme, Parker-Khan, Purser and Tume.
(12 members)

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

RESOLVED to:-

- (1) The budget outlined in part II of this report to deliver the project detailed in

section 4 be approved;

- (2) Delegated authority be given to the Head of Place and Commercial Services in consultation with the Chief Finance Officer and Executive Member for Economy and Jobs to take such decisions necessary to deliver the project: and
- (3) that the Council continues to engage and consult with regard to the design and considers the needs of the market and cultural hub/performance space through a new Steering Group chaired by the Portfolio Holder for Economy & Jobs, and that the council's appropriate committees are regularly updated on progress.

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 Austen, Connett, Cook, D Cox, H Cox, Dewhirst, Foden, Goodman-Bradbury, Hayes, G Hook, J Hook, Jeffries, Keeling, Macgregor, Nutley, Peart, Phipps, Rollason, Swain, Taylor, Thorne, Wrigley, Evans and Parker
(24 members)*

*Against: Cllrs Bradford, Clarence, Colclough, Daws, Hocking, Jeffery, Mullone, Patch and Russell
(9 members)*

*Abstain: Cllrs J Petherick and L Petherick
(2 members)*

*Absent: Cllrs Bullivant, Eden, Gribble, Haines, Jenks, Kerswell, Morgan, Nuttall, Orme, Parker-Khan, Purser and Tume.
(12 members)*

16 Recommendation from Executive - Council Tax Reduction Scheme

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

It was acknowledged that Teignbridge was the only council in the district to have a 100% council tax reduction scheme.

RESOLVED that:-

- (1) The existing provisions within the Scheme be used to increase the upper income threshold in Band 1 from £75.00 to £78.00 and the lower threshold in Band B from £75.01 to £78.01; and
- (2) The Council Tax Reduction Scheme (attached as Appendix A) be adopted for the year 2022/23.

17 Recommendation from Executive - Dog PSPO Review

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

RESOLVED that the continuation of the Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved, taking into account the following recommendations of the Task and Finish Group;

- (1) That the lead length should be reduced to one metre and it should be a fixed type lead; and
- (2) Officers increase the signage in key locations to inform the public of the controls.

18 Recommendation from Strata Joint Executive - Strata Budget

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

RESOLVED that the following be approved by East Devon District Council, Exeter City Council and Teignbridge District Council Full Councils:-

- (1) The interim Strata Business Plan noting that a new version of the Strata Business Plan would be completed and brought back for approval once the three authorities had undertaken their Digital and IT Strategy work and Agilisys had completed their review of Strata;
- (2) The provision of the PowerBI Premium of £70,000, this to be apportioned to the three authorities as per the percentages in the Strata Contract;
- (3) The total Strata Services Solutions Ltd budget of £7,371,549 as portioned below:-
East Devon District Council - £2,866,318
Exeter City Council – £2,444,655
Teignbridge District Council - £2,060,576; and
- (4) Capital requirements budget for the next 12 months of:
Public Switched Telephone Network Replacement - Exeter City Council - £40,000
Exeter City Council Civic Centre HFX Door Access Replacement - £100,000
System upgrade costs – 2012 server replacement - £100,000 apportioned as below:-
 - Exeter City Council - £35,936
 - East Devon District Council - £36,692

- Teignbridge District Council - £27,372

Geographic Information Systems Cloud Migration £10,000 apportioned as below

- Exeter City Council - £3,594
- East Devon District Council - £3,669
- Teignbridge District Council - £2,737

19 Recommendation from Strata Joint Executive - Terms of Reference

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

RESOLVED that Strata's Joint Executive Committee terms of reference be amended to allow for the officer representation to be the Chief Executive or their nominee of the three constituent authorities (rather than the Chief Executive) be approved.

20 Cycling and By-laws Newton Abbot

The Executive Member for Planning proposed the recommendation be approved, this was seconded by the Leader and carried.

RESOLVED that:-

- (1) Undertaking the process of replacing the Pleasure Grounds Byelaw 5(b) dated 1 June 1951 (Appendix A), using the wording in Appendix D be approved. This will follow the 2016 Byelaw Regulations (including public consultation), with the purpose of enabling cycling on dedicated, sign-posted routes of suitable width, such as the two described in the circulated report (and displayed in Appendix B & Appendix C); and
- (2) Delegated authority be given to the Head of Legal Services (or a person appointed by him), the Head of Place & Commercial Services and the Head of Operational Services to ensure the Byelaw process is properly conducted.

21 Recommendation from Procedures Committee - Notice of Motion

The Chair of Procedures Committee proposed the recommendations be approved, this was seconded by Cllr Swain and was carried.

RESOLVED that:-

- (1) 4.3.2(e): public questions - "*the business of the meeting*" be amended to read to "*the business of the council*";
- (2) Section 6, Schedule 2 row 2B3: minor amendments to the constitution, to add in after minor changes "*i.e. change which no Group Leader feels is significant in that it fundamentally changes existing provisions*"; and

- (3) To modified the constitution to use gender neutral language throughout to replace references to *chairman* with *chair* and *he/his* with *they/their*.

22 Recommendation from Procedures Committee - Public and Member Questions time lines

The Chair of Procedures Committee proposed the recommendations be approved, this was seconded by Cllr G Hook and was carried.

RESOLVED that the time lines for submitting public and member questions to committee be three clear working days before the meeting *i.e should the meeting be on a Thursday the deadline would be the Friday before at 5pm* be approved.

23 Notices of Motion

Least two third of members agreed to debate the Notice of Motion submitted by Cllr G Hook.

Cllr G Hook proposed his Notice of Motion on the Police, Crime, Sentencing and Courts Bill. The Bill is criticised by MPs of all parties; it is criticised by numerous former high-ranking police officers and chiefs, who have stated that the bill is " a threat to democracy"; 350 organisations have written to the Home Secretary condemning the bill. The Police Federation and Association of Police and Crime Commissioners have not been consulted on the protest measures in the bill.

Cllr D Cox seconded the Notice of Motion and it was carried.

RESOLVED that the Chair/Leader write to the Home Secretary and to the local MPs on behalf of this Council expressing the following opinion. Namely,

"Teignbridge Council supports the police in all its endeavours to uphold the law of the land and defend residents from any criminality. However, it is critical of the unnecessary draft legislation currently progressing through Parliament which threatens the very core of our democracy, namely the right to peaceful protest and assembly.

The Police, Crime, Sentencing and Courts Bill currently proceeding through Parliament is considered to be a direct threat in various ways to the civil liberties and democratic traditions of this country, currently enjoyed by all citizens, namely the right to peaceful protest. In its current form the Bill seeks to empower the police to arrest participants in peaceful protest for simply carrying a banner and to give the Home Secretary the authority to define what is " reasonable". Something which this Council considers to be unacceptable".

24 Councillor Questions

Member's questions and responses are attached to the agenda.

The relevant Executive Member responded to the supplementary questions arising therefrom. See the live stream [Council 22 Feb 22 - YouTube](#)

The meeting started at 10.00 am and finished at 3.46 pm.

Chair