

FULL COUNCIL

18 APRIL 2019

Present:

Councillors Austen, Bromell, Bullivant, Christophers, Clarence, Clemens, Colclough, Connett, Cook, Cox, Dennis, Dewhirst, Eden, Evans, Golder, Goodey, Haines, G Hook, J Hook, Jeffery, Keeling (Vice-Chairman), Kerswell (Chairman), Mayne, Morgan, Nutley, Orme, Peart, Pilkington, Prowse, Russell, Smith, Thorne and Wrigley

Apologies:

Councillors Barker, Fusco, Gribble, Hayes, Hocking, Hockin, Jones, Lake, Matthews, Parker, Rollason and Winsor

Officers in Attendance:

Tom Butcher, Senior Estates & Development Surveyor
Martin Flitcroft, Chief Finance Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Karen Trickey, Solicitor to the Council and Monitoring Officer
Tony Watson, Interim Head of Commercial Services

24. MINUTES

It was proposed by the Leader, seconded by Councillor Mayne that the minutes of the meeting held on 28 February 2019 were approved and signed as a correct record and signed by the Chairman.

25. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Councillors Baker, Bromwell, Fusco and Hayes who were not standing for re-election in the forthcoming elections for their contributions to the Council over the years.

Councillor Bromwell commented that he had enjoyed his time as a Councillor and wished Teignbridge District Council all the best for the future.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. PUBLIC QUESTIONS SESSION UNDER COUNCIL PROCEDURE RULE 4.5(J)

The Public Question and Response are attached to the minutes.

In response to the supplementary question regarding the need to reduce the timeline for action and that to 2030 was too late. The Portfolio Holder for Economy Skills & Tourism stated that this would be addressed later in the meeting.

28. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K)

The Members Questions and Responses are attached to the minutes.

Further to his question, Councillor G Hook commented that that it was disappointing that no new jobs had been created as the Local Plan was based on producing a community that was sustainable, reducing impact of outward migration, and that people should be able to live and work in the district. He questioned the rate of house building in the district and the need for affordable low cost housing.

The Portfolio Holder for Economy Skills & Tourism responded that planning permission had been granted for around a third of the sites although for various reasons none had yet been delivered. He added that since the Local Plan was adopted, there had been an increase of employment land in the district, the number of jobs had risen from 52,000 in 2014 to 59,000 in 2017, and unemployment had decreased from four per cent to 2.5 per cent.

29. NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)

a) Climate Change

Councillor J Hook in presenting her Notice of Motion stated that Climate Change was the biggest threat to the planet and mankind and it was getting worse. The Council had a responsibility to help to address this major Global issue and should take measures to commit to achieving a Carbon Neutral District by 2030. A task group engaging with the community, businesses and schools should be established and report back to Council within six months with a set of actions to work towards this target. It was imperative that the Council started work towards this target immediately.

With the agreement of at least 2/3rd of the members present at the meeting, the motion was debated immediately.

The Portfolio Holder for Economy Skills & Tourism in seconding the motion commented that with the growing world population and the impact this had on

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demands on food and travel, there was an urgent need to address climate change. The Council had taken a proactive approach already to reducing energy consumption, using renewable sources and tackling environmental issues.

The Portfolio Holder for Economy Skills & Tourism proposed an amendment that the target date for the Council to be Carbon Neutral be changed from 2030 to 2025. This was agreed by Councillor J Hook.

All Members welcomed this Notice of Motion recognising that whilst the Council and Local Communities had taken steps to address climate change further urgent action was required to tackle this serious problem. During discussion Members acknowledged the requirement to reduce the use of fossil fuels and single use plastics and the need to build zero/low carbon homes.

Councillor J Hook in summarising stated that climate change required action from individuals and well as communities and governments.

The Notice of Motion (as amended) was put to the vote and carried unanimously.

RESOLVED that Teignbridge District Council:-

1. Declare a 'climate emergency'
2. Pledge to do what is within our powers, to make Teignbridge District carbon neutral by 2025, taking into account both production and consumption emissions.
3. Call on Westminster to provide the powers and resources necessary for Teignbridge District to achieve the target of becoming carbon neutral by 2025, and to implement best practice methods to limit global warming to 1.5C.
4. Report to Full Council within six months with an Action Plan, outlining how the Council will address this emergency. The Action Plan will detail the leadership role Teignbridge District will take in promoting community, public, business and other Council partnerships to achieve this Carbon Neutral 2025 Commitment throughout the District. The Action Plan will also outline adequate staff time and resources to undertake the actions to achieve the target.
5. To investigate all possible sources of external funding and match funding to support this commitment

b) **Fairtrade**

Councillor G Hook in presenting his Notice of Motion stated that it was important that Teignbridge District Council should support a Fairtrade status to facilitate

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the promotion and purchase of food and drinks with the Fairtrade mark. The Council should commit to sustainable development and give marginalised producers a fair deal to support their families and communities.

With the agreement of at least 2/3rd of the members present at the meeting. The motion was debated immediately.

The Leader in seconding the Notice of Motion stated that the Council should respond to these global issues. Overview & Scrutiny Committee should look to form a task group to look into how the Council could promote the use of Fairtrade products.

All Members supported the promotion of Fairtrade products across the Council and District to ensure that producers got paid fairly.

The Notice of Motion was put to the vote and carried unanimously.

RESOLVED that the Council contribute to the campaign to increase sales of products with the FAIRTRADE Mark by supporting the campaign to achieve Fairtrade status for Teignbridge as detailed in the Fairtrade Foundation's Fairtrade Town Action Guide and:-

1. Widely offer FAIRTRADE Marked food and drink options internally and make them available for appropriate internal meetings;
2. Work in conjunction with the Fairtrade Foundation to promote the FAIRTRADE concept as often and as widely as practical;
3. Use influence to urge local retailers to provide Fairtrade options for residents. Similarly, to offer options to their staff;
4. Use all practical means to promote Fairtrade principles;
5. To act with and coordinate a steering group of interested persons from around Teignbridge to encourage and support the existing work;
6. Nominate a representative (either officer or member or both) to sit on the Steering Group and report back at least once a year on progress via the Members Newsletter;
7. Contact all Secondary Schools and Colleges within Teignbridge inviting participation on the Steering Group; and
8. Organise event(s) and publicity during national Fairtrade Fortnight, the annual national campaign to promote sales of products with the Fairtrade Mark, in conjunction with Devon County Councils ongoing programme of work in this area.

c) **Netting at Development Sites**

Councillor Connett in presenting his Notice of Motion stated that the use of netting had become wide spread and whilst it might not be illegal, the nets prevented birds from nesting and wildlife from accessing their food sources. The Council should develop guidance for developers and write to Government Ministers to call on the government to ban the use of netting on all sites with planning permission and it should be identified in the Local Plan. It was important to protect wildlife and stop this netting practice. In the absence of a 2/3rd of members present at the meeting agreeing that the matter be debated immediately, it was:-

RESOLVED that the Notice of Motion stand adjourned and be referred to the Executive for consideration.

30. **RECOMMENDATIONS FROM THE STANDARDS COMMITTEE - 5 APRIL 2019**

Councillor Prowse, the Chairman of the Standards Committee, presented the recommendations of the Standards Committee on 5 April 2019 on the Members Code of Conduct Report.

Councillor Prowse proposed the recommendations, seconded by Councillor Keeling.

In response to Members questions, the Solicitor to the Council and the Monitoring Officer clarified:-

- A note could be added to the footnotes to confirm the examples of bullying and intimidation were not listed in order of seriousness;
- The cross party task & finish group had reviewed the complaints procedure and considered it was fit for purpose, but as noted in the report, the Code and the associated procedure should be kept under review;
- As per the report the officer delegation was expressly stated to cover minor amendments as any material changes to the code would require Council approval as the Code of Conduct formed part of the Constitution;
- Should the Standards Committee consider removal of a member from a committee an appropriate sanction which the sanctioned Member did not accede, the committee's decision would be referred to Council.

The recommendations were put to the vote and all were carried.

RESOLVED that the Members' Code of Conduct applicable to the Council be amended as follows from 8 May 2019:

- (i) The format of the Code be revised as set out in Appendix A to the Council report subject to delegated authority be given to the Monitoring Officer to make such additional minor amendments to further promote clarity in content (including its presentation) as she considers appropriate;

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- (ii) Two new obligations be added to require councillors not to act in a manner which brings their office as councillor or the council into disrepute; and to ensure co-operation and compliance with any standards investigation and prohibit malicious complaints (as shown in paragraph 4.6 and 4.7 of Appendix A);
- (iii) The definition of non-statutory interests which need to be declared at meetings (but not recorded in the Register of Interests) and in respect to which councillors are prohibited from participating in the debate (other than where members of the public are permitted to speak) and voting, be extended to include:
 - (a) where *“a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the councillor’s consideration or decision-making in relation to that matter”* (as shown in paragraph 6.4 of Appendix A) and
 - (b) financial interests (as per paragraph 6.3 of Appendix A) of Members themselves as well as of their friends, relatives or close associates; and
- (iv) The sanctions for breach of the Code involving removal from committee be revised slightly so that it be made clear that full Council could resolve to remove a member from a relevant position (subject to compliance with political allocation rules) and that a recommendation to Group Leaders could be made to invoke relevant party rules to further sanction the member (e.g. remove them from their group) in a timely manner.

31. NEWTON ABBOT CINEMA PROPOSALS

The Leader stated that the proposal for a four screen cinema would create vibrancy in the town centre and support the regeneration for Newton Abbot town centre as a place for all to visit.

Members welcomed this positive proposal for a much needed new cinema that would help to build up the night time economy in the town centre.

The Leader proposed that, because of the commercial sensitivity issues concerning the Council and third parties, the Council go into Part II session and exclude the press and public. This was seconded by Portfolio Holder for Tourism, Economy and Skills and carried.

32. EXCLUSION OF PRESS AND PUBLIC

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 item of business 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 and such restricted consideration was in the public interest.

33. NEWTON ABBOT CINEMA PROPOSALS

The exempt elements of the discussion on this agenda continued. The Senior Estates & Development Surveyor provided additional information in response to Members' questions. Members were advised of the funding details for the project, evidence regarding the cinema's current and potential increase admissions, and the type and quality of events that the proposed cinema could accommodate.

The recommendation was proposed by the Leader, seconded by the Portfolio Holder for Economy Skills & Tourism and carried.

RESOLVED that to enter into a conditional agreement for a lease for a new cinema in Newton Abbot.

(Councillor Connett left the meeting before the vote was taken)

Chairman