

FULL COUNCIL

24 FEBRUARY 2020

Present:

Councillors Austen, Bradford, Bullivant, Clarence, Connett, Cook, D Cox, H Cox, Daws, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Gribble, Haines, Hayes, Hocking, G Hook, J Hook, Jeffery, Jeffries, Jenks, Keeling (Chairman), Kerswell, MacGregor, Morgan, Mullone, Nutley, Nuttall, Orme, Parker-Khan, Parker, Patch, Peart, J Petherick (Vice-Chairman), L Petherick, Phipps, Purser, Rollason, Russell, Swain, Taylor, Thorne and Wrigley

Apologies:

Councillors Colclough and Tume

Officers in Attendance:

Christopher Morgan, Trainee Democratic Services Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Phil Shears, Managing Director
Simon Thornley, Business Manager - Spatial Planning
Karen Trickey, Solicitor to the Council and Monitoring Officer

11. MINUTES

The Portfolio Holder for Sport, Recreation & Culture, seconded by Councillor Nutley proposed that the Minutes of the Full Council on 14 January 2020 were approved as correct and signed by the Chairman.

12. CHAIRMAN'S ANNOUNCEMENTS

The Portfolio Holder for Climate Change, Coastal Protection, and Flooding thanked the Teignbridge Council staff who had responded to the repercussions of Storm Dennis.

13. DECLARATIONS OF INTEREST

Councillor D Cox declared an interest as an employee of Teignbridge CVS, the Secretary and a Trustee of HITS Foodbank and a Trustee of Coastal Action Youth.

Councillors Dewhirst, G Hook and J Hook declared an interest in respect of minute no. 17 – Notice of Motion regarding the Local Electricity Bill - as members of Teign Energy Company.

Councillor Bullivant declared an interest in respect of minute no. 17 - Notice of Motion regarding Langford Bridge Planning Decision and left the room during consideration of the motion.

14. PUBLIC QUESTIONS

The public questions and members responses are attached to minutes.

Members of the Public asked the following supplementary questions, the answer to which some would be provided in writing later in the week. [*For ease of reference these answers are set out in square brackets below*]:-

In response to the supplementary question regarding the Environment – coastline dynamic [response from the Portfolio Holder for Business, Economy & Tourism - further detail and/or effects (in regard to sediment movement, beaches and coastal defences) will be only be available to be assessed after publication of modelling as highlighted in the original response. The Council in conjunction with the Environment Agency have committed to commission an independent peer group review of Network Rail's modelling output when this is made available].

In response to the supplementary question regarding a Statutory Objection [response from the Portfolio Holder for Business, Economy & Tourism - the Council would need more detail regarding the proposal (including but not limited to the publication of the Environmental Statement and modelling results) but it would be likely be a statutory objector.]

In response to the supplementary question of the case of non-designated heritage: the Department of Culture Media & Sport has stated that Network Rail is still required to take advice regarding asset value. Will the council work pro-actively with Historic England and Devon Archaeology Service to raise statutory objection ? [response from the Portfolio Holder for Business, Economy & Tourism - the Council will work with Historic England and Devon Archaeology Service to assess the impact of the proposed development on the non-designated historic asset. Until we have more details about what the proposed development will look like and technical advice from both the Council's Conservation Officer and Historic England we are unable to confirm that we would raise a statutory objection on this ground.]

In response to the supplementary question of would the council negotiate a financial contribution from Network Rail so that Teignmouth can develop improvements to offset amenity asset restrictions during the lengthy construction years? [response from the Portfolio Holder for Business, Economy & Tourism - the Council is negotiating with Network Rail but at this stage in the process it is not possible to confirm whether any offset if agreed would be financial or physical in nature or a combination of both.]

15. COUNCILLOR QUESTION

The member question and response is attached to minutes.

In response to the supplementary question the Leader he confirmed he would let Councillor Clarence know of any decisions as soon as they were made.

16. FINAL BUDGET PROPOSALS 2020/21

The Portfolio Holder for Corporate Resources proposed that the Executive Budget as set out in the agenda papers and that the recommendations as per the circulated report be approved.

In presenting the budget, the Portfolio Holder for Corporate Resources thanked officers for their preparation of the budget and the Overview and Scrutiny Committee for their work and input into the budget proposals.

He stated that the budget addressed the councils funding shortfall whilst delivering its commitment to addressing climate change, increase planning enforcement and affordable housing and continuing to provide a capital programme which met the requirements in the Council Strategy. He was grateful to the Overview & Scrutiny Committee for the review of the rural aid which would continue with a budget of £26,000 and a revised criteria. He commented that the criteria would not include the reserves that the smaller parishes had set aside for Elections. With the changes to business rates, new homes bonus and the ceasing of right to buy payments from Teign Housing the Council had to look to become more commercial going forward.

This was seconded by the Leader.

Councillor Clarence as budget spokesperson for the opposition commented that the unpalatable cuts that were being proposed could be avoided if less funds were transferred from the revenue account to the capital account and the reduction in funding from the capital account be made up by increasing borrowing.

Some Members who objected to the proposed budget raised concerns regarding the negative impact of charging for Sunday parking; the cuts in the councillor's community funds and rural aid and the charge for parish/towns to empty dog bins.

Members in support of the budget commented that this was a balanced budget to bridge the funding gap that had to be addressed by the reduction in central government funding.

RESOLVED:-

- a That the Teignbridge band D council tax for 2020/21 is increased by 2.94% or £5 to £175.17 per annum
- b That general reserves are increased to 12.3% of the net revenue budget for 2020/21 or just under £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 That 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 2020/21 is £16.1 million as shown at appendix 4. In particular the revenue budget includes:
- Assumptions of a 2% pay deal with higher increases for those on lower grades from 1 April 2020
 - Revenue contributions to fund capital at £0.6 million in 2020/21 and increasing slightly thereafter
 - Rural aid reducing to £26,000 from 1 April 2020
 - A reduction in the councillors community fund grant to £1,000 each
- f That fees and charges are approved as shown summarised at appendix 6. This includes an increase in parking income of £185,000 from last years base budget
- g That the capital programme as shown at appendix 7 is approved. In particular this includes:
- Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning
 - Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces
- Three major town centre investments will be funded mainly from prudential borrowing. There is also a provision for potential Future High Street fund projects. These would be funded from a combination of government grant and other co-funding, including CIL, grant and prudential borrowing. There are also provisions for employment site investment to be funded through prudential borrowing. Both the Future High Street fund and employment site projects are indicative projects only. They are described as provisions and are not being approved in this budget. Individual business cases will be brought to members for consideration as they are
- h That the prudential indicators are noted and the prudential limits approved all as set out in appendix 11
- i That the updated treasury management strategy statement and authorised lending list as set out in appendix 12 is approved together with the capital strategy in appendix 12a

- j That each scheme will be considered on its merits as explained at the end of appendix 12 to decide the calculation of minimum revenue provision for capital expenditure in 2020/21
- k That the treasury management mid-year review for 2019/20 as taken to Executive on 28 November and shown in appendix 13 is noted
- l That the council tax resolutions as recommended in appendix 16 are approved
- m That the Commercial Strategy in appendix 8 is approved and authority is delegated to the Chief Finance Officer to approve the purchase of assets meeting the criteria in section 6 of the Strategy.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the recorded vote was as follows:-

Voting for:-

Councillors Austin, Connett, Cook, (D) Cox, (H) Cox, Dewhirst, Eden, Evans, Foden, Goodman-Bradbury, Hayes, (G) Hook, (J) Hook, Jefferies, Jenks, MacGregor, Keeling, Morgan, Nutley, Nuttall, Parker, (J) Petherick, (L) Petherick, Purser, Rollason, Swain, Taylor and Wrigley.

(28 Members)

Voting against:-

Councillors Bradford, Bullivant, Clarence, Daws, Gribble, Haines, Hocking, Jeffrey, Kerswell, Mullone, Orme, Parker-Khan, Patch, Peart, Phipps, Russell and Thorne.

(17 Members)

Absent:-

Councillors Colclough and Tume

(2 Members)

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

Notice of Motion for Local Electricity Bill

Councillors Dewhirst, G Hook and J Hook declared an interest as members of Teign Energy Company.

Members considered a Notice of Motion submitted by Councillor Jenks and supported by Councillors H Cox, Hayes, G Hook, J Hook, Keeling, MacGregor, Morgan, Nutley and Wrigley.

Councillor Jenks in presenting his Notice of Motion stated that the bill's purpose was to enable local electricity generators to become local electricity suppliers. This bill would make a huge difference to the increase in renewable energy and support councils and communities to become renewable generators.

This was seconded by the Portfolio Holder for Climate Change, Coastal Protection, and Flooding and carried unanimously.

RESOLVED that Teignbridge District Council:-

- (i) Acknowledges the efforts that this council is making to reduce greenhouse gas emissions and promote renewable energy;
- (ii) Recognises that councils can play a central role in creating sustainable communities, particularly through the provision of locally generated renewable electricity;
- (iii) Further recognises,
 - That very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
 - That making these financial costs proportionate to the scale of a renewable electricity suppliers operation would create significant opportunities for councils to be providers of locally generated renewable electricity directly to local people, business and organisations, and
 - That the revenues received by councils that become local renewable electricity providers could be used to help fund local greenhouse gas emissions reductions measures and to help improve local services and facilities;
- (iv) Accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of MPs (including our local MP), and which, if made by law, would make the setup and running costs of selling renewable electricity to local customers proportionate by establishing a Right to Local Supply; and
- (v) Further resolves to inform the local media of this decision, Write to local MPs, asking them to support the Bill, and Write to the organisers of the campaign for the Bill, Power for People, (at 8 Delancey Passage, Camden, London, NW1 7NN or info@powerforpeople.org.uk) expressing its support.

The meeting recessed from 11.50am until 12.50pm.

Councillors Hayes, Hocking, Orme and Parker left the meeting at this point.

Notice of Motion regarding Facilitating Open and Accountable Decision Making

Members Considered a Notice of Motion submitted by Councillor Patch and supported by Councillors Bradford, Daws, Jenks and Mullone.

Councillor Patch in presenting his Notice of Motion, stated that the reasons for the proposals were to increase accountability and transparency in decision making and voting in particular at Planning Committee.

This was seconded by Councillor Mullone.

The Portfolio for Planning whilst being supportive of the need for the council to be transparent and open in its decision making process proposed an amendment to read as follows:-

- (a) this Council is committed to the principles of open and accountable decision making;*
- (b) The council's electronic voting system is used for all votes on planning applications taken during meetings of the Planning Committee and the record of how each councillor voted is recorded with the minutes of the meeting.*
- (c) The right of every councillor to ask for their own personal vote to be recorded in the minutes after a vote has been taken and before the meeting moves to the next business, as has been the case for many years, is enshrined within the Teignbridge constitution.*
- (d) Arrangements for voting/recorded voting at all other council and committee meetings are referred for urgent review to the Constitutional Review Group and to report back to the next meeting of Council on 21 April.*

This was seconded by the Portfolio Holder for Sport, Recreation & Culture.

During debate the Members raised the following points:-

- Number of members required for a recorded vote
- Use of the electronic voting system
- The Constitution Review Working Group to look at recorded voting and report back to full Council.

The amendment was put to the vote and carried unanimously.

The amendment being the substantive motion, this was put to the vote and carried.

RESOLVED that:-

- (a) this Council is committed to the principles of open and accountable decision making;

(b) The council's electronic voting system is used for all votes on planning applications taken during meetings of the Planning Committee and the record of how each councillor voted is recorded with the minutes of the meeting.

(c) The right of every councillor to ask for their own personal vote to be recorded in the minutes after a vote has been taken and before the meeting moves to the next business, as has been the case for many years, is enshrined within the Teignbridge constitution.

(d) Arrangements for voting/recorded voting at all other council and committee meetings are referred for urgent review to the Constitutional Review Group and to report back to the next meeting of Council on 21 April.

Notice of Motion regarding Langford Bridge Planning Decision

Councillor Parker-Khan left the meeting before consideration of this item.

Councillor Bullivant declared a personal interest in light of the proposals of this notice of motion and he left the room during consideration of the item.

Members considered a Notice of Motion submitted by Councillor Daws and supported by Councillors Bradford, D Cox, Mullone and Patch.

Councillor Daws in presenting his Notice of Motion stated that this motion was put forward to ensure that all the correct due processes were undertaken with the planning application for Langford Bridge Farm. The processes should be scrutinised to ensure that there was no conflict of interest and that the application had been dealt with in the proper manner.

This was seconded by Councillor Mullone.

Councillor D Cox whilst supportive of the tenor of the motion proposed an amendment to the motion for an external outside body that would be totally independent of the council to review the matter.

The Portfolio for Corporate Services in seconding the amendment stated that to have the Local Government Association undertake a review with independent an officer and councillor would ensure there was impartiality.

Councillor Haines clarified that he was a past board member of the Independent Planning Advisory Service and had undertaken work for them.

The amendment was put the vote and carried.

RESOLVED

To reassure elected members and the general public, the independent Planning Advisory Service is invited by Teignbridge Council to review all relevant matters and processes relating to the granting of application 19/00238/MAJ Langford Bridge Farm, Kingskerswell Road, Newton Abbot, Devon, TQ12 5LA at the Planning Committee meeting of the 21st January and to report its conclusions to the Council.

In accordance with Council Procedure Rule 4.5 (q) (vi) Councillor Haines asked that his abstention from voting be recorded.

18. COUNCIL TAX REDUCTION SCHEME 2020/21

Councillor D Cox, Jenks and Gribble left the meeting before the vote was taken on this item.

The Portfolio Holder for Corporate Resources presented the report to seek Council's approval of the proposal to introduce a new Council Tax Reduction Scheme for working age claimants for the year 2020-21.

The recommendation was proposed by the Portfolio Holder for Corporate Services, seconded by Councillor D Cox and carried.

RESOLVED that:-

- (1) The new income-banded Council Tax Reduction Scheme for the year 2020-21 be adopted; and
- (2) The revised Discretionary Discount and Exceptional Hardship Policy for the year 2020-21 be adopted.

19. NETWORK RAIL TRANSPORT AND WORKS ACT ORDER CONSULTATION & NETWORK RAIL PRESENTATION

Network rail gave a presentation (attached to minutes)

In response to Members questions the Network Rail representatives clarified the following:-

- The proposals incorporate a prediction that there would be one meter rise in sea level in the next 100 years
- Information on sea levels has been incorporated during consultation
- It was anticipated that there would be a public inquiry for the scheme
- There could be another cliff collapse or threat in the future, such as in 2014, so it was important that the work was undertaken
- There were multiple types of defences such as nets, nails and buttresses, the aim of the project was to reinforce the cliff line for up to a 100 years
- The scheme allows for built up water to be diverted under the tracks
- It would take approximately three years to divert the tracks and five years to buttress the cliff
- An environmental statement would be produced
- Information regarding the tide spread would be added to the consultation web page and
- The addition of groynes would be discussed with the Environment Agency and the Council

The Chairman thanked Network Rail for their presentation.

The Portfolio Holder for Business, Economy & Tourism presented the report to update Members regarding progress by Network Rail in developing rail resilience proposals for the section between Parson's Tunnel, Holcombe and Teignmouth, and associated Transport and Work Act Order (TWAO) consenting processes and timeframes.

The recommendation was proposed by the Portfolio Holder for Business, Economy & Tourism and seconded by the Portfolio Holder for Climate Change, Coastal Protection & Flooding.

RESOLVED that:-

- (1) Progress to date be noted; and
- (2) The relevant Portfolio Holders and Coastal Officer submit a consultation response on behalf of the Council.

20. WOLBOROUGH DPD

The Portfolio Holder for Planning presented the report to recommend that work on the Wolborough Masterplan DPD ceases. Since the decision was taken to prepare a DPD this administration had committed to fast-track a partial update of the Local Plan for the benefit of better development for the whole of the district. This partial update would include many of the issues within the scope of the DPD and in addition matters such as climate change were not due to be incorporated in the Wolborough DPD. Therefore to prepare both the DPD and the Local Plan would duplicate unnecessary work. To cease work on the DPD would provide a saving of £122,000.

A Member commented that local ward members and other interested parties had not been consulted on this proposal and they had serious concerns regarding the cessation of this work. He asked for clarification on the budget spent to date.

The Business Manager Spatial Planning clarified that the budget spent to date was £53,140 for the Bat Survey, £122 Devon Biodiversity Records and £32,960 for a secondment of a Senior Planning Officer from Devon County Council. The DPD had limited remit and the Local Plan Policies Part 1, which Executive would consider for consultation at its next meeting, would have more comprehensive set of policies including those to mitigate climate change.

The recommendation was proposed by the Portfolio Holder for Planning seconded by the Portfolio Holder for Sport, Recreation & Culture and carried.

RESOLVED that work on the Wolborough Masterplan DPD be ceased and it be removed from the published Local Development Scheme.

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

The Leader proposed, seconded by Councillor Haines, that because of financial sensitivity the Council go into Part II session and exclude the 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.

22. DECOY COUNTRY PARK PLAY AREA REFURBISHMENTS

Councillors Morgan and Mullone left the meeting before consideration of this item.

The Portfolio Holder for Sport, Recreation & Culture presented the report to recommend investment of capital expenditure of Community Infrastructure Levy (CIL)/Section 106 funding to refurbish play provision at Decoy Countryside Park.

The recommendation was proposed by Portfolio Holder for Sport, Recreation & Culture proposed, seconded by Councillor Bradford and carried unanimously.

RESOLVED that:-

- (1) Capital expenditure be approved, to be funded from CIL and S106 contributions, for refurbishment works as outlined for Decoy Country Park; and
- (2) The Head of Operational Services be given delegated authority, in conjunction with the Section 151 Officer and Portfolio Holder for Leisure and Recreation to accept the most economically advantageous tender for the works.

The meeting started at 10.0am and finished at 3.10pm.

Chairman