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FINAL

TORRIDGE DISTRICT COUNCIL

ANNUAL MEETING OF THE COUNCIL

Town Hall, Bideford

20 May 2013

PRESENT: Councillor A J Eastman (Chair)
Councillor A T Inch (Vice Chair)

Councillors: A P Boyd, D Brenton, M Brown, P Christie, SEL Clarke, P Collins, A Dart (arrived at 6.40), P Davies, B Edwards, M Footitt, D C Fulford, R H Hicks, J Himan, S G Inch, K J James, T Johns, R Johnson, M Langmead, D M Lausen, C J Leather, G E Lee, J Lewis, R A Lock, H Martin, K Murdoch, B M Parsons, P W Pennington, H Ratledge, B Redwood, G G Tabor, R M M Tisdale, P Watson and J Whittaker

ALSO PRESENT: J Wallace (Head of Paid Service)
K Miles (Solicitor)
S Harding (Chief Accountant)
S Hearse (Joint Head of Finance)
I Hayter (Media Officer)
S Cawsey and L Inch (Democratic Services Officers)

Approximately 20 members of the public.

All present stood for a minute's silence as a mark of respect for the late Royston Johns who had recently passed away. Mr Johns was Chair of the Council in 2000-2001, and Ward Member for Clovelly from 1991 to 2011 when he stood down. In 2001 he was also elected the first Deputy Leader of the Council.

1. APOLOGIES

An apology for absence was received from Councillor AJ Symons.

2. ELECTION OF CHAIR OF THE COUNCIL

Nominations were invited for Chair of the Council.

It was proposed by Councillor BM Parsons, seconded by Councillor AP Boyd that Councillor AT Inch be elected Chair of the Council.

It was proposed by Councillor DM Lausen, seconded by Councillor RMM Tisdale that Councillor KP Murdoch be elected Chair of the Council.

Councillor RMM Tisdale proposed that the vote be taken by way of a paper ballot and this was seconded by Councillor M Brown.

(Vote: For 15)

The motion was therefore lost.

Vote:

Councillor A T Inch – For 17

Councillor KP Murdoch – For 15

Resolved:

That Councillor AT Inch be elected Chair of the Council for the ensuing year.

Councillor AT Inch read and signed the acceptance of Office and took the Chair.

The newly elected Chair addressed the meeting, thanking Members for his election. He expressed his best wishes to Councillor Eastman, former Chair of the Council, and thanked him for all his hardwork throughout the year.

3. ELECTION OF VICE CHAIR OF THE COUNCIL

Nominations were invited for Vice Chair of the Council.

It was proposed by Councillor KP Murdoch, seconded by Councillor GG Tabor that Councillor CJ Leather be elected Vice Chair of the Council

It was proposed by Councillor P Watson seconded by Councillor M Langmead that Councillor AJ Eastman be elected Vice Chair of the Council

Vote:

Councillor CJ Leather – For 13

Councillor AJ Eastman – For 21

Resolved:

That Councillor AJ Eastman be elected Vice Chair of the Council for the ensuing year.

Councillor AJ Eastman read and signed the acceptance of Office.

4. MINUTES

The minutes of the Council Meeting held on the 15 April 2013 were presented.

Resolved: That the minutes be confirmed as a correct record and signed by the Chair

(Vote: For Unanimous)

Matters arising

Minute item 128

Councillor Lock referred to the letter sent by Plans Committee to the Prime Minister, David Cameron, with regard to wind power. She had received a response, with the promise of a much more detailed letter being sent as soon as possible. Councillor Lock informed the meeting that she had been contacted by East Yorkshire District Council who were experiencing the same problems, and who had also written to the Prime Minister.

(Vote: For unanimous)

5. PUBLIC CONTRIBUTIONS

a) Ms M Cox expressed her concerns regarding Torridge not having a tree officer in place. She mentioned that Torridge was to big an area to share a tree officer with ND Council. The Chair advised that Ms Cox would receive a written response to her question.

b) Mr D Glaholm offered his apologies to Councillors for the comments made in a recent letter published in the North Devon Journal.

Mr Glaholm then addressed the meeting on the following matters :

- a) He referred to the review of the public participation scheme at Community & Resources Committee and enquired as to when this was likely to happen.
- b) Tyco redundancies – On a recent visit to Swindon Mr Glaholm spoke with employees of Tyco who indicated they would be happy to go for redundancy to save jobs at the Bideford branch. He asked that Tyco be advised of this information.

- c) Brunswick Wharf - Mr Glaholm asked if any future information could be made available to members of the public.

Mr Glaholm requested a written response to a question he had raised at a previous Full Council meeting regarding pay points to pay council tax.

Councillor Parsons advised that Mr Glaholm would receive a written response. He also advised that although he supported public participation, notice to speak would be required prior to a meeting.

c) Mr M Pearce referred to Councillor Parsons recent election as Devon County Council's Cabinet as Portfolio Holder for Performance and Community Engagement, and enquired as to whether Councillor Parsons had considered relinquishing his position as Leader of Torridge. Councillor Parsons responded to this enquiry.

6. CORRESPONDENCE OR OTHER BUSINESS ESPECIALLY BROUGHT FORWARD BY THE DIRECTION OF THE CHAIR

The Chair welcomed the Peer Challenge Team from the Local Government Association to the meeting.

7. QUESTIONS SUBMITTED UNDER PROCEDURAL RULE A9

There were no questions.

8. ELECTION OF LEADER OF THE COUNCIL

Nominations were invited for Leader of the Council.

It was proposed by Councillor G Lee, seconded by Councillor R Johnson that Councillor BM Parsons be elected Leader of the Council

It was proposed by Councillor RH Hicks, seconded by Councillor PS Christie that Councillor PR Collins be elected Leader of the Council

Councillor RMM Tisdale proposed that the vote be taken by way of a paper ballot and this was seconded by Councillor M Brown

(Vote: For 17, Against 18)

The motion was therefore lost.

Vote:

Councillor B M Parsons – For 17

Councillor PR Collins – For 18

Resolved:

That Councillor PR Collins be elected Leader of the Council for the ensuing year.

Councillor Parsons expressed his thanks to everyone for all the support that they have given him and that he would continue to support Torrington at Devon County Council.

Councillor Parsons congratulated Councillor Collins on his position as Leader of the Council and advised that he would give him his full support.

Councillor Collins thanked members and mentioned that he wanted to work together as non party political for the benefit of Torrington. He thanked Councillor Parsons for the work he had undertaken in his 2 years as Leader.

9. ELECTION OF DEPUTY LEADER OF THE COUNCIL

Nominations were invited for Deputy Leader of the Council.

It was proposed by Councillor PR Collins, seconded by Councillor KP Murdoch that Councillor GG Tabor be elected Deputy Leader of the Council.

It was proposed by Councillor BM Parsons, seconded by Councillor AP Boyd that Councillor R Johnson be elected Deputy Leader of the Council.

Vote:

Councillor GG Tabor – For 16

Councillor R Johnson – For 19

Resolved:

That Councillor R Johnson be elected Deputy Leader of the Council for the ensuing year.

10. ELECTION OF CHAIRS & VICE CHAIRS

a) Community & Resources Committee

Nominations were invited for the position of Chair of the Community & Resources Committee.

It was proposed by Councillor CJ Leather, seconded by Councillor PR Collins that Councillor GG Tabor be elected Chair of Community & Resources Committee.

It was proposed by Councillor AP Boyd, seconded by Councillor BM Parsons that Councillor PR Collins be elected Chair of Community & Resources Committee.

Vote:

Councillor GG Tabor – For 6

Councillor PR Collins – For 28

Resolved:

That Councillor PR Collins be elected Chair of the Community & Resources Committee.

Nominations were invited for the position of Vice Chair of the Community & Resources Committee.

It was proposed by Councillor M Brown, seconded by Councillor RMM Tisdale that Councillor RH Hicks be elected Vice Chair of Community & Resources Committee.

It was proposed by Councillor AP Boyd, seconded by Councillor DC Fulford that Councillor R Johnson be elected Vice Chair of Community & Resources Committee.

Vote:

Councillor RH Hicks – For 15

Councillor R Johnson – For 18

Resolved:

That Councillor R Johnson be elected Vice Chair of the Community & Resources Committee.

b) Audit & Governance Committee

Nominations were invited for the position of Chair of the Audit & Governance Committee.

It was proposed by Councillor GE Lee, seconded by Councillor PS Christie and:

Resolved:

That Councillor DM Lausen be elected Chair of the Audit & Governance Committee.

(Vote: For 34, Abstention 1)

Nominations were invited for the position of Vice Chair of the Audit & Governance Committee.

It was proposed by Councillor DM Lausen, seconded by Councillor GE Lee and:

Resolved:

That Councillor J Himan be elected Vice Chair of the Audit & Governance Committee.

(Vote: For 33, Abstention 2)

c) Plans Committee

Nominations were invited for the position of Chair of the Plans Committee.

It was proposed by Councillor BM Parsons, seconded by Councillor DM Lausen and:

Resolved:

That Councillor RA Lock be elected Chair of the Plans Committee.

(Vote: For 34, Abstention 1)

Nominations were invited for the position of Vice Chair of the Plans Committee.

It was proposed by Councillor RA Lock, seconded by Councillor R Johnson and:

Resolved:

That Councillor M Brown be elected Vice Chair of the Plans Committee.

(Vote: For Unanimous)

d) Licensing Committee

Nominations were invited for the position of Chair of the Licensing Committee.

It was proposed by Councillor R Johnson, seconded by Councillor RMM Tisdale and:

Resolved:

That Councillor AP Boyd be elected Chair of the Licensing Committee.

(Vote: For 34, Abstention 1)

Nominations were invited for the position of Vice Chair of the Licensing Committee.

It was proposed by Councillor AP Boyd, seconded by Councillor SG Inch that Councillor M Footitt be elected Vice Chair of Licensing Committee.

It was proposed by Councillor GG Tabor, seconded by Councillor M Brown that Councillor RMM Tisdale be elected Vice Chair of Licensing Committee.

Vote:

Councillor M Footitt – For 16

Councillor RMM Tisdale – For 19

Resolved:

That Councillor RMM Tisdale be elected Vice Chair of the Licensing Committee.

e) Overview & Scrutiny (External) Committee

Nominations were invited for the position of Chair of the Overview & Scrutiny (External) Committee.

It was proposed by Councillor P Pennington, seconded by Councillor HA Martin and:

Resolved:

That Councillor J Whittaker be elected Chair of the Overview & Scrutiny (External) Committee.

(Vote: For 34, Abstention 1)

Nominations were invited for the position of Vice Chair of the Overview & Scrutiny (External) Committee.

It was proposed by Councillor J Whittaker, seconded by Councillor HA Martin that Councillor M Langmead be elected Vice Chair of the Overview & Scrutiny (External) Committee.

It was proposed by Councillor P Pennington, seconded by Councillor RMM Tisdale that Councillor B Edwards be elected Vice Chair of the Overview & Scrutiny (External) Committee.

Vote:

Councillor M Langmead – For 19

Councillor B Edwards – For 16

Resolved:

That Councillor M Langmead be elected Vice Chair of the Overview & Scrutiny (External) Committee.

f) Overview & Scrutiny (Internal) Committee

Nominations were invited for the position of Chair of the Overview & Scrutiny (Internal) Committee.

It was proposed by Councillor B Parsons, seconded by Councillor J Whittaker that Councillor B Redwood be elected Chair of the Overview & Scrutiny (Internal) Committee.

It was proposed by Councillor GG Tabor, seconded by Councillor KP Murdoch that Councillor C Leather be elected Chair of the Overview & Scrutiny (Internal) Committee.

Vote:

Councillor B Redwood – For 23

Councillor C Leather – For 10

Resolved:

That Councillor B Redwood be elected Chair of the Overview & Scrutiny (Internal) Committee.

Nominations were invited for the position of Vice Chair of the Overview & Scrutiny (Internal) Committee.

It was proposed by Councillor R Johnson, seconded by Councillor HA Martin that Councillor JR Lewis be elected Vice Chair of the Overview & Scrutiny (Internal) Committee.

It was proposed by Councillor PR Collins, seconded by Councillor RMM Tisdale that Councillor PW Pennington be elected Vice Chair of the Overview & Scrutiny (Internal)

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Committee.

Vote:

Councillor JR Lewis – For 16

Councillor PW Pennington – For 18

Resolved:

That Councillor PW Pennington be elected Vice Chair of the Overview & Scrutiny (Internal) Committee.

g) Standards Committee

It was proposed by Councillor M Brown, seconded by Councillor RMM Tisdale and:

Resolved:

That Councillor AL Dart be elected Chair of the Standards Committee.

(Vote: For 33, Abstentions 2)

It was proposed by Councillor PS Christie, seconded by Councillor R Johnson and:

Resolved:

That Councillor DG Brenton be elected Vice Chair of the Standards Committee.

(Vote: For 34, Against 1)

h) Joint Local Plan Working Group

It was proposed by Councillor DM Lausen, seconded by Councillor CJ Leather and:

Resolved:

That Councillor GG Tabor be elected Chair of the Joint Local Plan Working Group

(Vote: For 27, Abstentions 8)

Councillor Brenton left the meeting.

11. MEMBERSHIP OF COMMUNITY & RESOURCES AND OTHER COMMITTEES ON THE PROPORTIONAL BASIS OF POLITICAL GROUPS AND TO CONFIRM THE TERMS OF REFERENCE FOR THOSE COMMITTEES

The Solicitor presented this agenda item and outlined the following recommendations which had been tabled at the meeting:

- a) That the Licensing Committee and Standards Committee be exempt from the requirements of s15 of the Local Government and Housing Act 1989 in accordance with s17 of that Act
- b) That the size of the Committees be as set out on the Agenda
- c) That seats on Committees of the Council be allocated in accordance with the Schedule
- d) That nominations for the seats be approved

Members raised concerns with regard to the allocation of seats on Community & Resources Committee. The Solicitor clarified the position and explained the process involved.

The Solicitor suggested that the meeting be adjourned to enable Group Leaders to discuss the Membership of Committees.

It was proposed by Councillor AT Inch , seconded by Councillor AP Boyd that the meeting be adjourned to enable Group Leaders to discuss Membership of Committees

A vote was taken with the majority of Members in favour of a short adjournment.

The meeting re-commenced and a brief discussion followed.

It was proposed by Councillor PR Collins, seconded by Councillor RA Lock and -

Resolved:

- a) That the Licensing Committee and Standards Committee be exempt from the requirements of s15 of the Local Government and Housing Act 1989 in accordance with s17 of that Act
- b) That the size of the Committees be as set out on the Agenda
- c) That seats on Committees of the Council be allocated in accordance with the Schedule
- d) That nominations for seats as agreed by Group Leaders be approved

(Vote: For 32, Abstentions 2)

Councillor Clarke left the meeting.

12. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

Working Groups

Following presentation of this item by the Solicitor, Councillor KP Murdoch advised that she would be standing down from the Joint Atlantic Array Member Steering Group due to a conflict of interest as she sits on Plans Committee. The Solicitor advised there would now be two vacancies and invited Members to put forward nominations.

It was proposed by Councillor RMM Tisdale, seconded by Councillor DM Lausen that Councillor BM Edwards be elected onto the Joint Atlantic Array Member Steering Group.

It was proposed by Councillor J Whittaker, seconded by Councillor AT Inch that Councillor M Langmead be elected onto the Joint Atlantic Array Member Steering Group.

It was proposed by Councillor DM Lausen, seconded by Councillor HJ Ratledge that Councillor PS Christie be elected onto the Joint Atlantic Array Member Steering Group

Vote:

Councillor BM Edwards – (For 26, Against 2, Abstentions 3)

Councillor M Langmead – (For 21, Abstentions 12)

Councillor PS Christie - (For 15, Against 2, Abstentions 16)

Resolved:

That Councillors BM Edwards and M Langmead be elected onto the Joint Atlantic Array Steering Group.

It was proposed by Councillor R Johnson, seconded by Councillor Tabor and –

Resolved:

That the list as presented, subject to the above, be approved.

(Vote: For – unanimous)

Outside bodies and Community Groups

The Solicitor advised that nominations were required for the vacant seat as a council representative on North Devon+.

It was proposed by Councillor RMM Tisdale, seconded by Councillor AL Dart that Councillor GG Tabor be elected as a council representative on North Devon+

It was proposed by Councillor BM Parsons, seconded by Councillor M Langmead that Councillor J Himan be elected as a council representative on North Devon+

Vote:

Councillor GG Tabor – For 14

Councillor J Himan – For 19

Resolved:

That Councillor J Himan be elected as a council representative to sit on North Devon+.

It was proposed by Councillor PR Collins, seconded by Councillor JR Lewis and –

Resolved:

That the list as presented, subject to the above, be approved.

Vote: (For Unanimous)

13. SUBSTITUTION AT COMMITTEES

The Solicitor advised that the Constitution requires that the Procedural Rule relating to substitution should be subject to review at each Annual Meeting of the Council, and shall cease to apply unless the Council resolves it shall continue.

Members raised concerns regarding substitution at Community & Resources Committee which could have the effect of the meeting not being politically balanced. The Solicitor advised that at a previous Annual General Meeting, Members had voted that substitution be allowed across the Groups. The Scheme now states that with regard to political balance there are no restrictions. Members were informed that the Scheme could be changed at any time during the year.

The Solicitor also advised that Members sitting or substituting on Plans or Licensing Committees must have had the relevant training.

It was proposed by Councillor PR Collins, seconded by Councillor P Watson, and –
Resolved;

That the current Substitution Scheme continues.

Vote: (For 27, Against 4, Abstention 1)

14. REVIEW OF SCHEME OF DELEGATION

The Solicitor explained that this was a standing item requiring review at every Annual General Meeting. He did propose changes to the Scheme and asked that Members re-confirm adoption of the current Scheme of Delegation.

The Solicitor advised there had been amendments to the version approved at the last Annual General Meeting, most of which were minor but there were two significant changes as follows:

- The first change was to include power for the Head of Paid Service or Solicitor to agree payments of compensation where the Local Government Ombudsman had recommended this to be done
- The second change provided a power for the Head of Environmental Health, Housing and Public Protection to provide financial assistance to prevent homelessness.

Discussion followed, during which the general consensus was that there should be more Member involvement and the Leader or Deputy Leader be consulted.

It was proposed by Councillor Whittaker, seconded by Councillor Davis and -

Resolved:

That the Scheme of Delegations as amended be approved, subject to the addition of the words “subject to prior consultation with the Leader or Deputy Leader” in paragraph 14 of Section B14 and paragraph 26 of Section B2.

Vote: (For 27, Abstentions 5)

15. TO APPROVE THE REFRESHED STRATEGIC PLAN 2013/2015

The Head of Paid Service gave a slide presentation and explained the reasons as to why the Plan had been refreshed.

Councillor Johnson as Project Lead addressed the meeting and advised that consultation had taken place with all Councillors and Wider Management Team. He further advised that Lead Members had been involved throughout the process and had signed off their relevant Goals.

It was proposed by Councillor Boyd, seconded by Councillor Lock and –

Resolved:

That the refreshed Strategic Plan 2013-2015 be adopted.

(Vote: For – unanimous)

16. REPORTS BY COMMITTEE CHAIRS

Plans Committee - 4 April 2013

Overview & Scrutiny (External) Committee – 3 April 2013

Overview & Scrutiny (Internal) Committee – 26 March 2013 & 30 April 2013

Licensing Committee – 28 March 2013

Audit & Governance Committee – 23 April 2013

Holsworthy Area Advisory Group – 29 April 2013

Torrington Area Advisory Group – 16 April 2013

Joint North Devon Crematorium – 21 March 2013

It was proposed, seconded and –

Resolved :

That the above Minutes be taken en bloc and noted, subject to the following comments :

Plans Committee

Councillor Christie referred to a Freedom of Information request received by the Council regarding a planning application, and read to the meeting an email response advising that the information requested was exempt from discussion. The Solicitor gave advice and outlined the reasons for exemption of the information.

Overview & Scrutiny (External) Committee

Councillor Christie referred to the Atlantic Array, Joint Member Steering Group, and raised the following concerns:

- The agreement to increase by one the number of ND Councillors who sit on the Group.
- A member of the public being allowed to attend the meetings when the Five Parishes Group had been told they could not attend.

The Head of Paid Service advised that Torridge would also be increasing the number of Members who sit on the Steering Group and referred to the vote taken earlier in the meeting.

Councillor Whittaker, who sits on the Joint Member Steering Group, addressed the second issue.

Overview & Scrutiny (Internal) Committee

Councillor Christie referred to the Seaside Success Grant Fund and the total of £20,500 paid by Torridge District Council to ND+ to date. He stated that £9,200 had been paid on applications received and was concerned that £11,000 had been paid on administration charges. The Head of Paid Service confirmed she would look into this.

Audit & Governance

The Chief Accountant addressed the enquiry raised by Councillor Hicks regarding the Council's Bankers being declared as "junk status".

(Vote: For unanimous)

17. PETITIONS

There were no petitions.

18. NOTICES OF MOTION

Written Notice of Motion received from Councillor B Parsons

I would ask that:

Torridge District Council writes to Prince Harry regarding his proposal to hold the

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Warrior Games (for injured servicemen and women) in the UK with an offer that Torridge District Council and North Devon Council host the event.”

Councillor Parsons addressed the meeting and explained his reasons for the Motion. He said he felt North Devon and Torridge was ideally placed to hold the games with wonderful facilities. He advised that ND Council Leader Councillor Brian Greenslade and Chief Executive, M Mansell, were fully supportive of the Motion.

Members felt this was a good idea but raised concerns regarding the costs involved with the project.

The Solicitor advised that under the Terms of a Written Motion, Members may wish to suspend Standing Orders.

It was proposed by Councillor Lewis, seconded by Councillor Hicks and –

Agreed : To suspend Standing Orders

(Vote: For 17, Against 15)

A brief discussion followed when Members stated that although they could support the Motion in principle they would require further information.

It was proposed by Councillor Tabor, seconded by Councillor Johnson and –

Agreed:

That the above Motion be referred to Community & Resources Committee for further discussion.

(Vote: For 28, Against 1, Abstentions 3)

It was proposed, seconded and unanimously voted that the meeting return to Standing Orders.

The meeting commenced at 6.30 pm and ended at 9.05pm

Signed:

Date: