

26 October 2017

Dear Sir/Madam

NOTICE IS HEREBY GIVEN that a Meeting of the Council at which your attendance is requested, will be held in the **COUNCIL CHAMBER, FORDE HOUSE, BRUNEL ROAD, NEWTON ABBOT, TQ12 4XX** on **Friday, 3rd November, 2017** at **10.15 am** in the **Council Chamber** to transact business specified in the Agenda as set out.



Phil Shears
Head of Paid Service

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

To: The Chairman and Members of Teignbridge District Council

AGENDA

Part I

(Open to the Public)

1. Apologies for absence
2. Minutes (Pages 1 - 8)
To approve as a correct record and sign the minutes of the previous Council meeting.
3. Chairman's announcements
4. Declarations of interest
5. Public questions session under Council Procedure Rule 4.5(j) (if any)
6. Councillor questions under Council Procedure Rule 4.5(k) (if any)

Making a healthy and desirable place where people want to live, work and visit

7. Notices of motion under Council Procedure Rule 4.5(l) (if any)
8. **Appointments & Remuneration Panel: Terms of Reference** (Pages 9 - 12)
To seek Council approval to the Terms of Reference for the agreed Appointments and Remuneration Committee.
9. **Independent Standards Committee Member** (Pages 13 - 14)
To seek delegated authority for the Monitoring Officer, acting in conjunction with three Group Leaders, to secure an Independent Committee member appointment, from a neighbouring local authority, to serve on the Standards Committee, in accordance with the Council's Constitution.
10. The Chairman will announce:
"That the Common Seal of the Council be affixed to any document or documents necessary to give effect to the resolutions passed by the Council at this meeting."

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

Nil.

Member Briefing - Digital Platform

A member briefing will follow the conclusion of ordinary business regards the forthcoming implementation of the Digital Platform.

FULL COUNCIL

25 SEPTEMBER 2017

Present:

Councillors Austen, Barker, Bromell, Bullivant, Christophers, Clarence, Clemens, Connett, Cook, Cox, Dennis (Vice-Chairman), Dewhurst, Eden, Fusco, Goodey, Gribble, Haines, Hayes, Hellier-Laing, Hocking, Hockin, Jones, Keeling, Kerswell, Lake, Mayne, Morgan, Nutley, Orme, Parker, Pilkington, Rollason, Russell, Smith, Thorne and Winsor.

Apologies:

Councillors Brodie, Colclough, Ford, Golder, Hook, Jeffery, Matthews, Peart, Price and Prowse.

Also Present:

Neil Aggett, Democratic Services Manager & Monitoring Officer
Tom Butcher, Estates Surveyor
Kate Davies, Solicitor to the Council
Martin Flitcroft, Finance Manager
Leigh Florence, Projects Manager
Sue Heath, Audit Manager
Fergus Pate, Principal Growth Point Officer
Emma Percy, Communications Officer
Phil Shears, Head of Paid Service
Graeme Smith, Estuaries & Coastal Officer
Lesley Tucker, Chief Finance Officer
Tony Watson, Business Manager - Economy & Assets

129. MINUTES

The minutes of the Annual Council meeting held on 15 May 2017 were approved as a correct and accurate record subject to the deletion of the word 'Vice' from Minute No. 2, third paragraph.

Councillor Connett asked when a report regarding the Independent Person of the Standards Committee would be brought before Council. The Monitoring Officer advised it would be taken to a future meeting of the Council, with the next meeting being on 3 November.

130. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

131. DECLARATIONS OF INTEREST

There were none.

132. PUBLIC QUESTIONS SESSION UNDER COUNCIL PROCEDURE RULE 4.5(J) (IF ANY)

There were none.

133. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K) (IF ANY)

There were none.

134. NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L) (IF ANY)

There were none.

135. 2016/17 STATEMENT OF ACCOUNTS INCLUDING THE ANNUAL GOVERNANCE STATEMENT AND TREASURY MANAGEMENT RESULTS

The Chairman of Audit Scrutiny introduced the report to Members and moved the recommendation. This was seconded by Councillor Lake.

The Chairman invited Member comment:

- Councillor Dewhirst stated that whilst an unqualified audit was to be applauded, it should be expected. He noted that the balance sheet had moved from a positive figure of £7.4M to a negative amount of £7.5M, together with gross debt and write-offs increasing amounted to worrying trends;
- Councillor Connett congratulated all those involved for producing the budget and asked the Chairman of Audit Scrutiny what steps he would look to take to investigate the reasons for the aforementioned trends. The Chairman of Audit Scrutiny stated he would look at this at the next meeting of the Committee.
- The Finance Manager advised:
 - that pension funds varied from year to year and were based upon economic and social events globally and thus was not something that could be controlled locally. What the Council did do was to make a contribution towards the deficit with a figure of £1.1M last year. If local authorities made such contributions the deficit would be eliminated within the next 25 years;
 - Write-offs increased and decreased annually but with any rise in Council Tax it was expected the amount of recovery figures would also rise. These amounts were not unexpected or out of the ordinary;

- Pension liability was significant which turned net assets into a net liability – this had occurred previously and been dealt with in a positive way;

Resolved

- (a) That the 2016/17 Statement of Accounts including the Annual Governance Statement and letter of representation as recommended by the Audit Scrutiny Committee subject to any final adjustments agreed with the external auditors be approved;
- (b) That the Treasury Management results for 2016/17 be noted; and
- (c) That the Audit Findings Report from Grant Thornton be noted and the actions arising from the action plan be approved.

The Head of Paid Service thanked Lesley Tucker, Chief Finance and Section 151 Officer who would be retiring at the end of September after 34 years' service with Teignbridge District Council. He stated that Mrs Tucker had lead the Council through varied economic times and given excellent advice which had resulted with the Council being in the strong position it found itself in today.

Councillor Haines having been a Member for the past 30 years associated himself with the remarks of the Head of Paid Service and thanked Mrs Tucker on behalf of the Independent Group of Councillors for her extra work and patience when Members had struggled to understand financial matters.

The Leader of the Council thanked Mrs Tucker on behalf of the Conservative Group and the Council for being trustworthy, upfront and honest at a time when public scrutiny was high. She had been a rock to the Council and wished her well in retirement.

Councillor Barker, Portfolio Holder for Assets and Resources submitted that he could not have fulfilled his roll without Mrs Tucker and her team; he stated there had been a number of ups and downs but with her leadership the Council had come through some very difficult times. He wished her the very best in retirement.

Councillor Dewhirst thanked Mrs Tucker on behalf of the Liberal Democrat Group for her helpful and friendly approach when attempting to develop a budget.

Councillor Connett thanked Mrs Tucker for her help during his tenure as Leader of the Council from 2003-2011. He stated there was a huge amount to learn but Mrs Tucker broke it down in to bite sized chunks and worked diligently and hard to maintain financial respectability supporting both Members and officers with great skill and excellence.

Mrs Tucker thanked Members for their comments and good wishes. She was confident that Mr Flitcroft, who takes over as interim Section 151 Officer pending a permanent appointment, would serve the Council well going forward.

136. COASTAL BYELAWS

Members considered a report which updated members of the process to update existing Coastal Byelaws and sought approval for the Council's Coastal Officer and Solicitor to undertake formal consultation, and forward a recommendation to the Secretary of State.

Following a presentation to Members and questions being received, the Council's Coastal Officer advised that:

- The Byelaw process requires existing measures to be rescinded and remade rather than amended
- The new proposed area at the front of Dawlish Warren will offer beach users and swimmers similar protection to that enjoyed by users at the Ness, Teignmouth and Dawlish Town beaches. The new area would not extend further than groyne 15 so as not to impinge on navigational access in and out of the estuary.
- Initial proposals had been presented at the Council led Teign Estuary and Coastal Partnership Forum in February and had been strongly supported by the 150 specialist agencies, coastal organisations and individuals consulted.
- A further report giving an update could be brought before members if that was the wish of the chamber.

Resolved

That the Council update existing Coastal Byelaws to enhance safety for beach users and to be better able to manage access by leisure and commercial craft.

137. STRATA - REQUEST FOR FUNDING

The Leader of the Council presented a report which, if approved, would allow Strata to free up capacity within the Business Analysis team which would result in further savings with contracts and enhance relationships with key partners. The organisation was currently working on the implementation of the Digital Platform, Anywhere 365 telephone system, introduction of iTrent – a package for Finance and HR systems. The recommendation would be funded through a surplus of £210K plus savings of £54K in future years.

The proposal had previously been approved by East Devon District Council's Cabinet and a meeting of Exeter City Council.

Councillor Dewhirst suggested that Members in his group had previously warned of the advantages of a joint ICT partnership, which had so far seen a delay in the roll out of the Global Desktop, anticipated savings not yet realised and now additional posts were required which hadn't been previously needed. He submitted that it was clear the management of Strata were now beginning to get on top of their problems and starting to deliver what had been originally proposed.

Councillor Connett stated he was concerned about the agenda report which had been circulated without Monitoring Officer and Section 151 Officer comment believed Members should have as much information as possible to make the best informed decision. He advised that given the views of statutory officers were absent from the report, he abstain in the vote.

The Leader advised that many of the projects would not have been able to be undertaken had the ICT service remained in-house. He noted Teignbridge Members sat on the Strata Joint Scrutiny Committee and the minutes of the Strata Joint Executive Committee were considered by Overview & Scrutiny at Teignbridge where no adverse comments had been made. He took on board the comments regarding the quality of the report which would be improved for future meetings but stated it was crucial to realising savings that the recommendations be approved.

Resolved

That Teignbridge District Council approves the appointment of two Project Managers and one Supplier Engagement Manager on fixed term contracts for two years.

138. NEWTON ABBOT - MARKET WALK

The Portfolio Holder for Economy Skills & Tourism presented a report which sought to approve recommendations for the refurbishment of the Market Walk shopping centre in Newton Abbot.

The Senior Estates Surveyor advised that initial refurbishment would set the tone for future development in the area and would initially comprise the recladding of external walls, an overhead canopy to the central walkway, improved paving, additional benches and seating and other items to create a wide opening retail centre for the public to visit.

The first stage of works would commence in January with a planning application being submitted at the end of 2017. Subject to approval, works would begin in February lasting through to the beginning of the summer season. The proposals had been well received by the public following a consultation in the town centre.

In discussing the item, the following points were made:

- Councillor Dewhirst noted that the current offering appeared tired and dated and agreed something needed to be done. He was pleased with the proposals but had concerns at the removal of the central market kiosks.
- Councillor Russell stated that the initial development had been overseen by a national company and any income that had been derived from the shops and businesses had gone to the city. With Teignbridge in ownership it meant that the investment would come back to the town and benefit the wider district.

- The Leader submitted that any improvements that would increase footfall to the area had to be a good thing for the town. The improvements were part of the Local Plan and everyone should respect the past and embrace the future. He believed the redevelopment would be a success for both Newton Abbot and Teignbridge;
- Councillor Connett advised he was encouraged by what he had seen and broadly welcomed the concept in the hopes that Newton Abbot would be the go to destination for the surrounding areas.
- Councillor Jones described the report before Members as an exciting project for the town having received much positive feedback from the public. Following a question, the officer confirmed that the concrete canopies currently in situ would be removed.

Resolved

- (a) That the Council approve the investment in Market Walk Shopping Centre;
- (b) Delegated authority be granted to the business manager for Economy and Assets to confirm the final seating and lighting scheme for the centre; and
- (c) Approval be given for the removal of the central market square kiosks.

139. EXCLUSION OF THE PRESS AND PUBLIC

The Vice Chairman moved the following resolution and it was:

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

140. NEWTON ABBOT - MARKET WALK

Members noted the financial details in relation to the Market Walk regeneration project.

141. LAND PURCHASE AND WORKS

Members considered a report which sought agreement to the purchase of land at South West Exeter in order to provide mitigation required to resolve impacts on the Exe Estuary and Dawlish Warren European Sites associated with population increase. This is required under the Conservation of Habitats and Species Regulations.

Resolved

- (a) That the acquisition of the land covering approximately 38 hectares at South West Exeter indicated at Appendix 1A for the creation of Suitable Alternative Natural Green Space (SANGS) be approved. Acquisition is likely to occur in phases.
- (b) That funding of the land purchase and associated costs be approved;
- (c) That delegated authority to the Solicitor of the Council or their nominated representative be granted, to complete the purchase in general accordance with the outline terms at Appendix 1C.
- (d) Subject to a future Council decision on funding, commission a scheme for designing and undertaking works necessary for the creation of SANGS on and adjacent to the site shown at Appendix 1A;
- (e) Subject to a future Council decision on funding, procure an arrangement for ongoing management and maintenance of the SANGS.

142. COMMON SEAL

The Vice Chairman announced:

That the Common Seal of the Council be affixed to any document or documents necessary to give effect to the resolutions passed by the Council at this meeting.

CHARLIE DENNIS
Vice Chairman

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COUNCIL

CHAIRMAN: Cllr Tim Golder

DATE: 3 November 2017

REPORT OF: LEADER OF THE COUNCIL

SUBJECT: APPOINTMENTS AND REMUNERATION COMMITTEE

PART I

RECOMMENDATION

Council is recommended to resolve

- a) **That the Council resolve that the draft Terms of Reference for the Appointments and Remuneration Committee be approved.**
- b) **That the Monitoring Officer be authorised to make adjustments to the Constitution to give effect to the Council decision.**

1. PURPOSE

To seek Council approval to the Terms of Reference for the agreed Appointments and Remuneration Committee.

2. BACKGROUND

A Notice of Motion was submitted by Cllr Hook to a Council meeting on 21 February 2017, in relation to councillor involvement with appointments and remuneration of staff through an Appointments and Remuneration Committee reporting to Council.

At the Annual meeting it was agreed that the Council appoint a committee, consisting of the three Group Leaders and the Portfolio Holder for Corporate Services.

It was agreed that political balance be disapplied.

The Terms of Reference for this committee need to be approved and a draft is attached for members' consideration.

The threshold proposed of 800 points in section 2 (b) is based on a level of the responsibilities of posts not level of salaries which may change over time with increments and any cost of living increase, subject to government decision.

TEIGNBRIDGE DISTRICT COUNCIL

Current officer posts with job evaluation scores over 800 points are:-
Acting Head of Paid Service (Deputy Chief Executive)
Business Lead
Section 151 Officer/Chief Finance Officer

Consultation on this draft will be undertaken with fellow group leaders before the meeting and an update be given at Council.

3. IMPLICATIONS

The Council's Monitoring Officer and Head of Human Resources are content with the draft Terms of Reference. The terms allow for the current regulations on dismissal of statutory officers.

The Council has a requirement to adopt an Annual Pay Policy and it is proposed that this Committee consider the Pay Policy in the first instance and make recommendations to Full Council for approval.

Cllr Jeremy Christophers
Leader of the Council

Wards affected	All
Contact for any more information	Kate Davies 01626 215118 / Neil Aggett 01626 215113
Background Papers (For Part I reports only)	Previous Council minutes
Key Decision	NA
In Forward Plan	NA
In O&S Work Programme	NA
Community Impact Assessment attached:	NA
Appendices attached:	A: Draft terms of reference

Teignbridge District Council

Appointments and Remuneration Committee (“ARC”)

Draft Terms of Reference

1. The membership of the ARC shall consist of:
 - a. The Leader of the Council;
 - b. The Leader of the group with the largest number of Councillors (other than the group of which the Leader of the Council is a member);
 - c. The Leader of the group with the second largest number of Councillors (other than the group of which the Leader of the Council is a member);
 - d. The portfolio holder for Corporate Services.

In all cases the leader of the relevant group may nominate another member should they think fit; and substitutes may be appointed by Council

2. To make recommendations to the Council on the discharge of its duties in relation to:
 - (a) the appointment (including interim arrangements) of the Head of Paid Service, Monitoring Officer and s151 Officer (“Statutory Chief Officers”) and the terms and conditions relating to such appointments;
 - (b) the appointment (including interim arrangements) of any other Chief Officers of the Council (being those who are so identified in accordance with s2 (7) of the Local Government and Housing Act 1989 and the terms and conditions relating to such appointments but excluding any Officer whose post has been job evaluated below 800 points and the terms and conditions relating to such appointments;
 - (c) and disciplinary action against or the dismissal of Statutory Chief Officers, provided that the ARC shall make arrangements to seek the views of the Independent Persons in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015;
 - (d) the terms of any payments and other remuneration to any Officer where such payments and other remuneration would result in a total payment exceeding £100,000;
3. To decide upon and carry out the recruitment process leading to the recommendations for the appointments referred to in paragraph 2 (a) and (b); including deciding upon whether such appointments are advertised externally or confined to internal applicants;

4. To make recommendations to the Council on the discharge of its functions in relation to the adoption of a Pay Policy Statement in accordance with Chapter 8, Localism Act 2011.

DRAFT

COUNCIL

CHAIRMAN: Cllr Tim Golder

DATE: 3 November 2017
REPORT OF: MONITORING OFFICER
SUBJECT: UPDATE ON THE STANDARDS COMMITTEE

PART I

RECOMMENDATION

- a) That the Council authorise the Monitoring Officer to approach neighbouring authorities to secure an Independent Committee member to sit on the Teignbridge Standards Committee.
- b) That consideration of the appointment of a second Independent Person be deferred.

1. PURPOSE

To seek delegated authority for the Monitoring Officer, acting in conjunction with three Group Leaders, to secure an Independent Committee member appointment, from a neighbouring local authority, to serve on the Standards Committee, in accordance with the Council's Constitution.

2. BACKGROUND

The Council's Standards Committee comprises of five councillors, two Teignbridge Association of Local Council representatives and one Independent Committee member.

The previous Independent Committee member appointed has retired and a vacancy has occurred.

The Council is not obliged to have an Independent Committee member serving on its Standards Committee, although this is included for in the Committee's constitution. However, when the Standards Committee was set up, on the introduction of the new arrangements in July 2012, it was deemed important to have an Independent Committee member. Although this position is non-voting, along with the Teignbridge Association of Local Council representatives, it helps provides a balance and a safeguard to ensure a fair and balanced process, devoid of political influence.

TEIGNBRIDGE DISTRICT COUNCIL

The Chairman of the Standards Committee supports the importance of the Independent Committee member and supports the recommendation before Council.

It is suggested that the Standards Committee retain an Independent Committee member but that an existing Independent Committee member from another authority be used, appointed via public advertisement.

The Independent Committee member is a different position from the Independent Person who liaises with the Monitoring Officer over Code of Conduct complaints.

Monitoring Officers across Devon have consistently discussed sharing a pool of expertise and this includes sharing Independent Persons and Independent Committee members. It is felt that this would provide a pool of expertise and resource without the onerous processes of advertisement, interview and selection by each Council in Devon. Discussions are on-going.

For this reason it is proposed not to seek a second exclusive Teignbridge Independent Person at this stage but to explore opportunities for sharing with authorities in Devon.

3. IMPLICATIONS

The Council's Monitoring Officer has consulted the Chairman of the Standards Committee and the Independent Person about the use of an Independent Committee member from a neighbouring authority. They support the proposal.

Neil Aggett
Monitoring Officer

Wards affected	All
Contact for any more information	Neil Aggett 01626 215113
Background Papers (For Part I reports only)	Previous Council minutes
Key Decision	NA
In Forward Plan	NA
In O&S Work Programme	NA
Community Impact Assessment attached:	NA
Appendices attached:	Nil