

MINUTES OF THE **EXTRAORDINARY MEETING OF THE COUNCIL** HELD ON **WEDNESDAY 16th APRIL 2025 AT 6.00 P.M.** AT NEWTON'S PLACE, WOLBOROUGH STREET, NEWTON ABBOT

Present: Councillors A Hall (Mayor) Presiding
C Parker (Deputy Mayor)

Councillors: B Bailey Amanda Ineson
J Bradford M Joyce
P Bullivant P Parker
R Buscombe M Ryan
C Davieson L Wood
A Gibbs N Yabsley
G Jennings

Officers in attendance: Phil Rowe Town Clerk
Sam Scott Deputy Town Clerk
Pierre Doutreligne Projects & Strategy Officer
Linda McGuirk Principal Administrator
Nigel Canham Communications Advisor

By Invitation Freeman Mike Hocking
Freewoman Carol Bunday

497. **WELCOME FROM THE MAYOR**

The Mayor welcomed those present to the extraordinary meeting.

498. **APOLOGIES**

Valid reasons for absence were received on behalf of Councillors L Cooke and T Corney-Walker.

Councillor D Corney-Walker did not attend.

499. **INTERESTS**

None declared.

500. **EXCLUSION OF THE PUBLIC AND PRESS**

Due to the confidential nature of the business to be transacted, it was:

RESOLVED that under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following item of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.

Chairperson (Mayor) initials.....

501. **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The Town Clerk reminded members of the background to the dispute with Teignbridge District Council (TDC). In accordance with minute 25/02(435) Kings Counsel's written opinion was received regarding the Notice under Regulation 59E of the CIL Regulations 2010 that CIL funds had been spent otherwise than in accordance with Regulation 59C.

Subsequently, under minute 25/03(470) it was resolved that Newton Abbot Town Council proceed with Actions A & B as outlined in King's Counsel's written advice and extend a final invitation to Teignbridge District Council to engage in discussions to seek a resolution to the matter.

A 'letter before claim – proposed claim for judicial review' was issued to TDC by email and recorded mail on 26th March 2025 requiring a response by 9th April 2025. No response nor acknowledgement has been received to date.

The Town Clerk contacted the TDC Business Lead in an attempt to meet as required by minute 25/03(470). In a subsequent conversation it was made clear that TDC would not change its stance and declined to negotiate.

The Town Clerk outlined the three options available to the Town Council for consideration:

1. the Town Council pays the full amount as required by the Notice pursuant to Regulation 59E of the CIL Regulations 2010 (£157,274.63); or
2. the Town Council instructs Kings Counsel to apply to the courts for leave to implement an action for Judicial Review of TDC's Notice under Regulation 59E or
3. the Town Council informs TDC that it has no intention of repaying the CIL funds spent by the Town Council in good faith under the CIL Regulations 2010 and that if TDC still wishes to recover the funds that the amount included in the Regulation 59E Notice be recovered from future CIL payments due to be paid to Newton Abbot Town Council.

Members gave thorough consideration to the options available to the Town Council and expressed concern that residents should not be disadvantaged as a consequence of the actions taken by TDC. The Town Clerk advised Members that this matter falls within an area of unprecedented case law.

Arising from the discussion, it was:

RESOLVED that Newton Abbot Town Council hereby informs Teignbridge District Council that it has no intention of repaying the CIL funds spent by the Town Council in good faith under the CIL Regulations 2010.

Meeting closed at 19:05 hours.

Chairperson (Mayor) initials.....

Chairperson (Mayor).....Date.....

Chairperson (Mayor) initials.....