

Forde House  
Newton Abbot

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22 September 2017

## EXECUTIVE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 3rd October, 2017** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

Yours sincerely

NEIL AGGETT  
Democratic Services Manager

Distribution:

- |  |  |
|--|--|
| (1) The Members of the Executive:              |  |
| Councillor Jeremy Christophers<br>(Leader)     | Portfolio Holder for Strategic Direction       |
| Councillor Humphrey Clemens<br>(Deputy Leader) | Portfolio Holder for Planning & Housing        |
| Councillor Stuart Barker                       | Portfolio Holder for Corporate Resources       |
| Councillor John Goodey                         | Portfolio Holder for Community Neighbourhoods  |
| Councillor Phil Bullivant                      | Portfolio Holder for Recreation & Leisure      |
| Councillor Doug Hellier-Laing                  | Portfolio Holder for Economy, Skills & Tourism |
| Councillor Kevin Lake                          | Portfolio Holder for Environment Services      |
| Councillor Sylvia Russell                      | Portfolio Holder for Health & Well-being       |

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- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**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**

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- If you would like this information in another format, please telephone 01626 361101 or e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)
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- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

## AGENDA

### Part I

1. Apologies for absence
2. Minutes of previous meeting (Pages 1 - 4)  
To consider approving the minutes of the Executive meeting held on 5 September 2017.
3. Agreement of the Agenda between Parts I and II
4. Matters of urgency/matters of report brought forward with the permission of the Chairman
5. Declarations of Interest
6. To note action taken under delegated powers as set out in Part III of the agenda (if any)
7. Public Questions (if any)
8. Notice of Motion under Council Procedure Rule 4.5(I) (if any)
9. **Budget Monitoring** (Pages 5 - 26)  
To bring a number of budget updates to Members attention.
10. **Revised Housing Enforcement Policy** (Pages 27 - 48)  
To advise Members of changes to existing housing enforcement legislation and to consider approving changes to the enforcement policy.

**11. Ide Neighbourhood Development Plan Objections (Pages 49 - 62)**

To consider approving the formal comments of objection from Teignbridge District Council in response to the Ide Neighbourhood Plan Pre-submission (Regulation 14) public consultation.

**12. Executive Forward Plan (Pages 63 - 66)**

To review the Executive Forward Plan of decisions anticipated to be made over the next 12 months.

**Part II**

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

Nil.

**Part III**

**(For information only)**

The following Portfolio Holder decisions have been made since the last meeting of the Executive:

- PH14/17 – Part II – Approval to amend the structure of Housing Options Finance posts.
- PH15/17 – Electors Fund – approval to contribute £10,399 to the 2017/18 Elector Fund.
- PH16/17 – Part II – agreement for use of funds from the Devon Building Control Partnership reserves to enable the employment of a Building Control apprentice.
- PH17/17 – River Teign Sea Scouts – approval of rent subsidy of 75% (£450 rent p.a.) of The Scout Hut, The Ness, Shaldon, TQ14 0HP.

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## **EXECUTIVE**

### **TUESDAY, 5 SEPTEMBER 2017**

#### Present:

Councillors Christophers (Leader), Clemens (Deputy Leader), Barker, Goodey, Bullivant, Hellier-Laing, Lake and Russell.

#### Members Attendance:

Councillors Clarence, Dewhurst and Prowse.

#### Officers in Attendance:

Phil Shears, Head of Paid Service  
Sue Aggett, Business Lead - Health & Wellbeing  
Lesley Tucker, Chief Finance Officer  
Kate Davies, Solicitor to the Council  
Graham Davey  
Fergus Pate – Principal Growth Point Officer  
Hannah Milford – Legal Assistant

**These decisions will take effect from 10.00 a.m. on Tuesday, 12 September 2017 unless called-in or identified as urgent in the minute**

#### **97. MINUTES**

The minutes of the meeting held on the 18 July 2017 were confirmed and approved as a correct record.

#### **98. MATTERS OF URGENCY/MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN**

The Leader advised that the Dawlish Suitable Accessible Natural Green Space (SANGS) had had its soft launch on Monday, 4 September with a revised date for an official opening being published in due course. Information suggested that many people had attended the event and positive feedback relating to the area had been received.

#### **99. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **100. PUBLIC QUESTIONS (IF ANY)**

There were no public questions.

**101. NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L) (IF ANY)**

There were no notices of motion.

**102. RE-TENDER OF INSURANCE SERVICES CONTRACT**

Members received a report which requested consideration of the re-tender exercise of the insurance services contract which was now in its final year, by using the Crown Commercial Service framework.

The Portfolio Holder for Corporate Resources advised that the re-tendering exercise was being undertaken jointly with Mid Devon District Council, South Hams District Council and West Devon Borough Council to achieve the best value possible.

Resolved

That the Council proceeds with the joint procurement of insurance services led by South Hams District Council and enters into a contract(s) with the successful tenderer(s) following an UK/EU compliant procurement process. The contract will be for up to 7 years (3 years with 2 potential 2 year extensions) with approximate revenue costs of £4.2 million.

**103. MINUTES OF THE BUILDING CONTROL PARTNERSHIP COMMITTEE**

Members received the minutes of the Building Control Partnership Committee held on 21 July 2017.

The Head of the Building Control Partnership advised that due to the financial rules of the host authority (Teignbridge) it was a requirement that the Executive received the minutes of the Partnership Committee for noting and bringing other issues to its attention.

Councillor Hook welcomed the opportunity to review the minutes in open session and suggested the same for other Joint Committees and outside organisations that Teignbridge was a party to. The Head of Paid Service advised that joint bodies such as the Strata Joint Executive Committee and the Joint Habitats Committee each had their minutes scrutinised by the Overview & Scrutiny Committee but stated that Building Control came before Executive due to decisions on expenditure being made.

Resolved

That the minutes of the Devon Building Control Partnership Committee be noted.

**104. EXECUTIVE FORWARD PLAN**

The Executive Forward Plan for the next 12 months was noted and approved.

**105. EXCLUSION OF THE PRESS AND PUBLIC FROM THE MEETING.**

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 of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 8 and 9 of Part I of Schedule 12a of the Act.

**106. LAND PURCHASE AND WORKS**

Members received a report which proposed the purchase of land in order to provide mitigation required to resolve impacts on surrounding land due to population increase.

Members noted the location and proposed size of the land purchase, associated costs and potential for grant funding.

Resolved that Council be recommended to

- (a) Approve the acquisition of land indicated in the agenda report for the creation of Suitable Alternative Natural Green Space (SANGS) with acquisition likely occurring in phases;
- (b) Approve funding of the land purchase and associated costs with an overall budget as set out in the agenda report;
- (c) Delegated authority be granted to the Solicitor of the Council or their nominated representative to complete the purchase in general accordance with the outline terms as set out in the agenda report;
- (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 in the agenda report;
- (e) Subject to a future Council decision, procure an arrangement for ongoing management and maintenance of the SANGS.

**107. COMPULSORY PURCHASE ORDER**

The Executive considered a report which sought to bring back into use a substantial detached Victorian property which had been empty and causing a nuisance to the locality since 2002.

Members were advised of the location, case history and current state of affairs regards the property and why resolving to grant authority for the making of a Compulsory Purchase Order was necessary.

Resolved

- (a) That authority be given for the making of a Compulsory Purchase Order (CPO) in respect of the land defined in the agenda report;
- (b) That authority be delegated to the Solicitor to the Council and Strategic Lead for HR & OD to make a compulsory purchase order under section 226 of the Town and Country Planning Act 1990;
- (c) That the Solicitor to the Council and Strategic Lead for HR & OD be authorised to:
  - a. Take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication and service of all notices;
  - b. To acquire the necessary interests in the land and property included in the confirmed CPO by means of a general vesting declaration; and
  - c. To dispose of the freehold interest in the property, on the open market, by what means she considers the most suitable method and otherwise on terms and conditions to be agreed by the Solicitor to the Council and Strategic Lead for HR & OD.

JEREMY CHRISTOPHERS  
Leader



## EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Stuart Barker

**DATE:** 3 October 2017

**REPORT OF:** CHIEF FINANCE OFFICER

**SUBJECT:** BUDGET MONITORING – REVENUE & CAPITAL,  
TREASURY MANAGEMENT LENDING LIST

### PART I

#### RECOMMENDATIONS

The Executive is recommended to

#### Resolve

- (a) To approve the revenue budget variations as shown at appendix 1.
- (b) To approve the updated capital programme as shown at appendix 2.
- (c) To note the updated lending list as shown at appendix 3

#### 1. PURPOSE

- To identify the principal areas where there are likely to be departures from the approved 2017/18 budget and summarise the likely overall variation based on the information available to the end of August 2017. Also to inform Members of progress that has been made with achieving savings and efficiencies. All shown at Appendix 1.
- To update Members on progress with the capital programme and funding and bring the latest details for members' approval as shown in Appendix 2.
- To update Members on the lending list for treasury management purposes as shown in Appendix 3.

#### 2. SUMMARY

- 2.1 Opening general reserves for the year are £1.7 million plus earmarked reserves of nearly £3.9 million for specific grants, contributions and carry forwards. The 2016/17 external audit should be complete for Council of 25 September and no changes are proposed to the Teignbridge figures. There is a surplus of £117,000 forecast for 2017/18 arising from variations to the original budget.

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- 2.2** A summary of revenue budget variations by service identified to date for the current year is shown below with favourable variations indicated by a minus sign as per the details shown in Appendix 1.

<b>Service</b>	<b>Variance £</b>
Development management	-60,750
Corporate services	-20,850
Economy & assets	20,000
Environment	-74,000
Leisure	-25,000
General	43,380
<b>TOTAL FAVOURABLE BUDGET VARIATION TO DATE</b>	<b>-117,220</b>

- 2.3** A contribution to capital of £1.5 million is assumed in the current year enabled through new homes bonus receipts but these reduce in later years. Estimated rates retention above the baseline and pooling gain is assumed to grow over the three year plan period from £1.2 million in the current year. A new reserve has been set up with £1.5 million for revenue contributions to capital carried forward to the current year.

### **3. BACKGROUND**

- 3.1** A report on the draft results for 2016/17 was brought to members on 18 July 2017. At that time an updated capital programme was also approved and updated lending list noted. The external auditors have completed their audit of the accounts and with a report published for audit scrutiny of 12 September. They are currently checking the £35 million housing benefits claim in time to certify it by the deadline of 30 November.

### **4. VARIATIONS BY SERVICE (revenue shown in appendix 1 and capital in appendix 2)**

#### **4.1 Building control**

- At the end of August fee income is forecast to be on target to achieve the budget of £360,000. Any variation at the year end will be charged to the building control reserve so will not affect Teignbridge's general reserve. Income received to date is down on that at the same time last year.
- Teignbridge became the Lead Authority fully hosting The Devon Building Control Partnership with South Hams and West Devon councils from 1 April this year. Following this £175,000 was transferred from South Hams/West Devon into Teignbridge's general reserve for previous building control deficits it had funded.

#### **4.2 Development management including land charges**

- At the end of August planning application income is forecast to be £179,000 up on the original budget of £773,000 and significantly up on last year. This is mainly because of the June income for the Wolborough development where the money may be required for legal fees. Planning application numbers are 1% up at the end of August as compared with last year.

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- The Executive of 30 May 2017 agreed the introduction of charges for pre-application planning advice from 1 July. At the end of August we were slightly down compared to the estimated income of £22,500 for the year which is extra to the original fees and charges budget for the year.
- Government last increased planning fees by 15% from 22 November 2012. In late February 2017 government offered to increase planning fees by 20% from July. Authorities could accept the offer by committing to spend the extra income on planning functions. Teignbridge did this by the deadline of 13 March and estimated that an extra £100,000 might be generated in the current year. There has been a delay in implementing this and the regulations are not yet in place.
- Land charges income is forecast to be £7,000 above the updated budget of £211,000. This is less than last year as at the end of August but the number of searches is 6% up on last year. A search can be a full or part search or individual questions. For the current year additional questions were introduced and this is the likely reason for the additional number of searches.

### 4.3 Corporate leadership team & corporate services

The chief executive left on the 9 June 2017 and corporate leadership team is currently under review. The deputy chief executive has been designated head of paid service on an interim basis and there is one business lead.

#### Democratic services

Portfolio holder decision 15 - 2017 was approved on 15 August to contribute just over £10,000 to the County Council elector fund. This has to come from reserves as it was unknown at the time of the budget whether county would be continuing with the scheme.

#### Finance

- Net interest is forecast to be up £24,000 on the income budget of £7,000 as we have not had to undertake long term borrowing. Base rate continues at 0.25% and looks unlikely to change for the moment. Call account rates are also low because of the changes to bank regulations over the past few years. Our average lending rate to the end of August is 0.33% which is well above the benchmark 7 day London Interbank Bid rate to date of 0.19%.

In April we arranged lending of -

£2 million to Coventry Building Society (BS) at 0.22% for 43 days to 31 May 2017

and we had £5.3 million lent out or in call accounts at the end of the month.

In May we arranged lending of -

£1 million to Nationwide BS at 0.45% for 308 days to 19 March 2018

£1 million to Lloyds Bank at 0.65% for 276 days to 15 February 2018

£1 million to the Debt Management Office at 0.15% for 7 days to 22 May 2017

## TEIGNBRIDGE DISTRICT COUNCIL

and we had £3.8 million lent out or in call accounts at the end of the month.

In June we arranged lending of -

£1 million to Lloyds Bank at 0.4% for 92 days to 15 September 2017  
£1 million to Coventry BS at 0.33% for 165 days to 27 November 2017

and we had £11.2 million lent out or in call accounts at the end of the month.

In July there was no new lending and we had £10.6 million lent out or in call accounts at the end of the month.

In August there was no new lending and we had £11.8 million lent out or in call accounts at the end of the month.

- Municipal Mutual Insurance (MMI) provided insurance for the Council until early 1993 when policies were transferred to Zurich Municipal. MMI experienced financial difficulties in 1992 and a scheme of arrangement was agreed by local authority creditors to facilitate the solvent run-off of the company. The scheme has been triggered and we have to pay a percentage of our potential liability of £341,000.

In 2013/14 a provision was made for the first levy notice of 15% or £51,000 which the administrator issued in April 2013 and was billed and paid early in 2014. A further reserve of 35% or £119,000 for likely claims in future years was also set up. Together these allowed for a total 50% of the potential liability as recommended by the broker. MMI's accounts to 30 June 2015 were published and we paid a second levy of 10% or £34,000 in April 2016.

We were not required to pay any more after publication of the accounts to 30 June 2016. We still have £85,000 in reserve for the potential remaining 25%.

- The Audit Commission (AC) was closed in March 2015 and a not-for-profit company Public Sector Audit Appointments (PSAA) was established by the Local Government Association. The government specified PSAA as the appointing person for local government audits. PSAA plans to make a distribution of surplus funds from the transferred retained earnings of the AC and subsequent PSAA surpluses and efficiencies to local government. Teignbridge is likely to receive around £7,000 this year.

New external auditors have also been appointed by PSAA to authorities for audits of accounts from 2018/19. Teignbridge and as far as we know the rest of Devon will have Grant Thornton who are our current auditors. This is forecast to result in an 18% reduction in fees or around £10,000 saving from 1 October 2018.

### **Human resources, legal and procurement**

There are no significant variations to report.

#### 4.4 Economy & assets

- Repairs and maintenance are on target to be within the budget of £900,000. Actual spend to the end of August is £337,000.
- General rental income continues to improve due to new and renewed leases but some specific adverse variations offset this resulting in an overall adverse £9,000. This is minor compared to the total property income budget of £2.7 million. However there is a national decline in market trading and the livestock market has been affected by the ban on moving poultry as a result of bird flu. Overall market income is estimated to be down on budget by £34,000.
- There is a favourable variation in car parking income of £71,000 compared with the original budget of £2.8 million. The decrease in income at the Point, Teignmouth due to the sea defence construction works has been offset by increases in other Teignmouth car parks. There has also been an increase in Newton Abbot income. £48,000 of the variation is required to fund the balance of car parking improvements to date.

#### Capital

- Council of 6 June resolved to commit funding to the Superfast Broadband Connecting Devon and Somerset phase 2 programme. An investment of £250,000 financed from capital receipts and spread over the years 2017/18 and 2018/19 was confirmed and the collaboration agreement signed. We are awaiting confirmation from county that the contribution is no longer required.
- The Forde House refurbishment works to relocate internal departments and accommodate the Department for Works and Pensions are progressing with £1.043 million of the £1.121 million budget spent or committed to date. We are nearly half way through the renovation works with teams settled into their new office spaces.

#### Capital - coastal & drainage

The current year's programme is fully funded by budgeted grants of £2.4 million mainly from the Environment Agency for regional coastal monitoring, and flood alleviation and prevention. Of this £1.5 million was received in earlier years and £300,000 has been received to date in the current financial year. Teignmouth sea defence wall construction works which are included in the programme are progressing with £882,000 spent or committed this year to date. There had been a delay after additional essential repair work was identified to tackle erosion under the sea wall.

#### 4.5 Environment

- Waste has a positive variation in income of £34,000. This is largely from additional aluminum and cardboard materials sales.
- A waste savings sharing agreement with county was approved on 8 March in portfolio holder decision 6 – 2017. An extra £40,000 is expected to be received

## TEIGNBRIDGE DISTRICT COUNCIL

annually from this which will be dependent on actual waste tonnages in comparison to the baseline year, allowing for household growth.

### 4.6 Housing

- Teignbridge has been allocated a flexible homelessness support grant of just over £176,000 for the current year with nearly £186,000 next year. This is a significant increase on the prevention grant of nearly £65,000 last year. Current rent support, young persons homeless prevention and money advice services continue. In addition a portfolio holder decision 14 – 17 dated 30 August approved extra and improved staffing resources funded by the grant to prevent and deal with homelessness.
- Teignbridge was also allocated a significant community housing fund grant of just over £581,000 towards the end of last year. This is to enable local people to play a leading and lasting role in solving housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream housing. Plans are still being developed and one officer is working on this. Further funding is expected for later years.

### Capital

We received 90% i.e. £1.028 million of the government housing capital funding for 2017/18 towards statutory disabled facilities grants in June via county. We also have £227,000 carried over from last year giving a total £1.255 million for the current year. £700,000 is now anticipated and budgeted each year for right to buy receipts towards the affordable housing programme. We received £792,000 for last year in May 2017. £25,000 of previously paid renovation grants has been recovered for Teignbridge to date this year.

### 4.7 Leisure

- Leisure continues to experience growth in their membership income with a favorable variation of £25,000.
- We currently have just over £9 million available in S106 receipts to date. These are over many services and parishes but the majority is for leisure including open spaces, sports provision and play facilities.

### 4.8 Licensing

Licensing income looks to be on target to achieve the budget of £210,000. Income to date is slightly less than last year.

### 4.9 Revenue & benefits plus customer services

- Nationally rates were revalued by the valuation office effective from 1 April 2017. Overall values have increased but the effect has been negated by government reducing the multiplier from 49.7p to 47.9p. Rates have generally gone down in the south west. However some properties have had increases and these are subject to transitional relief over four years.

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The government has also brought in a discretionary rate relief scheme for those with the highest increases. Teignbridge is receiving funding of £294,000 this year reducing to £8,000 in year 4. Devon districts are working together on a policy for granting the relief in accordance with government guidance.

- Universal Credit started for Teignbridge from 9 November 2015 for new single job seekers and we are due to go live with the full service in May 2018. There has been help from the department for work and pensions in connection with the transition but the specific funding agreement ended last year.

### 4.10 Spatial planning

We received the first payments of community infrastructure levy (CIL) in 2015/16. The money is being coded by town/parish and any payments due to them will be made quarterly. Teignbridge currently has a useable £2.5 million of CIL after payments due to parishes. This is all committed to existing approved projects including the Suitable Alternative Natural Green Space (SANGS) described below.

#### Capital

- Council of 4 July 2016 approved the acquisition of land at Dawlish to provide a natural recreational area for local people to enjoy. The land was acquired on 9 September 2016 as part of the £2.9 million SANGS project. It will help protect internationally important conservation sites at nearby Dawlish Warren and the Exe Estuary providing more leisure choices for the growing population and people living in new developments nearby. £57,000 has been spent or committed to date this year on instatement works and the 65 acre countryside park was opened to the public on 3 September 2017.
- Council of 26 September 2016 approved that Teignbridge becomes a shareholder of the public sector Energy Services Company. This will involve providing up to £98,000 of revenue support towards procurement from an identified revenue carry forward. In the longer term capital investment of up to £177,000 is expected into the Joint Venture Company starting this year with net revenue returns expected from 2034/35.

### 4.11 General revenue

- Council tax support cost continues to go down and was just over £8.6 million at the end of August which is £218,000 below the original estimate of £8.9 million. Council tax support falls directly to Teignbridge including parishes (12.8% together), county, fire and police and is being monitored monthly.
- Our business rateable value (RV) has risen from £84.5 million to £85.0 million and the number of assessed businesses has increased from 5,116 to 5,199. These are the end of August 2017 figures as compared to the beginning of the current year. We still seem to be on target to achieve the total budget of £4.4 million business rates retention income for the year.

#### 4.12 General savings progress

- Following Executive of 22 July 2014, Council approved on 31 July 2014 the implementation of a shared ICT service between Exeter, Teignbridge and East Devon district councils. This is through a stand-alone limited company called Strata Service Solutions Ltd which was launched on 1 November.

The original 10 year business plan showed costs of £428,000 and savings of £1.7 million in total. The current year budget included higher pension costs following the actuarial valuation. Negotiations reduced these and there is now an annual saving of £41,000.

- Salary vacancy savings at the end of August look to be at least £100,000 more than the required budget target of £100,000. This is after allowing for the full costs of the pay award. There is a new requirement to pay holiday pay on overtime and this will cost at least £36,000 this year and £19,000 ongoing. We had already provided £22,000 in the current year for this.

#### 4.13 Future years

- Council tax has been closed down and balanced for 2016/17 and a surplus of £1 million is available for sharing with county, fire and police in 2018/19. This has arisen mainly because of the reduction in council tax support. Teignbridge will get £128,000.
- The number of dwellings in Teignbridge on the valuation list is monitored monthly and the data feeds into the new homes bonus (NHB) calculation. At the 11 September there were 61,562 dwellings which is 662 more towards the next NHB payment for 2018/19. We are therefore 42 above the target estimated 620 growth in homes and just need to reduce the empty homes by the 3 October deadline. It is expected that government will again take a 0.4% baseline deduction as they did for this year. As growth is around 1.2% that means new homes bonus is reduced by one third.
- There is now likely to be an extra cost for the district elections in May 2019 with the probable loss of £40,000 efficiency savings that would have arisen from the European Union election previously expected to be held at the same time.
- The Queen's Speech on 21 June 2017 did not reintroduce the Local Government Finance Bill. However a new invitation to pilot 100% business rates retention has just been sent out by government. Preference will be given to applications from two-tier areas and the focus will be on applications from rural areas. The deadline is 27 October and Devon chief finance officers are working together to submit a bid.
- The Chancellor's has announced that the Autumn Budget 2017 statement will take place on 22 November. Significant changes to local government funding are not expected.



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- The shape of the eventual Brexit deal between the UK and the EU is still very much unknown as is the pace of its introduction i.e. the transition arrangements. Therefore drawing any conclusions about its impact for local government is not possible at this stage.
- The Teignbridge forward budget plan assumes no council tax increase for 2019/20. A shortfall of £181,000 is currently estimated for that year. A council tax increase of the likely allowed £5 could generate at least £243,000 income per annum ongoing.

### 5. TREASURY MANAGEMENT

#### 5.1 Lending list

The authorised treasury management list was approved at the 2017 February budget meeting and updated at Executive on 18 July. Since then ratings have been updated and Bank of Scotland has moved back up to tier 1 and Principality Building Society has moved back up into tier 3 to be included in the list again. The current list is shown in Appendix 3 for information.

### 6. MAIN IMPLICATION

The main implication members need to be aware of is as follows:

#### Resources

The report notes an overall favourable revenue variation of £117,000 identified this year to the end of August. Cash flow is forecast to be positive over the next twelve months apart from any borrowing for significant new projects. Revenue reserves are considered to be sufficient to sustain the council over the three year financial plan period. Capital is funded over the medium term.

### 7. TIME-SCALE

This report covers the year 2017/18 but also refers to the accounts for 2016/17 and the financial plan for 2017/18 to 2019/20.

### 8. JUSTIFICATION

Regular budget monitoring is required by the Council's Constitution and Financial Rules.

### 9. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

Not applicable.

**Lesley Tucker**  
Chief Finance Officer

## TEIGNBRIDGE DISTRICT COUNCIL

<b>Wards affected</b>	All
<b>Contact for more information</b>	Lesley Tucker 01626 215203 or Martin Flitcroft 01626 215246
<b>Background Papers (For Part I reports only)</b>	Current year budget monitoring files; Capital files; Latest year end files;
<b>Key Decision</b>	Yes
<b>In Forward Plan</b>	Yes
<b>In O&amp;S Work Programme</b>	No
<b>Appendices</b>	App 1 – Revenue variations App 2 – Capital programme App 3 – Treasury management lending list

	Description	Forecast 2017/18	Forecast 2018/19	Forecast 2019/20
<b>UPDATED BUDGET 21.2.17</b>		<b>16,335,550</b>	<b>15,699,040</b>	<b>15,176,150</b>
<b>Major budget variations :</b>				
	Development management pre-planning application charging - Executive 30 May 2017	(22,500)	(30,000)	(30,000)
	- possible extra planning income government promised July 20% fee increase - delayed re election	(31,250)	(75,000)	(75,000)
	- land charges extra income forecast at end of August	(7,000)	(7,000)	(7,000)
	Corporate services - electors fund contribution PH 15-2017	10,400	0	0
	- net finance investment extra income at end of August	(24,000)	(24,000)	(24,000)
	- national PSAA 17/18 refund plus award of contracts for external audit with savings from 1 April 2018	(7,250)	(5,000)	(10,000)
	Economy & assets - general rental income shortfall in income forecast at end of August	9,000	9,000	9,000
	- markets shortfall in income forecast at end of August	34,000	34,000	34,000
	- car parking surplus income at end of August	(71,000)	0	0
	- car parking surplus income revenue contribution to capital	48,000	0	0
15	Environment - waste extra income forecast at end of August	(34,000)	(34,000)	(34,000)
	- waste savings sharing agreement with county from 1 April 2017	(40,000)	(40,000)	(40,000)
	Leisure - extra membership income at end of August	(25,000)	(25,000)	(25,000)
	Strata savings from 1 April 2017 compared to budget	(41,400)	(41,400)	(41,400)
	Estimated salary vacancy savings	(100,000)	(100,000)	(100,000)
	Holiday pay agreed on overtime less provision	14,000	19,000	19,000
	Agreed BEST 2020 savings	(59,220)	(59,430)	(59,640)
	Council tax surplus 2016/17 Teignbridge share for 2018/19	0	(128,000)	0
	Estimated extra cost of district election May 2019 re likely no EU election & loss of efficiency savings	0	0	40,000
	Savings required re new homes bonus reduction to replenish earmarked reserves:	300,000	300,000	300,000
	as above assuming new homes bonus baseline reduction continues	0	75,000	75,000
	as above assuming new homes bonus baseline reduction continues	0	0	150,000
	Use previous year extra reserves to reduce shortfall	(70,000)	0	0
<b>ESTIMATED -SURPLUS/SHORTFALL</b>		<b>(117,220)</b>	<b>(131,830)</b>	<b>180,960</b>

**Note :**

In addition there is £1.5 million available in the business rates reserve as a buffer against budget shortfalls and income fluctuations

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**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

			41,148	15,230	38,150	30,436	Totals (£'000)
Code /bid no.	Asset/Service Area	Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
Bid 52	Bakers Park	Provision for Bakers Park development (S106)	489	-	489		8. Out and about and active
KW4	Bishopsteignton	Provision for Bishops Avenue improvements (CR)		20			9. Strong communities
KP4	Brimley Brook	Brimley Brook (GG,CR)	-	6			9. Strong communities
KL1	Broadband	Contribution to Superfast Broadband (CR)	125	125	125		6. Investing in prosperity
Bid 28	Broadmeadow Sports Centre	Provision for Broadmeadow Sports Centre Asbestos (2020-25)(CR)					8. Out and about and active
Bid 31	Broadmeadow Sports Centre	Provision for Broadmeadow Sports Centre central boiler installation (CR)			45		8. Out and about and active
Bid 4	Broadmeadow Sports Centre	Provision for Broadmeadow Sports Centre Improvement Plan (S106/CR).			1,545		8. Out and about and active
K1	Broadmeadow Sports Centre	Broadmeadow Sports Centre Roof (CR)	68	-	68		8. Out and about and active
KM5	Car park machinery	Replacement Car Park Machines (RS)		18			3. Going to town
K21	Car park resurfacing	The Globe Car Park - drainage and resurfacing (CR)	10	-			3. Going to town
KM6	Car park machinery	Machinery upgrades (RS)		13			3. Going to town
K24	Car Park systems	(Updated) Car Park systems upgrade (RS)	42	42			3. Going to town
Bid 229e	Carbon Management	Provision for Carbon Management Programme (CR)		-	340		10. Zero heroes
KY5	Carbon Management	Energy/Utility Reduction (CR, RS)	75	233	75		10. Zero heroes
Bid 245	Churchyards	Provision for Churchyards (CR)	102	102			4. Great places to live & work
KR3	Coastal Monitoring	SW Regional Coastal Monitoring Programme. (GG,EC)	674	1,207	732	798	9. Strong communities
KW2	Collett Way	Collett Way - re-lay to adoption standard (CR)	275	275			6. Investing in prosperity
K18	Combeinteignhead	Combeinteignhead (Env.Agency)	155	155			9. Strong communities
KW3	Cricketfield	UTC Cricketfield Footpath (CR)	45	45			3. Going to town
Bid 211	Cycle paths	Provision for Other cycling (CIL)	50	50	50	120	7. Moving up a gear
KG8	Cycle paths	(Updated) Dawlish/Teignmouth Cycle Schemes (CIL)	150	150	30	65	7. Moving up a gear
KG8	Cycle paths	(Updated) Heart of Teignbridge Cycle Provision (CIL)	10	10	120	115	7. Moving up a gear

**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

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Code /bid no.	Asset/Service Area	Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
Bid 1	Dawlish Leisure Centre	Provision for Dawlish Leisure Centre Playing Pitch Improvement Plan (S106)	350	-	175	175	8. Out and about and active
Bid 2	Dawlish Leisure Centre	Provision for Dawlish Leisure Centre Improvement Plan (CIL).				435	8. Out and about and active
Bid 7	Dawlish Leisure Centre	Provision for Dawlish Leisure Centre Drainage Overhall & Improve (CR)	40	40			8. Out and about and active
KG7	Dawlish Leisure Centre	Dawlish Leisure Centre Emergency Voiceover System (CR)	-	7			8. Out and about and active
K20	Dawlish Warren	Provision for Dawlish Warren Car Park Renovations (CR)	-	-	200		3. Going to town
KS5	Dawlish Warren	Dawlish Warren Toilets (CR)		12			4. Great places to live & work
Bid 78	Dawlish Warren Visitor Centre	Provision for Dawlish Warren Visitor Centre (HRA/S106/CIL,EA,HLF,EC)				1,464	4. Great places to live & work
Bid 46	Decoy play area	Provision for Decoy refurb (S106/CIL)	150	-	-	150	8. Out and about and active
Bid 77	Eastcliff Garden	Provision for Eastcliff including walled Garden (S106)		-	50		4. Great places to live & work
KL5b	Employment Land	Provision for other employment land purchase and infrastructure (BC: Prudential Borrowing)	1,500	2,000			6. Investing in prosperity
K34	Energy Company	Energy Company (CIL)	177	177			9. Strong communities
KD8	Forde House	Forde House Accommodation (BC,CR,RS)	434	562			What else we will do
KD8	Forde House	Forde House Accommodation (EC)	348	558			What else we will do
Bid 125a	Forde Road Depot	Provision for Forde Road depot concrete repairs (CR)	35	35			5. Health at the heart
Bid 297	Heart of Teignbridge	Provision for Heart of Teignbridge Employment Sites (BC: Prudential Borrowing; CR)	13,700	-		5,350	6. Investing in prosperity
Bid 297	Heart of Teignbridge	Provision for Heart of Teignbridge Employment Sites (BC: Prudential Borrowing; CR)	-	200			6. Investing in prosperity
Bid 87	Heart of Teignbridge	Provision for A382 Improvements (CIL)		-	1,000	1,500	7. Moving up a gear
K12	Heart of Teignbridge	Kingsteignton/Kingskerswell Education Provision (CIL)		-	1,250		4. Great places to live & work
K14	Heart of Teignbridge	NA1 Western Link Road (CIL) Possibly 2019-20.		-		1,750	7. Moving up a gear
KL5a	Heart of Teignbridge	Newton Abbot Land Purchase (CR)	200	-			6. Investing in prosperity
KW8	Heart of Teignbridge	Houghton Barton land (EC)	<b>18</b>	167			4. Great places to live & work

**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

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Code /bid no.	Asset/Service Area	Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
KW9	Heart of Teignbridge	Newton Abbot Land Purchase (CR)		45			6. Investing in prosperity
KB2	Homeyard Botanical Gardens	Homeyard Botanical Gardens (GG,EC,CR)	-	17			<b>4. Great places to live &amp; work</b>
J1	Housing	Discretionary - Disrepair Loans & Grants (GG/CR)	105	105	105	200	<b>1. A roof over our heads</b>
JW4a	Housing	Statutory - Disabled Facilities (GG)	950	1,255	950	950	1. A roof over our heads
JY3	Housing	Newton Abbot Temporary Accommodation (CR)		1			1. A roof over our heads
JY3a	Housing	Broadhempston Community Land Trust (CR)		60			1. A roof over our heads
JY3c	Housing	Exception site Ideford (CR)	-	10	-		1. A roof over our heads
JY3d	Housing	Exception site Starcross (CR)	-	65	-		1. A roof over our heads
JY3d	Housing	Exception site Denbury (CR)		50			1. A roof over our heads
JY3d	Housing	Downsizer initiative Shutterton Dawlish Warren (CR)		180			1. A roof over our heads
JY3e	Housing	Rural Exception Site in Teignbridge (Abbotskerswell) (CR)	-	10	-		1. A roof over our heads
JY3e	Housing	Exception site Widecombe (CR)		13			1. A roof over our heads
JY3e	Housing	Elderly persons housing scheme Dawlish (CR)					1. A roof over our heads
JY3e	Housing	Extra care housing schemes (CR)					1. A roof over our heads
JY3f	Housing	Surplus TDC sites in Newton Abbot (East St) (CR)	-	10	-		1. A roof over our heads
JY3g	Housing	Surplus TDC sites in Teignbridge (Drake Rd) (CR)	-	11	-		1. A roof over our heads
JY3h	Housing	Longstone Cross Ashburton (CR)	40	100	-		1. A roof over our heads
JY3i	Housing	Compulsory purchase/Empty Homes Projects (CR)	-	-	314		<b>1. A roof over our heads</b>
JY3l	Housing	Cardew Pottery, Newton Abbot (CR)	-	-	-		<b>1. A roof over our heads</b>
JY3	Housing	Jubilee Close, Teignmouth (CR)		5			<b>1. A roof over our heads</b>
JY3n	Housing	Affordable Housing unallocated (CR)	160	-	86	200	<b>1. A roof over our heads</b>
Bid 80	HRA contribution	Provision for HRA (CIL)	18	30	35	53	<b>4. Great places to live &amp; work</b>
KV6	IT - Convergence	Strata projects: Convergence Projects (RS)		67			<b>What else we will do</b>
KV8	IT - Capital contribution	Ongoing contributions towards Strata (RS)	41	41	41	41	<b>What else we will do</b>
KV1	IT - Committee	Replacement IT Equipment (CR)/ Committee Mgt	-	25			<b>What else we will do</b>
Bid 210	IT - Customer Services	Provision for CRM (CR)	167	167			<b>What else we will do</b>
KV5	IT - Customer Services	Adelante Upgrade (CR)		15			<b>What else we will do</b>
KV9	IT - HR	Strata projects: Human Resources (RS)		45			<b>What else we will do</b>
KV7	IT - Planning	Strata projects: Uniform Implementation (RS)	14	58			<b>What else we will do</b>
<b>KW1</b>	<b>IT - Customer Services</b>	<b>Reception Management (CR)</b>	<b>19</b>	<b>50</b>			<b>What else we will do</b>

**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

			41,148	15,230	38,150	30,436	Totals (£'000)
Code /bid no.	Asset/Service Area	Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
KW7	IT - Customer Services	Open channel/open access (RS, CR)		30			What else we will do
KV/W	IT 17-18 Strata projects	Strata business plan (CR)	142	142			What else we will do
Bid 128	Kingsteignton Cemetery	Provision for Kingsteignton Cemetery Path (CR)	10	-			4. Great places to live & work
Bid 300	Kingsteignton	Provision for Kingsteignton Open Space (S106)		-	60		8. Out and about and active
KB8	Kingsway Teignmouth	Kingsway, Teignmouth Footpath (S106/CR)	47	-			4. Great places to live & work
K11	Marsh Barton	Marsh Barton Station (CIL) now £1.3 million by March 2021	-	-			7. Moving up a gear
Bid 43	Michaels Field	Provision for Michaels Field Phase 2 (S106/grant)	136	-		136	8. Out and about and active
Bid 13	Newton Abbot Leisure Centre	Provision for Newton Abbot Leisure Centre PAC transfer pump (CR)	12	-			8. Out and about and active
Bid 23	Newton Abbot Leisure Centre	Provision for Newton Abbot Leisure Centre fire alarm control panel (CR)		-	30		8. Out and about and active
Bid 236a/b & 237	Newton Abbot Leisure Centre	Provision for Newton Abbot Leisure Centre AC Unit (CR), Accoustic main sports hall & sports hall cooling system.	90	90			5. Health at the heart
Bid 3	Newton Abbot Leisure Centre	Provision for Newton Abbot Leisure Centre Improvement Plan (S106)	350	-	350		8. Out and about and active
KG6	Newton Abbot Leisure Centre	Newton Abbot Leisure Centre lift refurbishment (CR)	-	27			8. Out and about and active
KF5	Newton Abbot Leisure Centre	Newton Abbot Leisure Centre Gym Equipment (RS,CR)	40	69	40	40	8. Out and about and active
Bid 299	Newton Abbot Town Centre	Provision for Newton Abbot Town Centre Improvements (BC: Prudential Borrowing;RS;CR)	14,610	2,137	18,000	14,550	3. Going to town
K8	Newton Abbot Town Centre	Cattle Market Enabling Works (CR)	150	200			3. Going to town
K9	Newton Abbot Town Centre	Bradley Lane Enabling Works (CR)	250	150			3. Going to town
<b>KW5</b>	<b>Open Spaces</b>	<b>Cirl bunting land (S106)</b>		<b>231</b>			4. Great places to live & work
KS4	Pavilions Teignmouth	Pavilions, Teignmouth (GG,CR)	-	91			3. Going to town
K7	Penns Mount Park	Penns Mount Hilltop Park (CIL)	400	400			4. Great places to live & work
Bid 44	Play area equipment/refurb	Provision for Dawlish play space flagship provision (S106)	75	75			8. Out and about and active
Bid 45	Play area equipment/refurb	Provision for Powderham Newton Abbot play space equipment (S106)	30	-	30		8. Out and about and active
Bid 47	Play area equipment/refurb	Provision for Darracombe Newton Abbot (S106)		-	74		8. Out and about and active
Bid 48	Play area equipment/refurb	Provision for Coombe Valley Play Area (S106)	<b>20</b>	50			8. Out and about and active



**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

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<b>Code /bid no.</b>	<b>Asset/Service Area</b>	<b>Description</b>	<b>ORIGINAL</b>	<b>LATEST</b>	<b>LATEST</b>	<b>LATEST</b>	<b>Teignbridge 10</b>
			<b>BUDGET 2017-18</b>	<b>BUDGET 2017-18</b>	<b>BUDGET 2018-19</b>	<b>BUDGET 2019-20</b>	
			<b>£'000 (Inc Fees)</b>	<b>£'000 (Inc Fees)</b>	<b>£'000 (Inc Fees)</b>	<b>£'000 (Inc Fees)</b>	
Bid 49	Play area equipment/refurb	Provision for Den, Teignmouth play area overhaul (2020-25) (S106/CIL)			200		8. Out and about and active
Bid 50	Play area equipment/refurb	Provision for Higher Woodway, Teignmouth play area refurb (S106)	30	-	30		8. Out and about and active
Bid 51	Play area equipment/refurb	Provision for Meadow Centre Teignmouth play area major refurb (S106)	30	-	30		8. Out and about and active
Bid 58	Play area equipment/refurb	Provision for Palace Meadow, Chudleigh play space overhaul (2020-25) (S106)					8. Out and about and active
Bid 67	Play area equipment/refurb	Provision for Teignbridge-funded play area refurb/equipment (CR)	104		114		8. Out and about and active
<b>KJ8</b>	<b>Play area equipment/refurb</b>	<b>Tedburn St Mary (S106)</b>		<b>16</b>			8. Out and about and active
<b>KJ9</b>	<b>Play area equipment/refurb</b>	<b>Kingskerswell Fitness Equipment (S106)</b>		<b>28</b>			8. Out and about and active
KP1	Sandygate	Sandygate, Kingsteignton (Env.Agency)	-	9			9. Strong communities
Bid 79	SANGS/Open Spaces	Provision for SANGS/Open spaces (CIL)	1,400	300		530	4. Great places to live & work
K25	SANGS/Open Spaces	SANGS land purchase (CIL)		400	700		4. Great places to live & work
KB7	SANGS/Open Spaces	SANGS: Dawlish (CIL)	-	251	-	-	4. Great places to live & work
Bid 95	South West Exeter	Provision for South West Exeter Transport (2020-25) (CIL)		-			7. Moving up a gear
K13	South West Exeter	(Updated) SW Exeter Education Provision (CIL)		-	2,800	150	4. Great places to live & work
Bid 5	Sports provision	Provision for Sports Provision (CIL)		-		65	8. Out and about and active
Bid 72	Sports provision	Provision for Outdoor sport facility to serve Newton Abbot area (re: Forches cross) (S106)	460	-	460		8. Out and about and active
K6	Sports provision	Sports Provision (CIL)	358	-	358		8. Out and about and active
Bid 90	Teignbridge	Provision for Education (CIL)				1,050	4. Great places to live & work
Bid 40	Teignmouth Lido	Provision for Teignmouth Lido boiler replacement (CR)	100	100			8. Out and about and active
Bid 189	Teignmouth Point	Provision for Point Upper, Teignmouth Resurface (GG;CR)	290	125			3. Going to town
Bid 227	Sports provision	Provision for Water Users' Facility (CR)	30	30			8. Out and about and active
KR9	Teignmouth Point	Teignmouth Point Sea Defence (GG)	1,000	<b>1,172</b>			9. Strong communities
Bid 228	Teignmouth Town Centre	Provision for Teignmouth Town Centre Improvements (BC: Prudential Borrowing)		-	6,900		6. Investing in prosperity
Bid 116	Waste Management	Provision for Bulking Station - replace telehandlers (2020-25) (CR)		-			2. Clean scene

Code /bid no.	Asset/Service Area	Description	41,148	15,230	38,150	30,436	Totals (£'000)
			ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
KS8	Waste Management	Bulking Station - baler (RS)	200	250			2. Clean scene
Bid 118	Waste Management	Provision for Bulking Station - replace Sortline (2020-25) (CR)		-			2. Clean scene
Bid 119	Waste Management	Provision for Waste vehicles - additional RCV (CR)		-		150	2. Clean scene
Bid 120	Waste Management	Provision for Waste vehicles - additional recycling (CR)		-		200	2. Clean scene
Bid 121	Waste Management	Provision for: Replace kerbsider (CR)		-	50	100	2. Clean scene
Bid 456	Waste Management	Provision for Containers - allow for inflation (CR)	6	-			2. Clean scene
KT7	Waste Management	Replace forklift (CR)		25			2. Clean scene
KS0	Waste Management	Purchase of Wheeled Bins (RS)	99	99	99	99	2. Clean scene
KT6	Waste Management	Bulking Station Expansion or Relocation & Vehicle Space (CR,RS,EC)	-	89			2. Clean scene
			<b>41,148</b>	<b>15,230</b>	<b>38,150</b>	<b>30,436</b>	

GENERAL					
Capital Receipts Unapplied -	(3,270)	(3,247)	(3,120)	(1,141)	
Capital Receipts - Anticipated	(802)	(380)	(100)	(200)	
Budgeted Revenue Contribution plus additional for specific schemes.	(1,544)	(3,455)	(674)	(164)	
Government Grants	(2,270)	(2,796)	(832)	(1,679)	
S106	(1,842)	(400)	(1,780)	(392)	
Other External Contributions	(1,551)	(770)	(1,235)	(510)	
Community Infrastructure Levy	(2,705)	(1,517)	(6,497)	(5,974)	
Capital Receipts Unapplied -	2,775	3,120	1,143	874	
Business cases: Prudential borrowing	(28,684)	(3,909)	(23,600)	(19,900)	
HOUSING					
Capital Receipts Unapplied -	(394)	(579)	(758)	(1,003)	
Capital Receipts - Anticipated	(60)	(100)	(50)	(50)	
Capital Receipts - Right to Buy	(700)	(700)	(700)	(700)	
Better Care Funding and other government grants.	(950)	(1,255)	(950)	(950)	
Capital Receipts Unapplied -	849	758	1,003	1,353	
<b>TOTAL FUNDING</b>	<b>(41,148)</b>	<b>(15,230)</b>	<b>(38,150)</b>	<b>(30,436)</b>	
<b>Capital Receipts</b>	<b>(1,602)</b>	<b>(1,128)</b>	<b>(2,582)</b>	<b>(867)</b>	
<b>Budgeted Revenue Contribution plus additional for specific schemes.</b>	<b>(1,544)</b>	<b>(3,455)</b>	<b>(674)</b>	<b>(164)</b>	
<b>Section 106</b>	<b>(1,842)</b>	<b>(400)</b>	<b>(1,780)</b>	<b>(392)</b>	
<b>Other External Contribution</b>	<b>(1,551)</b>	<b>(770)</b>	<b>(1,235)</b>	<b>(510)</b>	
<b>Grant</b>	<b>(3,220)</b>	<b>(4,051)</b>	<b>(1,782)</b>	<b>(2,629)</b>	
<b>Community Infrastructure Levy</b>	<b>(2,705)</b>	<b>(1,517)</b>	<b>(6,497)</b>	<b>(5,974)</b>	
<b>Internal borrowing</b>					
<b>Business cases: Prudential borrowing</b>	<b>(28,684)</b>	<b>(3,909)</b>	<b>(23,600)</b>	<b>(19,900)</b>	
<b>Shortfall</b>					
<b>Total</b>	<b>(41,148)</b>	<b>(15,230)</b>	<b>(38,150)</b>	<b>(30,436)</b>	
<b>Balance of capital receipts</b>	<b>(3,623)</b>	<b>(3,878)</b>	<b>(2,145)</b>	<b>(2,229)</b>	

Key: EC - External Contributions  
GG - Government Grant  
CR - Capital Receipt

**TEIGNBRIDGE DISTRICT COUNCIL  
CAPITAL PROGRAMME 2017-18 TO 2019-20**

**Appendix 2**

Code /bid no.	Asset/Service Area	Description	41,148	15,230	38,150	30,436	Totals (£'000)
			ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET 2017-18	BUDGET 2017-18	BUDGET 2018-19	BUDGET 2019-20	
			£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	£'000 (Inc Fees)	
<p>RS - Revenue Savings BC - Business Case <b>Denotes a change in the programme</b></p>							

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**TREASURY MANAGEMENT STRATEGY STATEMENT**  
**AUTHORISED LENDING LIST AND MINIMUM REVENUE**  
**PROVISION ANNUAL STATEMENT FROM 3 OCTOBER 2017**

Lending list

The current authorised lending list has been updated to take account of changes in the ratings of financial institutions and is shown below for approval.

Type of Lender	Details	
1. Current Banker	Lloyds Bank	£3,000,000 limit
2. Local Authorities	All	£3,000,000 limit
3. UK Debt Management Office Deposit Facility (UK government AAA/Aa1/AA+ rated) no limit.		
4. UK Treasury Bills (UK government AAA/Aa1/AA+ rated) no limit.		
5. Public Sector Deposit Fund	AAAmmf	£3,000,000 limit
6. Standard Life Sterling Liquidity Fund	AAAmmf	£3,000,000 limit
7. Top UK-registered Banks and Building Societies, subject to satisfactory ratings.		

Institution	Tier	90 day limit	180 day limit	364 day limit	Overall limit
		£	£	£	£
Close Brothers Ltd	1	3,000,000	2,000,000	1,000,000	3,000,000
Santander UK plc	1	3,000,000	2,000,000	1,000,000	3,000,000
Nationwide Building Society	1	3,000,000	2,000,000	1,000,000	3,000,000
Lloyds Bank plc	1	3,000,000	2,000,000	1,000,000	3,000,000
Bank of Scotland	1	3,000,000	2,000,000	1,000,000	3,000,000
Barclays Bank plc	2	2,000,000	1,000,000		2,000,000
Coventry Building Society	2	2,000,000	1,000,000		2,000,000
Leeds Building Society	2	2,000,000	1,000,000		2,000,000
Nottingham Building Society	3	1,000,000			1,000,000
Clydesdale Bank	3	1,000,000			1,000,000
Royal Bank of Scotland plc and National Westminster Bank plc	3	1,000,000			1,000,000
Skipton Building Society	3	1,000,000			1,000,000
Yorkshire Building Society	3	1,000,000			1,000,000
Principality Building Society	3	1,000,000			1,000,000

Officers will continue to seek the best rate, balanced against risk, at the time of investment. Use of call and notice accounts with Santander, Lloyds, Royal Bank of Scotland, Barclays, Clydesdale and Close Brothers continue in addition to the Public Sector deposit fund and Standard Life sterling liquidity fund. These accounts provide access to flexible deposits, with a range of access options and interest rates. Treasury Bills, an AAA/Aa1/AA+ (very securely) rated, short dated form of Government debt which are issued by the Debt Management Office via a weekly tender are also included on the lending list, offering the Council an additional secure investment option.

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## EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Humphrey Clemens

**DATE:** 2 October 2017

**REPORT OF:** ALISON DOLLEY - PRIVATE SECTOR HOUSING TEAM  
LEADER

**SUBJECT:** HOUSING ENFORCEMENT POLICY: CIVIL PENALTIES AND  
RENT REPAYMENT ORDERS

**PART I**

### RECOMMENDATIONS

The Executive is recommended to approve the changes to the Housing enforcement policy to include the implementation of civil penalties and rent repayment orders. To approve minor changes to existing enforcement policy

#### 1. PURPOSE

The purpose of this report is to advise members of changes to existing housing enforcement legislation and to approve changes to the enforcement policy .

#### 2. BACKGROUND

The Housing and Planning Act 2016 introduced a range of measures to help improve housing conditions in the private rented sector and to crack down on rogue landlords, which came into operation during 2017.

This included:

1. The ability of the Local Authority to issue Civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences (came into force April 2017);
2. Extension of rent repayment orders to cover illegal eviction, breach of a banning order and certain other specified offences (came into force April 2017);
3. Database of rogue landlords and property agents convicted of certain offences (scheduled to come into force on 1 October 2017 but likely to be delayed);
4. Banning orders for the most serious and prolific offenders (scheduled to come into force on 1 October 2017 but likely to be delayed).

## **Civil Penalties**

These provisions give the local housing authority the power to issue a financial penalty for certain Housing Act 2004 offences as an alternative to prosecution.

The civil penalties option can be used for the following Housing Act 2004 offences:

- Failure to comply with an improvement notice
- Offences in relation to HMO licensing
- Offences relating to the contravention of an overcrowding notice
- Failure to comply with the HMO management regulations

The council is required to have a policy in place that details when to prosecute and when to consider a civil penalty and must provide guidance on how the fine levels will be set.

The guidance document issued by the Department of Communities and Local Government (DCLG) provides details on the considerations that must be taken into account as part of the fine setting process. It places particular emphasis upon the severity of the offence and the landlord's previous record of offending.

## **Rent Repayment Orders**

The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of Houses in Multiple Occupation. Rent repayment orders have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences.

A rent repayment order is defined as an order requiring a landlord under a tenancy of housing to:-

- repay an amount of rent paid by a tenant, or
- pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy. (This also includes housing benefit)

Rent repayment orders are being extended to cover the following situations:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
- Failure to comply with a Prohibition Order under section 32 of the Housing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.



## TEIGNBRIDGE DISTRICT COUNCIL

- Breach of a banning order (not yet in force)

An application for a rent repayment order to the First Tier Tribunal can be made when the landlord has committed an offence, whether or not they have been convicted of one of the offences.

### **Other changes.**

#### **Choice of Enforcement Action**

The current enforcement policy states that “it is expected that the landlord will commence works within 28 days of being notified by the Council of the issues identified” (Page 6). However in some circumstances this may disadvantage a tenant who may be at risk of retaliatory eviction. In these cases it may be more appropriate to reduce this time period depending on the works required. It is therefore recommended that the policy is changed as follows:

“It is expected that hazards identified are reduced within an appropriate time. If not satisfied with the landlords intention or proposed timescale or the work is not carried out within this timescale, the Council will move to a formal approach and it will determine which of the specific enforcement options it will use, taking into account the facts and circumstances in each individual case and having regard to the protection of the tenant under the Retaliatory Eviction and Deregulation Act 2015.”

#### **Mandatory Licensing of houses in multiple occupation**

Mandatory licensing legislation does not require planning permission to have been attained where a property has been converted into an HMO consisting of more than 6 bedsits/flats and the local authority are obliged to issue a licence (subject to all other criteria being met). This has led to the issuing of an HMO licence to properties that currently do not have existing planning permission and may be subject to planning enforcement. It is therefore recommended that an additional discretionary condition is agreed as follows:

“the Licence holder shall ensure that all requirements of planning legislation has been adhered to”

### **3. MAIN IMPLICATIONS**

A copy of the proposed policy is attached as Appendix A and details when a civil penalty and/or rent repayment order will be used and how the civil penalty will be calculated.

This policy will ensure consistency in approach and that there are protections and safeguarding practises in place for landlords. It will also enable a robust mechanism within which to defend any challenges that are open to the local authority from landlords, through the means of a tribunal.

The same criminal standard of proof is required for a civil penalty as for prosecution. This means that before taking formal action, the local housing authority must be satisfied that if the case were to be prosecuted in the

## TEIGNBRIDGE DISTRICT COUNCIL

magistrates' court, there would be a realistic prospect of conviction. Similarly where a landlord has not been convicted of an offence the first tier tribunal must be satisfied beyond reasonable doubt that the landlord has committed an offence before determining an application for a RRO.

Unlike fines issued through criminal proceedings, income received from civil penalties and from rent repayment orders is retained by the Council and can only be used towards the statutory functions in relation to its enforcement of standards in the private rented sector. The Council may also apply for costs and expenses incurred in relation to the enforcement action.

Any income generated from the issuing of civil penalties and rent repayment orders, at present, is unpredictable due to the nature of enforcement activity. In 2016/17, 33 enforcement notices were issued with one successful criminal prosecution undertaken. Other notices were complied with within the timescales stipulated.

The benefit of this additional tool will help to improve standards within the private rented sector, providing a more efficient and effective mechanism to tackle rogue landlords, as well as reduce the burden on courts and provide a ring-fenced income for Teignbridge Council to further improve the private rented sector.

#### **4. GROUPS CONSULTED**

In the development of the guidance, extensive consultation was carried out by central government with the National Landlord's Association. Significant peer consultation across Devon and Somerset has taken place to ensure a consistent approach of the legislation. Internally legal and finance have been consulted.

#### **5. TIME-SCALE**

Following the required call in period, the immediate adoption of the civil penalties and rent repayment policy and the proposed levy of fines.

#### **6. JUSTIFICATION**

To ensure the quality of housing in Teignbridge is improved and in particular to ensure that tenants are provided with safe and secure accommodation.

#### **7. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)**

10.00 a.m. on Tuesday, 10<sup>th</sup> October 2017

**Alison Dolley**  
**Private Sector Housing Team Leader**

**TEIGNBRIDGE DISTRICT COUNCIL**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Alison Dolley - 01626 215418
<b>Background Papers (For Part I reports only)</b>	Guidance <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606653/Civil_Penalties_guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606653/Civil_Penalties_guidance.pdf</a> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606654/Rent_Repayment_Order_guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606654/Rent_Repayment_Order_guidance.pdf</a>
<b>Key Decision</b>	
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	
<b>Community Impact Assessment attached:</b>	Y
<b>Appendices attached:</b>	A: Housing Enforcement - Civil Penalty and Rent Repayment Order Policy

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## **Housing Enforcement - Civil Penalty and Rent Repayment Order Policy**

This policy document is an addendum to Teignbridge Council Housing Enforcement policy and sets out how Teignbridge Council will deliver section 249a of The Housing Act 2004 (as implemented by section 126 of the Housing and Planning Act 2016) in order to issue civil penalties as an alternative to prosecution.

It also sets out when Teignbridge Council will seek a Rent Repayment Order under Chapter 4 of Part 2 of the Housing and Planning Act 2016.

### **Civil Penalties**

Section 126 and schedule 9 of the Housing and Planning Act 2016 came into force on the 6th April 2017.

These provisions give the local housing authority the power to issue a financial penalty for certain Housing Act 2004 offences as an alternative to prosecution.

The civil penalties option can be used for the following Housing Act 2004 offences:

- Failure to comply with an improvement notice
- Offences in relation to HMO licensing
- Offences relating to the contravention of an overcrowding notice
- Failure to comply with the HMO management regulations

The council is required to have a policy in place that details when to prosecute and when to consider a civil penalty.

The council must also provide guidance on how the fine levels will be set.

The guidance document issued by the Department of Communities and Local Government (DCLG) provides details on the considerations that must be taken into account as part of the fine setting process. It places particular emphasis upon the severity of the offence and the landlord's previous record of offending. A scoring mechanism has been devised to reflect the considerations set out in the DCLG guidance. This scoring mechanism is set out below.

### **When to prosecute and when to consider a civil penalty**

The same criminal standard of proof is required for a civil penalty as for prosecution.

Teignbridge Council will firstly satisfy itself that if the case were to be prosecuted in the magistrates' court, there would be a realistic prospect of conviction.

In order to do so Teignbridge Council will consider its own enforcement policy and consult the legal department who will advise, taking into consideration the Code for Crown Prosecutors.

Once satisfied that there would be a realistic prospect of conviction a decision will be taken as to whether to prosecute or to issue a civil penalty. All decisions will be taken on a case-by-case basis.

The guidance document issued by DCLG suggests that prosecution may be the most appropriate option where an offence is particularly serious or where the offender has committed similar offences in the past.

It is likely that a civil penalty will be considered as the most appropriate course of action except in the aforementioned circumstances.

### **Levels of fine to be set**

The guidance document issued by DCLG provides the following considerations when determining the level of a civil penalty;

#### **1. Severity of the offence - *The more serious the offence, the higher the penalty should be.***

In order to measure the severity of the offence the following criteria will be used;

- a. **Level one – Major impact** – serious and substantial risk to the health and safety of the occupiers and/or community as a result of the offence, with potentially life threatening results or loss of major limbs.

For each Level 1 issue considered a score of **5** will be added.

- b. **Level two - Serious Impact** – serious risk to the health and safety of the occupiers and/or immediate neighbours, potentially leading to serious injury or disease requiring prolonged treatment and/or hospital admission.

For each Level 2 issue considered a score of **3** will be added.

- c. **Level three – Minor impact** – Risk of injury or disease to the occupiers potentially resulting in treatment at the doctors.

For each Level 3 issue considered a score of **1** will be added.

**A one-off premium of 10 points will be added where any hazard or issue would affect more than 1 household i.e. whole building issues or common parts issues in HMO's. This is to ensure that the scope of the hazard or issue is considered in addition to its ability to harm.**

#### **2. Culpability and track record of the offender**

Landlords are running a business and should be expected to be aware of their legal obligations. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities..

In order to measure the culpability of the perpetrator the following criteria will be used;

## Culpability

- a. **Deliberate**– An intentional breach by a landlord or property agent or flagrant disregard for the law for example by failing to comply with a notice or regulations.

**For Deliberate acts a score of 20 will be added**

- b. **Reckless**– An actual foresight of, or wilful blindness to the risk of offending but decides to take the risk nevertheless for example failing to comply with a strict liability in the HMO regulations.

**For Reckless acts a score of 15 will be added**

- c. **Negligent**– The failure of the landlord or property agent to take reasonable care to put in place and enforce proper systems for avoiding the offence, for example partial compliance with a schedule of work to an enforcement notice but failure to fully comply with all schedule items.

**For Negligent acts a score of 10 will be added**

- d. **Low or no culpability**– The offence committed has some fault on the part of the landlord or property agent but there are other circumstances for example obstruction by the tenant to allow a contractor access for repairs, or damage caused by tenant negligence.

**For Low culpability acts a score of 5 will be added**

A premium of 15 will be added where the requirement to licence a property under Parts 2 or 3 of the Housing Act 2004 has not been complied with.

**Where a landlord or person managing fails to obtain a licence without direct contact by Teignbridge Council requiring them to do so a score of 5 will be added.**

**Where a landlord or person managing fails to obtain a licence despite direct contact by Teignbridge Council requiring them to do so a score of 15 will be added.**

## Track record

- a. **1st offence** – no previous conviction or civil penalty imposition for the same type of offence in the previous four years irrespective of the locality to which the offence relates.

**For 1<sup>st</sup> offences a score of 10 will be added**

- b. **2nd subsequent offence by same person/company** – any conviction or civil penalty imposition for the same type of offence within four years of the 1<sup>st</sup> offence, irrespective of the locality to which the initial offence relates.

**For 2<sup>nd</sup> offences a score of 20 will be added**

- c. **Ongoing non-compliance** - any conviction or civil penalty imposition for the same type of offence within four years of the previous instance (at least 3<sup>rd</sup> occurrence) irrespective of the locality to which the initial offence relates.

**For ongoing offences a score of 30 will be added**

**c) The harm caused to the tenant** – *This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.*

The severity of harm calculation above reflects the types of issues encountered however a premium score will be added for actual harm having occurred and the vulnerability of the tenant as set out in the Housing Health and Safety Rating System and in the table below;

<b>Hazard</b>	<b>Vulnerable age group (age of occupant)</b>
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

**A score of 10 will be added where the occupiers have suffered harm due to the defects noted.**

**A score of 3 will be added for each hazard or issue noted where the vulnerable age group are present**



**d) Punishment of the offender** – A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

Following the initial scoring calculation consideration will be given as to whether or not this element has been suitably met. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

**e) Deter the offender from repeating the offence** – The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

Following the initial scoring calculation consideration will be given as to whether or not this element has been suitably met. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

**f) Deter others from committing similar offences** – While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

Following the initial scoring calculation consideration will be given as to whether or not this element has been suitably met. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

**g) Remove any financial benefit the offender may have obtained as a result of committing the offence** – The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

Following the initial scoring calculation consideration will be given as to whether or not this element has been suitably met. In particular the fine level must not be less than it would cost to undertake any necessary works contributing to the initial offence. The inspecting officer will evaluate the cost of rectifying the deficiencies based upon their knowledge and experience of the local building industry. A costing sheet will be produced and any fine must be at least 50% greater than this total up to a limit of £30K. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

## **Reductions**

- a. **Level of compliance by perpetrator, their attitude in doing so and early payment**  
- Where the decision has been taken that a prosecution is appropriate or subsequently a civil penalty notice should be issued, it is unlikely that the perpetrator could be deemed compliant however if there is a clear behavioural change and a will to ensure

future compliance, followed by a payment within the prescribed 28 days a reduction of 10% may be attributed to the total.

- b. **Financial hardship** - Local housing authorities should make an assessment of a landlord's assets and any income (not just rental income) they receive when determining an appropriate penalty. The perpetrator will have the opportunity to make representations following the service of the Notice of Intent and may decide to set out any financial hardship in those representations. It will be for the perpetrator to provide sufficient documented evidence of income when relying upon such representations. The Council reserves the right to request further information to support any financial claim, and where this is incomplete, appears to be inaccurate or is not sufficiently evidenced may determine that the representation should not be considered. It should be noted that due to the average value of property in the Teignbridge area and the upper limit of £30K associated with any civil penalty action, it is unlikely that perpetrators with multiple properties will be able to demonstrate financial hardship.

## Examples

Person A has failed to comply with an improvement notice containing 6 hazards; Excess Cold, Fire Safety, Falls on Stairs, Electrical hazards, Damp and Mould and Entry by Intruders (2 at level 1, 2 at level 2 and 2 at level 3). They were prosecuted for failing to comply with an improvement notice 3 years ago at a different address. The occupant is a 67 year old lady who has recently been in hospital with pneumonia.

Scoring;

Severity of the offence =  $2 \times 5 + 2 \times 3 + 2 \times 1 = 18$

Multiple households affected = 0

Culpability - Deliberate as failed to comply with notice = 20

Premium added for Licensable HMO = 0

Track record – 2<sup>nd</sup> offence in 4 years = 20

Harm – Pneumonia (excess cold) = 10

Vulnerability – excess cold, falls on stairs & fire  $3 \times 3 = 9$

Total = 77

Penalty charge = £20K

Once the Notice of intent is served the perpetrator engages positively with the LA. They accept the charge and pay within 28 days.

Reductions = Compliance, attitude, acceptance and early payment –10%

Subtotal = £18K

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Person B is the person managing a poorly converted HMO. During an inspection 8 contraventions of the HMO Management Regulations are noted. The most serious relate to fire safety provisions and the electrical installation. There are 3 at level 1, 2 at level 2 and 3 at level 3. The landlord was written to recently at another HMO to remind him of the need to comply with the management regulations at all of his properties.

Scoring;

Severity of the offence =  $3 \times 5 + 2 \times 3 + 3 \times 1 = 24$

Multiple households affected = 10

Culpability - Reckless as failed to comply with HMO Management Regs = 15

Premium added for Licensable HMO = 0

Track record – 1<sup>st</sup> offence despite recent advice = 10

Harm – non demonstrated = 0

Vulnerability – 3 x over 60's living in the property (fire)  $1 \times 3 = 3$

Total = 62

Penalty charge = £15K

Person C has failed to comply with an improvement notice requiring an excess cold hazard to be addressed. This is the 1<sup>st</sup> time the LA has had any engagement with the landlady who

claims that she has had difficulty organising the works and gaining access. A young family occupy the property.

Scoring;

Severity of the offence =  $1 \times 3 = 3$

Multiple households affected = 0

Culpability - Deliberate unless evidence to the contrary = 20

Premium added for Licensable HMO = 0

Track record – 1st offence = 10

Harm – non demonstrated = 0

Vulnerability = 0

Total = 33

Penalty charge = £5K

Once the Notice of Intent is served Landlady makes representations suggesting that she would suffer financial hardship. She has 3 properties and the income is her only income. The cost of the works is estimated to be £3K

Person C has assets in the form of property from which she would be able to derive funds to pay the charge. No reduction is made.

In order not to undermine consideration g (above) the charge should be a minimum of £4500

Person D has failed to licence a licensable HMO. She was written to following an initial visit 1 month ago advising that a licence was necessary. The property needs some attention however no notices have been served and it is not considered that the HMO management regulations have been breached. There is no history of non-compliance in the past.

Scoring;

Severity of the offence = 0

Multiple households affected = 0 (despite housing multiple households, there is no hazard or issue affecting health or wellbeing)

Culpability - Reckless = 15

Premium added for failure to licence = 15

Track record – 1st offence = 10

Harm – non demonstrated = 0

Vulnerability = 0

Total = 40

Penalty charge = £5K

Person E has failed to licence a licensable HMO. During the initial inspection 8 contraventions of the HMO management Regulations are noted. The most serious relate to fire safety provisions and the electrical installation. There are 3 at level 1, 2 at level 2 and 3 at level 3. Despite being written to no action has been taken to rectify the issues or licence the property. There are elderly occupants who are the most vulnerable to hazards relating to fire safety. In the past 8 years, Person E has been prosecuted on 2 other occasions for a similar offences at neighbouring local authorities, the most recent within the last 4 years.

Scoring;

Severity of the offence =  $3 \times 5 + 2 \times 3 + 3 \times 1 = 24$

Multiple households affected = 10

Culpability - Reckless for failing to comply with HMO Management Regulations and

Deliberate for failure to licence = 20

Premium added for failure to licence = 15

Track record – 3<sup>rd</sup> offence = 30

Harm – non demonstrated = 0

Vulnerability 2 x over 60's living in the property (fire)  $1 \times 3 = 3$

Total = 102

Penalty charge = £30K

### Scoring Chart

Score	Penalty Charge
1-10	£1,000
11-20	£2,000
21-30	£3,000
31-40	£5,000
41-50	£7,500
51-60	£10,000
61-70	£15,000
71-80	£20,000
81-90	£25,000
91-100+	£30,000

## Rent Repayment Orders

The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of Houses in Multiple Occupation. Rent repayment orders have now been extended through the Housing and Planning Act 2016 to cover a much wider range of offences.

In deciding whether to apply for a RRO, the Council must have regard to guidance issued by the Secretary of

State. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/606654/Rent\\_Repayment\\_Orders\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606654/Rent_Repayment_Orders_guidance.pdf)

A rent repayment order is defined as an order requiring a landlord under a tenancy of housing to:-

- repay an amount of rent paid by a tenant, or
- pay a local housing authority an amount in respect of a relevant award of universal credit paid (to any person) in respect of rent under the tenancy. (This also include housing benefit)

Rent repayment orders have been extended to cover the following situations:

- Failure to comply with an Improvement Notice under section 30 of the Housing Act 2004;
- Failure to comply with a Prohibition Order under section 32 of the Hosing Act 2004;
- Breach of a banning order made under section 21 of the Housing and Planning Act 2016;3
- Using violence to secure entry to a property under section 6 of the Criminal Law Act 1977; and
- Illegal eviction or harassment of the occupiers of a property under section 1 of the Protection from Eviction Act 1977.
- Breach of a banning order (not yet in force)

An application for a rent repayment order to the First Tier Tribunal can be made when the landlord has committed an offence, whether or not they have been convicted of one of the offences. Where the landlord has not been convicted of an offence the first tier tribunal must be satisfied beyond reasonable doubt that the landlord has committed an offence. The tenant may also make an application to the First Tier tribunal for a Rent repayment order.

Where a landlord has been convicted of an offence to which the rent repayment order relates, the First-tier Tribunal **must** order that the maximum amount of rent is repaid (capped at a maximum of 12 months). In all cases where a criminal prosecution has been secured Teignbridge Council will make an application to the First Tier Tribunal for a Rent Repayment order (subject to the availability of the relevant rental information)

Where a landlord has not been convicted of the offence to which the rent repayment order application relates, the following factors will be taken into account when considering if and how much rent a local housing authority should seek to recover:

- a. **Punishment of the offender.** Rent repayment orders should have a real economic impact on the offender and demonstrate the consequences of not complying with

their responsibilities. Factors that will be considered will include the conduct of the landlord and tenant, the financial circumstances of the landlord and whether the landlord has previously been convicted of similar offences;

- b. **Deter the offender from repeating the offence.** The level of the penalty will be set at a high enough level such that it is likely to deter the offender from repeating the offence;
- c. **Dissuade others from committing similar offences.** Rent repayment orders are imposed by the First-tier Tribunal and so the fact someone has received a rent repayment order will be in the public domain. Robust and proportionate use of rent repayment orders is likely to help ensure others comply with their responsibilities.
- d. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** This is an important element of rent repayment orders: the landlord is forced to repay rent, and thereby loses much, if not all, of the benefit that accrued to them by not complying with their responsibilities.

Before applying for a rent repayment order, the local housing authority must give the landlord a notice of intended proceedings; State the amount that the local housing authority is seeking to recover; and invite the landlord to make representations within a period specified in the notice which must be at least 28 days. The local authority must consider any representations made within the notice period.

When seeking to recover rent through an application for a Rent Repayment Order, the Council will always seek to recover the maximum amount to be repaid (capped at 12 months). Where the conduct or the financial circumstances of the landlord provides mitigating factors, in which case the Rent Repayment Order may be for a lesser amount.

Where a landlord fails to comply with an improvement notice or offences in relation to the licensing of houses in multiple occupation, a civil penalty and a rent repayment order can be imposed.

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Is this a review of an existing BIA?  
 Is this a new proposal and a new BIA? Y

Ref No: for BID office use

## Business Impact Assessment <sup>1</sup>

**Proposal:**-To review the housing enforcement policy to take account of the introduction of civil penalties as an alternative to criminal prosecution and the extension of the application of rent repayment orders.

**Aims of the Proposal:**- to provide a transparent policy and to ensure equitable housing enforcement within Teignbridge District Council.

**Environment impacts** - The proposal indicates the following impacts on the environment.

	<i>Please score</i>
	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <span style="color: green; font-weight: bold;">+3</span> ← <span style="font-weight: bold;">0</span> → <span style="color: red; font-weight: bold;">-3</span> </div>
Natural environment (wildlife, landscape, trees)	0
Built environment (townscape, design, archaeology, conservation)	0
Climate change (adaptation, mitigation)	+1
Resource use (land, energy, water, minerals)	0
Summarise potential impacts and planned mitigations including deadlines and responsible officers:- <b>The proposal will improve the condition of the private rented housing stock in Teignbridge, including the energy efficiency of these properties.</b>	

**Value and financial impacts** - The proposal indicates the following financial impacts.

	<i>Please score</i>
	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <span style="color: green; font-weight: bold;">+3</span> ← <span style="font-weight: bold;">0</span> → <span style="color: red; font-weight: bold;">-3</span> </div>
Jobs or training opportunities	0
Business investment within the area	0
Tourism	0
The supply or quality of housing	+3
Access to services and benefits	0
Reduce cost or increase income	+1
Increase capital receipts/funding	0

<sup>1</sup> Guidance notes are available to help fill in this form at [www.teignbridge.gov.uk/biaguidance](http://www.teignbridge.gov.uk/biaguidance).

Summarise potential impacts and planned mitigations including deadlines and responsible officers:- **The proposal has the potential to raise income for Teignbridge Council which will be reinvested in improving the private rented sector.**

## Social impacts and duties

The proposal indicates the following social impacts.

	<i>Please score</i>
	+3 ← 0 → -3
<b>Age</b> <b>Children</b> (Under 16) – 16.3%	+1
<b>Young</b> (16-24) – 9.0%	+1
<b>Working age</b> (25-59) – 42.8%	+1
<b>Older</b> (60+) – 31.9%	+1
<b>Men</b> – 48.4%	0
<b>Women</b> – 51.6%	0
<b>Transgender</b> – c. 0.01%	0
<b>BAME (Black, Asian, minority ethnic)</b> – 3.8%	0
<b>LGB (lesbian, gay, bisexual)</b> – c. 5%	0
<b>Marriage and Civil Partnership</b> - 52%	0
<b>Religion and belief</b> – 71.9%	0
<b>Disability</b> – 20.6%	0
<b>Pregnancy and Maternity</b>	0
Rural – 27%	0
Economic Deprivation – 21.8%	+1

\* **Bold** = 'Protected characteristics'

Have representatives of those likely to be affected by the proposal been **consulted**?

Are there ongoing plans to **monitor** the impact of the proposals?

Are there any relevant **Human Rights** considerations?

(If yes, please detail here.)

Summarise potential impacts and planned mitigations:-. **The impact of the policy have a positive outcome for all who live in rental accommodation by improving the private rented housing stock in Teignbridge by ensuring a transparent and equitable housing enforcement policy.**

## Duties

Under the Equality Act 2010 s.149 the Council must annually publish what actions we have taken in response to our 3 equality duties.


### This proposal contributes to the duties in the following ways:

- 1) The elimination of discrimination, harassment, victimisation and other prohibited conduct by dealing with housing enforcement proportionately and fairly.
- 2) The advancement of equality of opportunity by ensuring that tenants are protected through the enforcement of housing legislation to live in a safe and secure home.
- 3) The fostering of good relations between people by N/A

### Managers' evaluation

- No major change required.
- Adjustments have been made to better advance equality.
- Continue despite having identified some potential for adverse impacts. (Please detail your justification here.)
- Cease the proposal. It shows actual or potential unlawful discrimination.

### Recommended Actions:-

Sign Off		
Service Manager	Signed 	Date <b>14/09/17</b>
BID	Signed _____	Date _____
	Date the BIA should be reviewed/renewed	Date _____



# APPENDIX

## EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr John Goodey

**DATE: 3 October 2017**

**REPORT OF: SIMON THORNLEY, BUSINESS MANAGER, STRATEGIC PLACE**

**SUBJECT: FORMAL COMMENTS ON THE PRE-SUBMISSION  
IDE NEIGHBOURHOOD PLAN**

### **PART I**

#### **RECOMMENDATIONS**

**The Executive is recommended to**

**Resolve**

**To approve the formal comments of objection from Teignbridge District Council in response to the Ide Neighbourhood Plan Pre-submission (Regulation 14) public consultation.**

#### **1. PURPOSE**

1.1 The purpose of this report is to inform the Executive of the objections raised to two specific policies within the Pre-submission Ide Neighbourhood Plan, namely:

- IDE06: Local Green Spaces, and
- IDE07: Ide Gateway Enhancement Area

1.2 Significant objections to a Neighbourhood Plan fall outside of delegated authority.

1.3 A copy of the Pre-submission Ide Neighbourhood Plan is available online at: <http://idevillage.org.uk/wp-content/uploads/2015/10/Ide-NP-Pre-submission-Consultation-Version-Aug17.pdf>

#### **2. BACKGROUND**

2.1 The Localism Act and associated regulations provide the legal framework for the production of Neighbourhood Plans. These formed part of the suite of planning powers devolved to town and parish councils and neighbourhood forums under the 2011 Localism Act.

2.2 Following designation of Ide Parish area in May 2013 the parish council began work on their Neighbourhood plan. The development of the plan has been informed by extensive community and stakeholder engagement.

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- 2.3 Neighbourhood plans are required through the Localism Act to undertake two formal consultation stages (Pre-submission & Submission).
- 2.4 The Ide Neighbourhood is currently subject to the Pre-submission consultation stage in which comments are sought from members of the public, statutory consultees and various stakeholders, including the District Council. This consultation runs from 8<sup>th</sup> September 2017 to 23<sup>rd</sup> October 2017.
- 2.5 Delegated authority was granted to the Strategic Place Business Manager Simon Thornley on 14 June 2016 to avoid unnecessary delays in progressing Neighbourhood plans. These delegations are limited to areas of agreement between the LPA and Neighbourhood Planning Group.
- 2.6 Significant objections are proposed in relation to two Ide Neighbourhood Plan policies namely:
- IDE06: Local Green Spaces, and
  - IDE07: Ide Gateway Enhancement Area
- 2.7 The objections raised are summarised below:
- Ide 06: Local Green Spaces
- a) Roundfield Local Green Space in policy IDE06 does not meet the criteria within the National planning policy framework. It is not considered to stand in reasonably close proximity to the community it intends to serve and evidence of particular value and local significance in terms of beauty and richness in wildlife has not been adequately demonstrated.
  - b) Roundfield has been identified to prevent a specific development proposal which does not constitute planning positively to support local development, specifically a potential park and ride scheme which is contrary to strategic policies of the Local Plan.
  - c) The Roundfield landowner has not been directly consulted on the proposals for their land.
  - d) Policy wording permits uses which are not considered ancillary to the wildlife reason for designation
- Ide 07: Ide Gateway Enhancement Area
- e) The IDE07 policy area is too extensive and includes an area of land which does not contribute to the sense of rurality used to justify the policy area.
- 2.8 A copy of these draft objections is available in full in appendix A to this report.

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### 3. MAIN IMPLICATIONS

- 3.1 Under the Localism Act and associated regulations a Neighbourhood planning group must take account of and respond to comments received through the pre-submission consultation.
- 3.2 The objections at this stage provide the NDP group the opportunity to amend the plan to remedy these concerns prior to the document being formally submitted to the District Council.
- 3.3 Raising the objections requires the plan group to address them either through amendments to the plan or through an explanation as to why the objections have not been addressed through plan amendments.
- 3.4 If objections are not resolved prior to the plans submission to the District Council then further representations of objection will be provided to the Examiner. The Examiner has the power to recommend modifications to the plan to ensure that it meets the required regulatory standards.

### 4. GROUPS CONSULTED

- 4.1 The Ide Neighbourhood plan steering group have undertaken numerous community engagement events to gain an understanding of the community's ambitions.
- 4.2 The current pre-submission consultation period is the first formal round of consultation which requires engagement with the full range of interested bodies including stakeholders and the District Council.
- 4.3 Objections raised by the District Council through the attached comments have been informed by the Neighbourhood planning officer, Ecologist, Landscape Officer and Strategic Planning.

### 5. TIME-SCALE

- 5.1 Immediate.

### 6. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)

10.00 a.m. on 10 October 2017.

**Simon Thornley**  
**Business Manager, Strategic Place**

**Cllr John Goodey**  
**Portfolio Holder for Community**  
**Neighbourhoods**

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<b>Wards affected</b>	Kenn Valley
<b>Contact for any more information</b>	Simon Thornley 01626 215706 or David Kiernan 01626 215758
<b>Background Papers (For Part I reports only)</b>	N
<b>Key Decision</b>	Y
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Appendices attached:</b>	A: Formal comments of objection to Pre-submission Ide Neighbourhood Plan B: Revised Ide Gateway Enhancement Area



**Teignbridge District Council Formal Comments of Objection to the Pre-submission Ide Neighbourhood Plan (2016-2033)**

1. The comments below identify Teignbridge District Council's formal objection to two specific policies within the Pre-submission Ide Neighbourhood Plan, namely IDE06: Local Green Spaces and IDE07: Ide Gateway Enhancement Area.
2. These comments of objection accompany the compliance matrix which examines the plans conformity with the Local Plan and regard to National Planning Policy and guidance which are prepared separately.
3. **Policy IDE06: Local Green Spaces**
  - 3.1 The NPPF states local green spaces will not be appropriate for most green areas or open space and prescribes a number of criteria to be met for an area to qualify for the designation.
  - 3.2 The designation should only be used:
    - Where the green space is in reasonably close proximity to the community it serves;
    - Where the green area is demonstrably special to a local community and holds particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
    - Where the green area concerned is local in character and is not an extensive tract of land.
  - 3.3 The District Council considers that the first two of these criteria have not been adequately met on proposed local green space H: Roundfield which is discussed below.
  - 3.4 Reasonably close proximity to the community it serves
    - 3.4.1 Roundfield stands approximately 850 metres from the village entrance and detached from the residents both in character and location. The site cannot be seen from any properties in the village, has no public right of access and is not readily accessible or visible from the public realm, with the exception of its boundary screening. It is appreciated that the term "in reasonably close proximity" is not defined however the detached, isolated location and hidden character of the site indicates it is not in reasonably close proximity to the community it intends to serve.
  - 3.5 Demonstrably special to a local community and holds particular local significance for its beauty and richness in wildlife
    - 3.5.1 This criteria requires a neighbourhood plan to demonstrate through evidence that an area is special to a local community and holds a particular local

significance. The Local Green Space analysis table on page 25 of the Plan illustrates the significance of the five proposed local green spaces. The common theme between them is a recreational justification with the exception of Roundfield which has been identified for its beauty and richness of its wildlife. These justifications are addressed individually below:

## Beauty

3.5.3 The Plan provides little explanation as to why Roundfield holds a particular local significance for its beauty. The only demonstration of its beauty is to state the site stands within an Area of Great Landscape Value.

3.5.4 Area of Great Landscape Value (AGLV) designation covers the majority of the District which lie outside settlement boundaries. This blanket AGLV designation does not account for site specific landscape attributes which are usually identified and considered through individual planning applications and does not automatically confer a high scenic value to this particular site.

3.5.5 Teignbridge District Council previously provided an evaluation of the sites landscape value when commenting on the Park & Ride proposal by Devon County Council and stated:

*“It is not, of itself, however an area of high landscape value...”* Teignbridge Consultee comments on application DCC/3846/2016, 5<sup>th</sup> May 2016

3.5.6 In addition no explanation is provided as to why this site is considered to hold particular local significance for its beauty above other sites also within the AGLV. Sufficient evidence has not been presented which justifies why this site within the AGLV is considered of such importance to confer very restrictive controls which should endure beyond the plan period.

3.5.7 The District Council Landscape officer has also reviewed the site for its landscape attributes and stated:

*“In summary, I am of the opinion that the site has a character that is dominated by a highways style character that has little to do with the rural character of the area. The field and its setting are in poor condition. The A30 dominates the field and significantly erodes any sense of tranquillity. In terms of visual amenity, there are no public views from the field. There are glimpses of views to Exeter and Alphington from the southern end of the field, however these views are from private land. The site is relatively well screened and does not contribute to the visual amenity of the area. In conclusion, I do not think that the site is one that contributes positively to the landscape character or visual amenity of the area and is a piece of land that is difficult to consider as being beautiful.”*

## Richness of Wildlife

3.5.8 Part of the evidence supporting the neighbourhood plan is the Wildlife Resource Map and Species Information supplied by Devon Biodiversity Records Centre in January 2017. This document identified that the parish has no statutory wildlife designations but has the following non-statutory wildlife designations:

- County Wildlife Site (CWS)
- Regionally Important Geological Site (RIGS)
- Unconfirmed Wildlife Site (UCWS)
- Ancient Woodland

3.5.9 This document identified Local Green Space G: Victorian Orchard as an unconfirmed wildlife site but conferred no wildlife designation upon Local Green Space H: Roundfield. This document therefore provides the evidence for richness of wildlife for one local green space but not for Roundfield.

3.5.10 Paragraph 7.10 of the plan makes reference to a to a third party study which identified dormice and slow worms on Roundfield. Further information from the District Council Ecologists identifies that Dormice are widespread in Devon and found on a high proportion of sites with slow worms also very common. The identified habitat of semi-improved grassland and mixed scrub on site is also widespread in Devon. Whilst the Jacobs study identifies wildlife on Roundfield the plan has failed to demonstrate how these common features in Devon hold a particular local significance.

## 4. Planning Positively

4.1 National Planning Practice Guidance states that a Neighbourhood Plan gives communities the opportunity to shape the development and growth of their area and should plan positively to support local development.

4.2 The designation of Roundfield as a local green space is not considered to constitute planning positively to support local development.

4.3 Accompanying evidence to the plans consultation includes *“Notes of Parish Meeting 8<sup>th</sup> May 2017 re designation of Round Field as Local Green Space”*. These notes highlight the reason for proposing the local green space designation on Roundfield was to prevent a potential park and ride scheme previously proposed by Devon County Council.

*“If there was a way of using the Plan to protect Round Field against becoming a car park for Exeter, then we should try, came the feedback.”* Page 2, Notes of Parish Meeting, May 2017.

4.4 A local green space designation should not be used as a reactionary mechanism to prevent a specific proposal. The designation should be based upon its specific valued attributes which hold particular local significance. The

inclusion of Roundfield as a local green space is an attempt to prevent development with justifications tailored to meet that aim. The designation of this site to prevent a potential park and ride scheme is not considered to demonstrate positive planning to support local development. The District Council objects to the inclusion of Roundfield as a local green space and request for the site to be removed from policy IDE06 and associated maps and supporting text.

## **5. Conformity with strategic policies of the Local Plan**

- 5.1 Neighbourhood planning legislation requires a Neighbourhood Plan to meet a set of basic conditions in order for an examiner to recommend the plan to referendum.
- 5.2 One of these basic conditions is for the neighbourhood plan to be in general conformity with the strategic policies of the Local Plan.
- 5.3 The Local plan includes strategic policies S5: Infrastructure and SWE1: South West Exeter Urban Extension. The Infrastructure Delivery Plan (IDP) supports these policies and provides additional detail to the timing, costing and location of required infrastructure. This document evolves and gets updated as the local plan period progresses to include more recent information of project costs and revised requirements.
- 5.4 Local plan policy S5 states:
- 5.5 The provision of new and improved infrastructure, such as education, health, transport, recreational facilities and green infrastructure will form a key issue in planning for the growth of sustainable communities.
  - a) In consultation and co-operation with infrastructure providers, take account of infrastructure capacity and need in decisions on the location of development
  - e) Ensure that new development is provided with appropriate infrastructure
- 5.6 Local Plan policy SWE1 allocates 92 hectares of land to deliver at least 2,000 homes to form a sustainable urban extension. Criteria g of this policy stipulates the urban extension requires public transport and highways improvements including an enhanced public transport route and 1,000 space park and ride hub. Supporting text to the policy states this would ideally be located to the South of the A379 at the intersection of the A30 and A379. The IDP 2013 which formed part the examination documents for the Local plan supported a park and ride facility in the area around the South West of Exeter.
- 5.7 Since the adoption of the Local Plan in May 2014 further investigations have been undertaken as to the potential location of the park and ride hub which have revealed the most suitable location as the Ide/Alphington A30 interchange. This is of critical priority with £3,600,000 of funding already identified.

- 5.8 Strategic policies S5 and SWE1 require the development of infrastructure to support sustainable communities, specifically development within the south west area of Exeter and the urban extension. SWE1 explicitly identifies the need for a park and ride to support sustainable development and the IDP 2016 identifies the area to which the Roundfield Local Green Space designation is proposed as a potential location for this required park and ride scheme.
- 5.9 As noted above the designation of Roundfield as a Local Green Space has been proposed to prevent a potential park and ride scheme, therefore failing to demonstrate planning positively to support local development and standing in conflict with the strategic policies of the local plan and thereby failing to meet a basic condition required by legislation.

## **6. Landowner**

- 6.1 The National Planning Practice Guidance stipulates:  
*“the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space.”* Paragraph: 019 Reference ID: 37-019-20140306
- 6.2 The Ide Plan text, evidence or consultation list does not appear to include any reference to the landowner of Roundfield. The proposed restriction on this parcel of land would significantly impede the landowner’s ability to develop and control their land and it is imperative they have the opportunity to understand the implications of this policy and provide an opportunity to comment.

## **7. Wording of policy IDE06**

- 7.1 Policy IDE06 designates five areas for the local green space designation. Areas D to G are designated predominantly for their recreational value however area H has been designated for its richness in wildlife. The policy wording instructs that development which is not ancillary to community or recreational purposes will be resisted. A site designated for its biodiversity value should not include permissibility for recreational or community uses which could undermine the sites biodiversity and reason for designation. Site H: Roundfield, designated for its richness in wildlife, is not consistent with the community or recreational aims of the policy and should be removed.

## **8. Policy IDE07: Ide Gateway Enhancement Area**

- 8.1 Policy IDE07 seeks to preserve and enhance the rural character of the village entrance and approaches to the village along the C50. The District Council support this policy approach however the extent of the enhancement area as illustrated through Map 6 is considered too extensive and includes an area of land which does not fulfil the purpose of the policy.

- 8.2 The farthest south eastern entrance to the enhancement area includes an area of land, namely Roundfield. The area of land is encircled by the A30, C50, Crabb Lane and the Alphington Roundabout. The road encirclement provides a character heavily dominated by transport infrastructure, which is a departure from the sense of rurality being used to define the enhancement area.
- 8.3 This is supported by *Ide Character Assessment Report 29 June 17* which seeks to provide the justifying evidence for the sites inclusion in the Enhancement area, which states:
- “Negatives*
- *Traffic congestion, with occasional gridlock at peak times*
  - *Traffic noise most times of the day*
  - *Unauthorised advertising signs”*
- 8.4 Overall the sense of rurality sought to be preserved is primarily facilitated by well-kept verges and banks, dense tree and hedgerow screening along the C50 (Ide Village Road).
- 8.5 The justification for the Roundfield inclusion within the enhancement area covers only the dense boundary screening along the C50 and does not provide justification for the designation of the entire site.
- 8.6 The District Council consider the identification of the entire Roundfield site within the enhancement area unjustified by the evidence presented and request a reduction in the area to include only the sites boundary hedging along the C50.
- 8.7 A revised Enhancement Area Map is attached to these comments to illustrate a more appropriate policy area which is considered to fulfil the justification of the policy to maintain the rural character to the approach to Ide.

## **9. Conclusion**

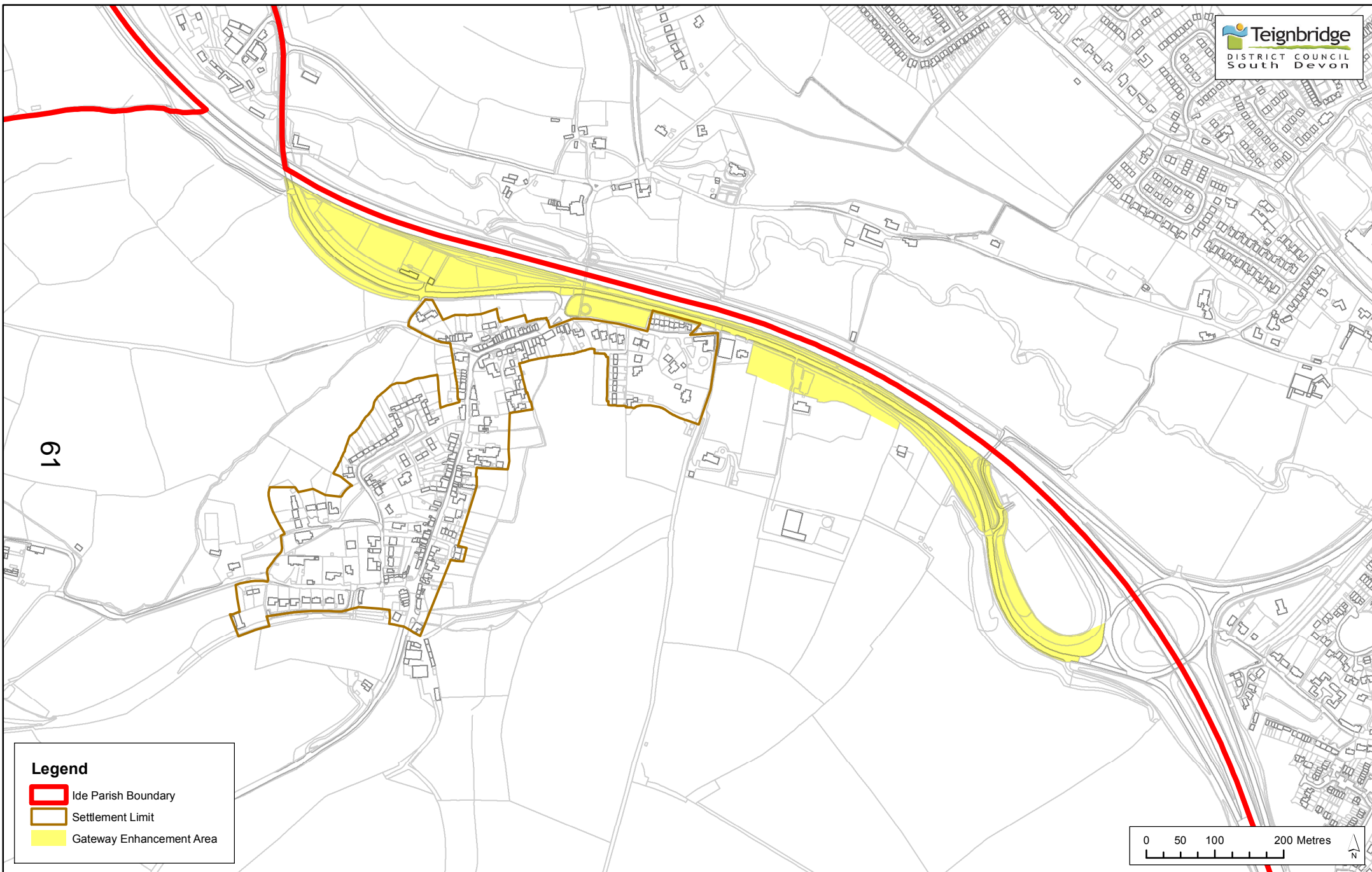
- 9.1 Teignbridge District Council formally object to policy IDE06: Local Green Spaces on the following grounds:
- The designation does not meet NPPF local green space criteria in that:
    - It is not considered in reasonably close proximity to the community it intends to serve
    - The demonstration of particular value and local significance has not been adequately demonstrated to justify the beauty and richness of wildlife reasons for designation.
    - Evidence to support richness of wildlife pre-dates the Wildlife resources study supplied by Devon Biodiversity Records Centre which did not identify any wildlife designations on site.

- The inclusion of Roundfield to prevent development does not constitute planning positively to support local development as required by national planning guidance.
- The designation stands in conflict with the strategic policies of the development plan thereby failing to meet a Basic Condition.
- The Roundfield landowner does not appear to have been directly contacted regarding the proposals on their site. The landowner must be contacted and provided the opportunity to understand and comment on the Neighbourhood Plans proposals for their land.
- Policy wording permits uses which are not considered ancillary to the wildlife reason for designation and this site should be removed.

9.2 In addition Teignbridge District Council formally object to the extent of the area to which policy IDE07: Ide Gateway Enhancement Area applies. The Enhancement Area is too extensive and includes the entire Roundfield site which has not been demonstrated to contribute to the enhancement areas sense of rurality. Roundfield should be excluded from the Enhancement Area with only the boundary screening along the C50 included as illustrated on the attached map.

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## Ide - Gateway Enhancement Area

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## Public Notice and Annual Forward Plan – September 2017

- 1 This is an Annual Forward Plan (September - Version 4) of the key decisions and other decisions the Leader of Teignbridge anticipates the Executive taking during the next 12 months. Key decisions are decisions which the Council consider significant having had regard to Government guidance. This Plan may include other decisions which are not key decisions to be taken by the Executive, including for example, where the Executive is to make a recommendation to the Council.
- 2 Details of the proposed decisions are attached.
3. The decisions which the Executive propose to take in private and the reasons why are detailed in the list together with a brief description of the matter to be decided. If you do not think the decisions should be taken in private please advise the Democratic Services Manager, with your reasons, at the address below or email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)
- 4 The documents which will be taken into account when making key decisions in the part of the meeting open to the public are available for inspection. Details are listed. Other documents may become available nearer the meeting. If you would like copies please contact the author of the report. Author's names and contact details are shown in the attached list. If you would like additional documents relating to a decision as they become available please contact the author and make this request.
5. Where possible, the District Council will attempt to keep to the dates shown in the Plan. It is quite likely, however, that some items will need to be rescheduled and new items added as new circumstances come to light.
6. This Plan will be updated on a monthly basis.
7. You are welcome to attend the meetings. They will take place in the Council Chamber at the address below. Agendas for Executive and other Council meetings are available on the Council's website.
- 8 You can ask questions regarding any item either in person or in writing. The deadline for the submission of questions is 12 Noon two working days prior to the meeting. You are advised to contact the Committee and Members' Services Section at the address below in advance of this time where assistance is available if required.
- 9 Should you wish to make the Councillors aware of any information in advance of a meeting you can make representations in writing. These can be made up

until the commencement of the meeting. You can also lobby Members of the Executive in advance of the meeting and for information on this or if you have any further queries, please contact the Committee Section. Telephone Neil Aggett on 01626 215113 or email [Neil.Aggett@teignbridge.gov.uk](mailto:Neil.Aggett@teignbridge.gov.uk)

- 10 The agendas for the meetings can be made available before the meetings. The documents listed in the right hand column of the attached plan are available for public inspection at the Council Offices between the hours of 8.30 am to 5.00 pm on Monday to Thursday and 8.30 am to 4.30 pm on Friday. The estimated dates of availability are indicated and are also available on the Council's website [www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)

**Cllr JEREMY CHRISTOPHERS**  
**Leader of the Council**

Council Offices, Forde House, Newton AbbotTQ12 4XX

## TEIGNBRIDGE DISTRICT COUNCIL – EXECUTIVE FORWARD PLAN

Forward Plan of anticipated key decisions by the Executive for the next 12 months commencing 1 September 2017 v4

*(K) Indicates a key decision to be made by the Executive*

*(R) Is a recommendation to Council.*

Matter for Consideration	Date of Decision	Private Decision	Documents to be considered in preparing report	Report Author(s) & Contact Name & Number	Agenda inc. Report Published
<b>Budget Monitoring including revenue, capital and treasury management</b>	03/10/2017	No		Report of Lesley Tucker – Chief Finance Officer Contact: 01626 215703	25/09/2017
<b>Revised Housing Enforcement Policy</b>	03/10/2017	No		Report of Amanda Pujol – Business Manager Housing & Health	25/09/2017
<b>Ide Neighbourhood Development Plan Objections</b>	03/10/2017	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	25/09/2017
<b>Supplementary Planning Document NA1 – Houghton Barton</b>	31/10/2017	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	23/10/2017
<b>Formal Comments on the Pre-submission Ide Neighbourhood Plan</b>	31/10/2017	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	23/10/2017
<b>Adoption of Bishopsteignton and Abbotskerswell Neighbourhood Development Plans</b> – pending the outcome of the Neighbourhood Planning Referenda being held on 28 September 2017	31/10/2017	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	23/10/2017
<b>South Hams Special Area of Conservation – Draft Supplementary Planning Document for consultation – joint document between Torbay Council, Dartmoor National Park, South Hams District Council and Devon County Council</b>	31/10/2017	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	23/10/2017
<b>Newton Abbot – Cattle Market</b>	31/10/2017	No		Report of Tony Watson – Business Manager, Economy & Assets Contact: 01626 215828	23/10/2017

<b>Revised Proposals for Teignbridge Housing Delivery Vehicle</b>	05/12/2017	Yes		Report of Amanda Pujol – Business Manager Housing & Health	27/11/2017
<b>Affordable Housing Supplementary Planning Document and Starter Homes</b>	TBC	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	TBC
<b>Supplementary Planning Document NA3 – Wolborough</b>	TBC	No		Report of Simon Thornley – Business Manager, Spatial Planning Contact: 01626 215706	Q2 2018
<b>Habitat Regulations Mitigation – Revised Strategy Charges</b>	TBC	No		Report of Nick Davies – Business Manager, Planning	TBC