

Forde House  
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9 November 2018

## OVERVIEW & SCRUTINY COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 19th November, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS  
Managing Director

Distribution:

The Members of the Overview & Scrutiny Committee as named below:  
Councillors Haines (Chairman), Prowse (Vice-Chairman), Clarence, Colclough, Connett, Cox, Dennis, Dewhirst, Eden, Evans, Gribble, Hockin, Hocking, G Hook, J Hook (was Brodie), Jeffery, Jones, Kerswell, Matthews, Mayne, Morgan, Nutley, Orme, Parker, Peart, Smith, Thorne, Winsor and Wrigley

A link to the agenda on the Council's website is emailed FOR INFORMATION (less reports (if any) containing Exempt Information referred to in Part II of the agenda), to:

- (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**

**Local Government Act 1972 (Section 100 and Schedule 12A) - Reports in Part II of this agenda which contain exempt information are confidential.**

## **Public Access Statement**

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions by email before 12 Noon two working days before the meeting.
- Agendas and reports are normally published on the Council's website 5 working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please contact us.
- Reports in Part I of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the Local Government (Access to Information) Act 1985.

## **A G E N D A**

### PART I

#### (Open to the Public)

#### Note:

Executive Members may observe proceedings

Executive Members may be invited to speak by the Chairman of the Committee

1. Apologies for absence
2. Minutes (Pages 1 - 4)  
Confirmation of the minutes of the meeting held on 15 October 2018, previously circulated.
3. Agreement of the agenda between Parts I and II
4. Matters of urgency or report especially brought forward with the permission of the Chairman
5. Declarations of interest
6. Public questions under Procedure Rule 5.8(h) (if any)
7. Councillor questions under Procedure Rule 5.8(i) (if any)
8. Call In of Executive Decision 30 October 2018 - Public Spaces Protection Order for Dog Control in Teignbridge (Pages 5 - 20)  
To consider the call in of the Executive Decision 30 October 2018, Public Spaces Protection Order for Dog Control in Teignbridge by Councillor Cox, and supported by Councillors Connett, Dewhirst, Eden, Nutley and Wrigley.

### **Overview**

9. Council Strategy T10 Programme Overviews  
A presentation will be made on the work being carried out, as part of the overall Council Strategy for the period 2016 - 2025, in relation to three of the Teignbridge

Ten super-projects. These are ten connected areas of work, which will each have a widespread impact on the economy, community wellbeing, and the environment.

Neil Blaney, Donna Best and Fergus Pate will present the work of three of the programmes: *Going to Town, Investing in Prosperity and Moving up a Gear*.

10. Homeless Reduction Act Update

To receive a presentation from the Housing Needs Lead Officer Tony Mansour.

11. Homelessness Strategy - Action Plan update

To receive a presentation from the Housing Needs Lead Officer, Tony Mansour.

12. Unauthorised Traveller Encampments (Pages 21 - 30)

To consider the report of the Solicitor at the request of Councillor G Hook.

13. Teignbridge Management Strategy Overview (Pages 31 - 136)

To consider the report of the Interim Head of Commercial Services, Tony Watson and Cllr Timothy Golder Portfolio Holder for Economy Skills and Tourism

### **Scrutiny**

14. Performance Monitoring - Q2 data (Pages 137 - 206)

To consider the report of the Business Improvement and Development Team.

### **Future Programming**

15. Executive Forward Plan

16. Work Programme (Pages 207 - 212)

To identify any areas of work for future meetings of the Committee.

### **Part II**

#### **(Private)**

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

17. Exclusion of the Public and Press

The Committee is recommended to resolve

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

18. Call-in of Portfolio Holder Decision 11-2018 Funding Contribution for a Cirl Bunting Nature Reserve (Pages 213 - 246)

## **OVERVIEW & SCRUTINY COMMITTEE**

### **MONDAY, 15 OCTOBER 2018**

#### Present:

Councillor Haines (Chairman)

Councillors Clarence, Connett, Cox, Dennis, Evans, Hockin, G Hook, J Hook (was Brodie), Jeffery, Jones, Kerswell, Mayne, Morgan, Orme, Peart, Prowse, Smith, Thorne, Winsor and Wrigley

#### Members in Attendance:

Councillors Bullivant, Clemens, Christophers, Golder, Goodey, Lake, Russell

#### Apologies:

Councillors Colclough, Dewhurst, Eden, Ford, Gribble, Hocking, Matthews and Nutley

#### Officers in Attendance:

Alison Dolley, Private Housing Team Leader

Trish Corns, Democratic Services Officer

### **1. ELECTION OF VICE CHAIRMAN**

It was proposed by Councillor Dennis, and seconded by Councillor Mayne that Councillor Prowse be elected Vice-Chairman for the remainder of the Municipal Year. There were no other nominations.

Resolved

Councillor Prowse is elected Vice Chairman for the remainder of the current Municipal Year.

### **2. MINUTES**

The Minutes of the meeting held on 10 September 2018 were approved as a correct record and signed by the Chairman.

### **3. MINUTES OF THE STRATA JOINT EXECUTIVE COMMITTEE**

The Minutes of the Strata Joint Executive Committee held on 25 September, 2018 were received and noted.

### **4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**5. HOMELESS REDUCTION ACT**

This item was deferred to the next meeting on 19 November 2018.

**6. HOMELESSNESS STRATEGY - ACTION PLAN UPDATE**

This item was deferred to the next meeting on 19 November, 2018.

**7. CHANGES IN HOUSING ENFORCEMENT**

The Private Housing team Leader (PHTL) reported on recent changes in legislation in relation to the private rented sector, and advised Members on the Council's recently launched Property Agents Rating Scheme (PARS). With reference to the report circulated with the agenda, the PHTL advised there are over 9,000 (16%) homes in the private rented sector within Teignbridge. The social housing stock of 9% is low compared to England's 18%, so it is important to work with private landlords, letting agents and developers to increase the supply of rental accommodation.

There has been an increase in the regulation of private rented sector in recent years. The Teignbridge Housing enforcement policy (approved by members on 3<sup>rd</sup> October 2017) introduced civil penalties as an alternative to prosecution for certain specified offences. In accordance with the policy, the Council initially works informally with a landlord to secure improvements to a property. However where a landlord is unwilling to carry out the necessary identified works, a formal approach is taken with the serving of an appropriate notice.

Legislation changes have recently been introduced for houses in multiple occupation (HMOs) and energy efficiency standards. The Housing Act 2004 introduced licensing of HMOs that were 3 or more storeys and occupied by 5 or more persons forming at least 2 separate households, with some sharing of facilities. From October 2018 the number of storeys is removed so that smaller properties used as HMOs will require a license.

In relation to energy efficiency, from April 2018, The Energy Efficiency (Private rented Property) (England and Wales) Regulations 2015 has made it unlawful to let a residential property with an Energy Performance Certificate (EPC) rating of 'F' or 'G'. This will only initially apply to new tenancies but from April 2020 it will apply to all tenancies even when there has been no changes in tenancy arrangements. However there are exemptions that can be registered.

In September 2018, the Council launched the Property Agent Rating Scheme (PARS), this scheme is a means of ensuring that all letting agents and property managers comply with letting related legislation. The Council was working with neighbouring Council's to extend this scheme.

In response to questions from Councillors the PHTL advised that the changes to HMO legislation may reduce the available accommodation for single people or

couples who can only afford house share accommodation, and the health and safety accommodation assessment involves a 29 hazard check.

Resolved

The report and actions being taken to improve housing conditions in the private rented sector in Teignbridge is noted.

**8. PERFORMANCE MONITORING Q1 DATA**

The Committee received and noted the performance monitoring Q1 data circulated with the agenda.

**9. EXECUTIVE FORWARD PLAN**

The Committee noted the Executive forward plan circulated with the agenda.

**10. WORK PROGRAMME**

The Committee received the Overview and Scrutiny Work Programme circulated with the agenda, and noted updates to the programme.

CLLR MIKE HAINES  
Chairman

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## OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN: Cllr Mike Haines

EXECUTIVE PORTFOLIO-HOLDER: Cllr Russell

**DATE:** 19 November 2018

**REPORT OF:** Cllr Russell (Portfolio-holder for Health & Well-Being),  
Democratic Services, and Environmental Protection  
Manager

**SUBJECT:** Call-In of Executive Decision 30 October 2018  
Public Spaces Protection Order for Dog Control in  
Teignbridge

### PART I

#### RECOMMENDATION

The Committee is recommended to consider the call-in.

#### 1. PURPOSE

Executive Decision on 30 October 2018 on the Public Spaces Protection Order for Dog Control in Teignbridge has been called in by Councillor Cox and supported by Councillors Connett, Dewhirst, Eden, Nutley and Wrigley. The report to Executive is appended for ease of reference. The decision seeks the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

#### 2. DETAILS

2.1 Councillor Cox 's reason for call that have been accepted are:

*1. To clarify the Executive's proposals to extend the dog ban on Ness Beach and Holcombe Beach as it now seems they were included in error.*

*2. To examine the decision to have only four as the maximum number of dogs on a lead in the light of the decision by East Devon District Council and the comments from the Kennel Club, the Dogs Trust and the Peoples Dispensary for Sick Animals.*

## 2.2 Points of clarity to note are:

### Seasonal Dog Exclusion Areas (Beaches)

The consultation with the public covered maintaining the existing seasonal dog exclusion areas. The Ness Beach and Holcombe Beach are not covered by the existing seasonal dog ban. It was not the intention that the PSPO restricted access to these beaches.

### Number of Dogs

The Executive report detailed the outcome of the public consultation and included a number of comments from interested organisations. Overall the consultation results did not provide a consensus on the number of dogs a single individual should walk.

## 3. ADDITIONAL INFORMATION

Since the Executive meeting on 30 October 2018 there has been a large public response to the decision. Members in considering the call-in should note the number of responses to the decision balanced with the number of people who responded to the consultation. An update will be provided by the officer at the meeting of the number of correspondence received and a summary of the key points.

Sarah Selway  
Democratic Services

Cllr Russell  
Portfolio-Holder for Health & Well-Being

David Eaton, Environmental Protection  
Manager

<b>Wards affected</b>	All
<b>Contact for any more information</b>	<i>David Eaton 01626 215064 Sarah Selway 01626 215159</i>
<b>Background Papers (For Part I reports only)</b>	
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Appendices attached:</b>	1: Executive Report 30 October 2018 and appendices

## EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Sylvia Russell

**DATE:** 30<sup>th</sup> October 2018

**REPORT OF:** Environmental Protection Manager and  
Portfolio Holder for Health and Wellbeing

**SUBJECT:** Implementation of a Public Spaces Protection Order  
for responsible dog ownership

### PART I

#### RECOMMENDATIONS

The Executive is recommended to

**A Consider and approve the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.**

**B Authorise the Council's Solicitor to draft and make the order.**

**C Authorise the Council's Environmental Protection Manager to issue fixed penalty notices under the PSPO.**

#### 1. PURPOSE

The purpose of a Public Spaces Protection Order (PSPO) is to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. It can be used to deal with existing problems and problems that are likely to arise in the future.

The definition of a PSPO is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Only a local authority can make a PSPO in respect of a public place within its area. The definition of a 'local authority' in England under Section 74(1) is (amongst others) a district council. Parish and Town Councils do not have the power to issue PSPO's. The local authority must be satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- Activities carried out in a public place within the authority's area **have had** a detrimental effect on the quality of life of those in the locality, or

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- It is **likely** that activities will be carried out in a public place within that area and that will have such an effect.

The second condition is that:

- It is or is likely to be of a **persistent or continuing nature**
- Is or is likely to be, such to make the activities **unreasonable**; and
- Justifies the restrictions imposed by the notice.

The broad aim is to keep public spaces welcoming to law abiding people and communities and not simply to restrict access.

### 2. BACKGROUND

Within the Clean Scene Programme of works in the Teignbridge Council Strategy 2016 – 2025 is an action to “Review council policies on dog fouling and restricted access across Teignbridge’s open spaces and beaches.” An Officer Working Group has reviewed the current situation, undertaken a wide ranging public consultation and recommends the implementation of a Public Spaces Protection Order to deal with the issues around irresponsible dog ownership. This project started in October 2016 and progress has been reported to Overview and Scrutiny Committee on a quarterly basis.

The PSPO will enhance the existing controls; the law in the past on dog control has been patchy, so a PSPO will help the council deal with the minority of irresponsible dog owners who don’t clear up after their dog or control it. A frustration to officers and members has been the inability to deal with dog fouling on roads that do not have a national speed limit of less than 40mph. This means that many of our rural areas had no controls on dog fouling on the highway.

Currently officers are able to prosecute offenders who breach a dog byelaw. Under the proposed PSPO a range of enforcement options would be available to officers and are described in section 6.

It should be noted that the legislation for dealing with stray dogs will remain and is sufficient and is therefore not included in the proposed PSPO.

For the many responsible dog owners who pick up after their dog wherever they go, nothing will change. Inconsiderate dog owners would be targeted through awareness and enforcement. Registered blind people and assistance dog users will be exempt.

### 3. MAIN IMPLICATIONS

A PSPO would introduce a clear and simple set of rules that all dog owners would need to comply with across the Teignbridge district. Enforcement would be targeted and graduated to ensure that the irresponsible dog owner is dealt with.

### 4. GROUPS CONSULTED

Section 72(4) of the act defines what necessary consultation means:

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1. The chief officer of police and the local policing body for the police area that includes the restricted area;
2. Whatever community representatives the local authority thinks is appropriate to consult with; and
3. The owner or occupier of land within the restricted area, if, or to the extent that is reasonably practicable to consult with the owner.

The Statutory Guidance recommends that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

It also recommends that the Council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of the open space or those involved in specific activities in the area.

Consultation was undertaken between June 2017 and the 2nd October 2017. Officers consulted the following groups and organisations;

- Existing Licenced businesses
- All Teignbridge District Councillors
- Town and Parish Councils
- Police and Crime Commissioner for Devon and Cornwall
- National Organisations involved in the welfare of dogs including the Kennel Club.
- Attending a number of community events in the District
- Online survey promoted via local newspaper articles, TV and Social Media.

Overall we received 2055 returns with over 1179 specific comments made. The majority of respondents supported the control and requested that the Council provided sufficient resources to target the irresponsible dog owners. Concerns were raised about how the controls would be enforced and that they should be applied with common sense.

There were those who felt that the controls were too restrictive and others who requested more stringent controls. A detailed summary is available in Appendix B.

### **5. SUGGESTED CONTROLS AND CONSULTATION RESPONSES**

The proposed PSPO would contain eight controls, some of which are an enhancement of existing controls whilst others are new. The first seven proposed controls show a significant majority of those consulted agreeing with the proposal.

The eighth control, the maximum number of dogs that can be walked is less clear with a number of differing views.

**FOULING** – making it an offence if a person in charge of a dog fails to pick up its faeces straight away.

- Improvement of an existing control

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- 99% of those consulted in agreement with this control

**MEANS TO PICK UP-** making it an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times.

- New Control
- 84% of those consulted in agreement with this control

**DOG EXCLUSION AREAS (EXCEPT BEACHES)** – making it an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children’s play park).

- Existing control
- 96% of those consulted in agreement with this control

**SEASONAL DOG EXCLUSION AREAS (BEACHES)** - an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. The beaches are Dawlish Warran, Dawlish Town, Dawlish Coryton Cove, Holcombe, Teignmouth Town, Shaldon and The Ness.

- Existing control
- 96% of those consulted in agreement with this control

**DOGS ON LEAD AREAS** - an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area.

- Existing control
- 88% of those consulted in agreement with this control

**DOG(S) ON LEAD ON THE HIGHWAY** – an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road.

- New control
- 80% of those consulted in agreement with this control

**DOG(S) ON LEAD BY DIRECTION** - an offence if at any time within a dog ban area, a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead.

- Existing control
- 91% of those consulted in agreement with this control

**RESTRICTION ON THE NUMBER OF DOGS** - restrict the number of dogs that can be walked by a single individual on or off the lead

- New Control
- 57% of those consulted in agreement with this control
- 30% of those consulted disagree with this control

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- 13% of those consulted don't know

Of those in agreement with this control how many dogs should the single individual should walk on or off a lead at any one time?

Number	Number	Percentage
3	588	50%
4	267	23%
5	24	2%
6	18	2%
Other	272	23%

Whilst there is no statutory guidance to assist when setting the numbers the following advice has been considered.

- Comments in the consultation suggest that the numbers of dogs relates to the circumstances such as dog size, with, behaviour, strength and ability of the owner to control the dogs.
- Kennel Club feel that an arbitrary figure is an inappropriate approach and will simply displace and intensify the problem in other areas.
- Dogs Trust states that the behaviour of the dogs and the competency of the owner needs to be taken into consideration. Research from 2010 shows that 95% of dog owners have up to 3 dogs and therefore the number of dogs would not normally be expected to exceed 4 dogs.
- PDSA commented that the control may not have the desired effect as owners abilities vary.
- East Devon District Council have recently introduced a similar PSPO for dog control and they have limited the number of dogs to no more than 6 dogs.
- The recently issued Guidance notes for Conditions for providing home boarding for dogs, October 2018 states that "no more than four dogs must be walked at the same time" this is to ensure dogs are exercised at least once daily as appropriate for its age and health.

Members are asked to consider setting the restriction on the number of dogs.

When drafting the controls the potential negative impacts they may have on vulnerable groups and ensuring we meet the requirements under the Equality Act 2010 were considered.

Nothing in the proposed PSPO would apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or

(b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

(c) any police dog or fire dog.

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### 6. ENFORCEMENT

The aim is not to penalise responsible dog owners but to target persistent offenders who refuse to comply with the proposed controls. Consideration will be given to the ability of the owner to exercise control over the dogs before taking enforcement action.

A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice. This can be up to £100 and we are recommending that the fine is set at £100. Officers also have powers to issue Community Protection Notices or prosecute if the offence warrants the sanction.

A poster and awareness campaign is planned should the PSPO be approved to inform the public about the controls and how to report incidents online.

### 7. TIME-SCALE

The order lasts for not more than three years. It can be extended under s60 (2) by the Council if it is satisfied on reasonable grounds that it is necessary to extend the order to prevent:

- Occurrence or recurrence after that time of the activities identified in the order, or
- An increase in the frequency or seriousness of those activities after that time.

The PSPO can also be discharged and varied by the Council.

### 8. JUSTIFICATION

The order is required to effectively tackle irresponsible dog ownership within the Teignbridge District.

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

10.00 a.m. on 6 November 2018

**Officer- David Eaton**

**Designation–Environmental Protection Manager**

**Cllr Sylvia Russell**

**Portfolio Holder for Health and Wellbeing**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	David Eaton, Environmental Protection Manager <a href="mailto:david.eaton@teignbridge.gov.uk">david.eaton@teignbridge.gov.uk</a> 01626 215064
<b>Background Papers (For Part I reports only)</b>	None
<b>Key Decision</b>	Y
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	Y Part of the Council Strategy
<b>Community Impact Assessment attached:</b>	N – Completed for the Council Strategy and the proposed controls prior to the Consultation.
<b>Appendices attached:</b>	A: Draft Public Spaces Protection Order Controls B: Consultation Summary



# Public Spaces Protection Order

## Fouling

If within the restricted area a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith and properly dispose of it, that person shall be guilty of an offence unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.
- (iv) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

## Dog Exclusion Areas (except Beaches)

A person in charge of a dog must not take it into or keep it within a fenced/enclosed e.g. children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## Seasonal Dog Exclusion Areas (Beaches)

A person in charge of a dog shall be guilty of an offence if, between, 1st May and 30th September in any year, he takes the dog onto, or permits the dog to enter or to remain on, any land designated as a Dog Exclusion Area detailed in Schedule 1, unless

- (i) he has reasonable excuse for failing to do so, or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## Dogs on lead Areas

A person in charge of a dog shall be guilty of an offence if, at any time on land designated as a Dogs on Lead Area detailed in Schedule 1 below, he does not keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so, or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so
- (iii) failing to have a lead in his/her possession shall not be a reasonable excuse for failing to do so

## **Dog(s) on lead on the highway**

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not keep his dog on a lead less than 2m in length whilst on the public highway or on footpaths adjacent to the highway, unless he has reasonable excuse for failing to do so.

- (i) Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **Dog(s) on lead by direction**

A person in charge of a dog shall be guilty of an offence if, at any time within the restricted area, he does not comply with a direction given to him by an authorised officer of the council or a Police Officer to put and keep the dog on a lead unless

- (i) he has reasonable excuse for failing to do so: or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer or Police Officer may only give a direction under the order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or danger to any other person or to a bird or another animal

Failing to have a lead in his possession at the time shall not be a reasonable excuse for failing to do so.

## **No more than X dogs**

On land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, the maximum number of dogs which a person may take onto the land is X unless

- (i) he has reasonable excuse for failing to do so; or
- (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

## **Means to pick up**

A person in charge of a dog on land to which this order applies must have with him an appropriate means to pick up dog faeces deposited by that dog unless

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.

## **Exemptions**

Nothing in this order shall apply to a person who –

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or
- (b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog

trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.

A “prescribed charity” is:

- Dogs for the Disabled (Registered Charity no. 700454)
- Support Dogs (Registered Charity no.1088281)
- Canine Partners for Independence (Registered Charity no. 803680)

(c) any police dog or fire dog. The term “police dog” or “fire dog” is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service’s dog unit. All reference to the term ‘dog’ also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.

## **Explanations**

For the purpose of this order:

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Teignbridge District Council who is authorised in writing by Teignbridge District Council for the purposes of giving directions under the Order.

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## PSPO Dog fouling survey 2017

From: June 2017

To: 2<sup>nd</sup> October 2017

Total number of returns: 2055

Comments made: 270

### Fouling

**Q1** The council has existing powers which make it an offence if a person in charge of a dog fails to pick up its faeces straight away. Would you like this to carry on?

Agree?	Number	Percentage
Yes	2028	99%
No	19	1%
No reply	8	na

**Q2** The council would like to have an offence if a person in charge of a dog does not carry a bag or other means of clearing up after their dog at all times. Do you agree?

Agree?	Number	Percentage
Yes	1719	84%
No	326	16%
No reply	10	na

### Dog ban areas (except beaches)

**Q3** The council would like to continue to have it as an offence for a person in charge of a dog, to let a dog be in dog ban area (e.g. Children's play park). Do you agree?

Agree?	Number	Percentage
Yes	1966	96%
No	82	4%
No reply	8	na

### Beaches - Seasonal dog ban area

**Q4** The council would like to continue to have an offence for a person in charge of a dog, between 1 May and 30 September or 1 April and 30 September in Dawlish Warren to take the dog onto, or permit the dog to enter or to remain on, any beach designated as a dog ban area. Do you agree?

Agree?	Number	Percentage
Yes	1966	96%
No	82	4%
No reply	11	na

### Dogs on leads

**Q5** The council would like to continue to have an offence if a person in charge of a dog at any time does not keep the dog on a lead on land designated as a dog on lead area. Would you like to see this?

Agree?	Number	Percentage
Yes	1796	88%
No	249	12%
No reply	10	na

**Q6** The council would like to have an offence if, at any time, a person in charge of a dog does not keep the dog on a lead, whilst on a road or footpaths adjacent to a road. Do you agree?

Agree?	Number	Percentage
Yes	1631	80%
No	412	20%
No reply	12	na

**Q7** The council is planning on introducing an offence if at any time within a dog ban area, a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead. Do you agree?

Agree?	Number	Percentage
Yes	1862	91%
No	181	9%
No reply	12	na

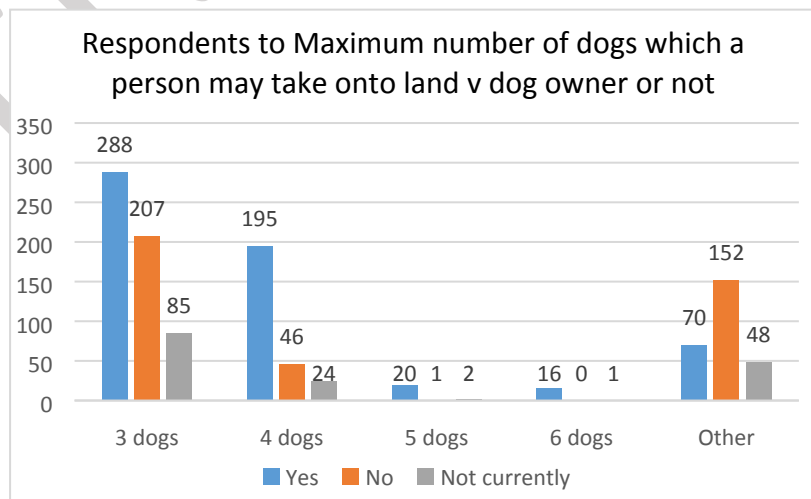
### Maximum number of dogs which a person may take onto land

**Q8** Would you like to see the introduction of a new control under the PSPO to restrict the number of dogs that can be walked by a single individual on or off the lead. Do you agree?

Agree?	Number	Percentage
Yes	1173	57%
No	608	30%
Don't know	266	13%
No reply	8	na

**Q8a** If yes, how many dogs do you think the single individual should walk on or off a lead at any one time?

Number	Number	Percentage
3	588	50%
4	267	23%
5	24	2%
6	18	2%
Other	272	23%



**Q9** What is your post code?

1810 postcodes provided

**Q10** Are you a dog owner/walker?

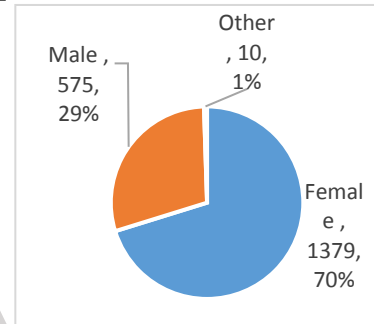
Agree?	Number	Percentage
Yes	1273	63%
No	504	25%
Not currently	236	12%
No reply	42	na

**Q11** Does your work involve you caring for dogs?

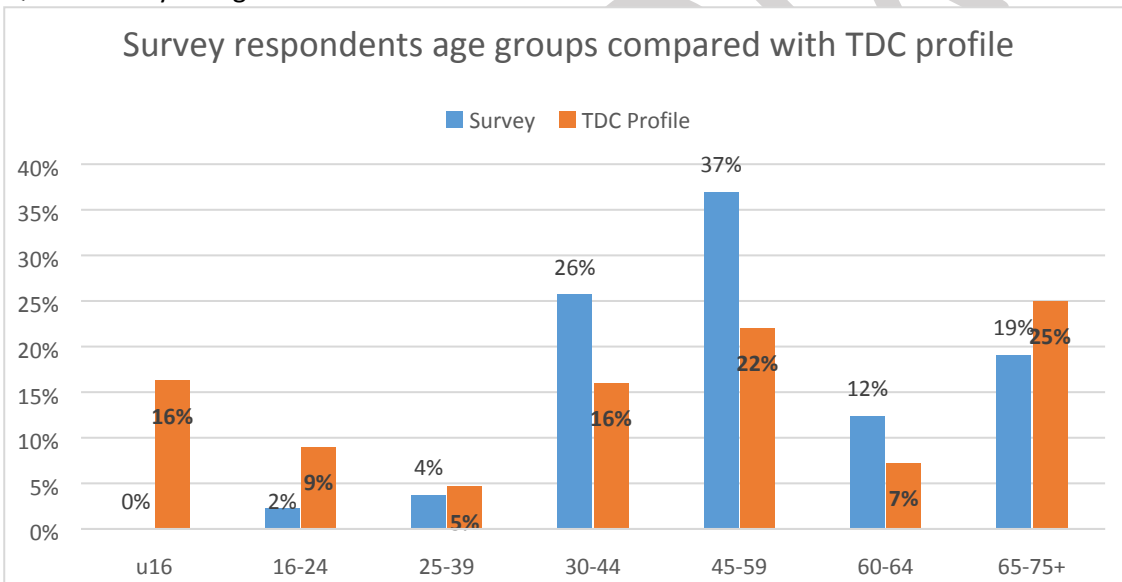
?	Number	Percentage
Boarding	31	7%
Dog walking for £	28	6%
Pet sales	6	78%
Training	18	1%
Vet services	20	4%
Other	368	4%

**Q12** What is your gender?

?	Number	Percentage	TDC profile
Male	575	29%	48%
Female	1379	70%	52%
Other	10	1%	na



**Q13** What is your age?



**Q14** Do you consider yourself to have a limiting long term illness or condition that requires you to have an assistance dog provided by a recognised charity?

Agree?	Number	Percentage
Yes	17	0.8%
No	1984	99.2%
No reply	27	na

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TEIGNBRIDGE DISTRICT COUNCIL

**OVERVIEW & SCRUTINY COMMITTEE**

CHAIRMAN: Cllr Mike Haines

EXECUTIVE PORTFOLIO-HOLDER: Cllr

**DATE:** 26<sup>th</sup> October 2018  
**REPORT OF:** Marie Downey- Solicitor  
at the request of Cllr Hook  
**SUBJECT:** **Unauthorised traveller encampments**

**PART I or II**

**RECOMMENDATION**

**The Committee is recommended to note this report.**

**1. PURPOSE**

To advise the Committee and provide up to date information relating to the enforcement powers that the Council has to deal with unauthorised traveller encampments.

**2. BACKGROUND**

Unauthorised encampments occur where trespassers enter and occupy land belonging to the local authority.

Unauthorised encampments can cause settled communities significant distress and they perpetuate a negative image of the travelling community, the vast majority of whom are law abiding citizens.

The July 2017 traveller Caravan Count, published by the Ministry of Housing, Communities and Local Government on 16<sup>th</sup> November 2017 illustrates that the number of traveller caravans on authorised sites has risen from 14,498 in July 2010 to 19,071 in July 2017. A 32% increase.

Figures also illustrate that the amount of unauthorised encampments across England accounts for 16% of all caravans in July 2017.

The Equality Act 2010 makes it unlawful to treat someone less favourably because of a range of protected characteristics, including race, nationality or ethnic or national origins. The following of a nomadic lifestyle is lawful, indeed it is a culture that is recognised and protected through legislation. Romany Gypsies and Irish Travellers have been granted protection under the previous Race Relations Acts. The Public Sector Equality Duty applies to local authorities and the police and places a duty on them to have due regard to the need to eliminate unlawful racial discrimination and promote

## TEIGNBRIDGE DISTRICT COUNCIL

equality of opportunity and good relations between persons of different racial groups.

The Council has powers under the planning regime and the Town and Country Planning Act, however this report deals only with illegal encampments by the travelling communities in the short term, rather than sites at which travellers have occupied for some time.

Teignbridge District Council has had 17 incidents of illegal encampments in the past 4 years.

Number of incidents each year:

2012-1 2013-1 2014-1 2015-5 2016-1 2017-4 2018-4

### **3. EXISTING POWERS FOR DEALING WITH UNAUTHORISED ENCAMPMENTS**

#### **1. Application for a possession order in the County court.**

An application to the County Court (local to the occupied land) is made requesting the removal of travellers from the land that they are occupying. A possession order may be secured quickly against trespassers, a minimum of 2 day notice must be given prior to the court hearing taking place.

At TDC, the process is started by following internal policy, this states that two officers visit the travellers and establish that they are on land owned by the Council. The travellers are asked to leave the land immediately and informed that if they fail to do so then the legal process to evict them will begin. Devon County Council are informed as they have a duty to carry out welfare checks.

On their return, the officers draft witness statements and the Council's solicitor drafts the claim. In order to ensure swift action the solicitor will attend the County Court to get the claim issued, this is when the court will set a date for the case to be heard. The paperwork is then served on the travellers informing them of the hearing date.

In 99.9 % of the cases the travellers will leave the land on or prior to the hearing date. If the order is granted and the travellers remain on the land the Council will use the County Court bailiff to assist with the removal, or High Court Bailiffs if the site has a large volume of travellers and there is intelligence to suggest that there may be a breach of the peace. The Council has not had use Bailiffs to remove travellers at any site within the last few years. (Excepting the illegal site at Haldon at which the circumstances were different, in that it had been allowed to become a tolerated site by Devon County Council).

## TEIGNBRIDGE DISTRICT COUNCIL

Using the County Court process is the power most widely used by Local authorities. It is relatively quick and the cheapest option. The court fee at the moment is £355.

The advantage of using the County Court process is that any enforcement action taken is done so under a court order and as such is not open to challenge as a judge has affirmed the decision to evict based on available evidence.

The traveller community are aware of this court process, hence once they are notified of a court hearing date they usually leave the land just prior to or on this date.

### **2. Section 77 Criminal Justice and public Order Act 194.**

Where people are residing in vehicles (including caravans) on land, S 77 of the above Act gives Local authorities power to give a direction to leave the land. This power applies to land forming part of a highway, any other unoccupied land or occupied land on which people are residing without the consent of the owner. It is an offence to fail to deal with a direction and the local authority can apply to the Magistrates Court for an order requiring the removal of the vehicles and any occupants from the land. Officers or agents of the local authority may use reasonable force to evict. It is usually recommended that the police attend to prevent a breach of the peace.

This power is not used by TDC as it could potentially take longer and cost more to evict travellers than using the Part 55 Civil Procedure. Issues would be that Magistrate Court listing times are unknown. It is likely that it would take longer to be given a date in the Magistrates Court, then in order to take the matter to court a summons needs to be issued and there is always difficulty ascertaining the names and addresses of travellers. As a district Council we do not have resources to carry out the eviction ourselves. I do not have a cost estimate for engaging a contractor to assist.

### **3. Power of the police to direct unauthorised campers to leave the land.**

Should trespassers refuse to adhere to a request to leave the land, Sections 61-62 of Criminal Justice and Public Order act 1994 gives the police a discretionary power to direct trespassers to leave and remove any property or vehicles that they have with them. The power applies where the senior police officer reasonably believes that two or more persons are trespassing on land for the purpose of residing there, that the occupier has taken reasonable steps to ask them to leave, and

- A) That any of the trespassers have caused damage to land or property,
- B) That any of the trespassers have used threatening, abusive or insulting words or behaviour towards an occupier, a member of the occupiers family or an employee or agent of the occupier,
- C) That the trespassers have between them six or more vehicles on the land.

## TEIGNBRIDGE DISTRICT COUNCIL

Failure to comply with the direction is an offence.

Under S 62 A-E of the same Act gives police the powers to direct trespassers and travellers to leave the land where there is a suitable pitch available on a caravan site elsewhere in the local authority area.

The latest police guidance states that police should consider using their powers Contained in Section 61 or 62 of the Criminal Justice & Public Order Act 1994 where:

**i) Local amenities are deprived to communities or significant impact on the environment.**

This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.

**ii) There is local disruption to the economy.**

Local disruption to the economy would include forming an encampment on a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.

**iii) There is other significant disruption to the local community or environment.**

This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction by police becomes necessary, rather than by other means.

**iv) there is a danger to life.**

From experience within the Council's area it appears that the police are reluctant to use these powers and that it is left to the local authority to use their powers as landowner and make an application for possession of the land to the Court.

Although the police have these powers there are difficulties from a practical point in them gaining evidence to enable them to ascertain which individual may have committed an offence such as causing criminal damage.

Through The Enforcement Forum Group at Teignbridge we have a very good working relationship with Trading Standards. Both parties will inform each other of any encampments and share any relevant intelligence. Trading Standards will use their powers to deal with criminal activity and matters in relation to illegal vehicles etc.

#### 4. THE USE OF CERTIFIED ENFORCEMENT AGENTS

## TEIGNBRIDGE DISTRICT COUNCIL

All landowners have a common law right to recover land. An eviction notice giving travellers at least 24 hours' notice to move must be served. If they fail to leave the land the Local Authority may proceed to evict them

If the eviction is to remove travellers from a local authority owned site, then the Human Rights Act must be considered. Article 8 of the ECHR protects an individual's right to home and family life.

There might also be children at the site, in which case there needs to be liaison with social services to ensure they are taken care of and have access to appropriate services.

If there are horses or livestock present, the authority also need to consider the logistics of their removal

Teignbridge and many of its neighbouring authorities are approached by one particular Enforcement Agent on a regular basis. This particular gentleman is persistent in his attempt to persuade the Council to use his services.

He will phone up to say that travellers are in another part of Devon and will soon, be moving on and that they have indicated that they may approach the Teignbridge area. In my opinion, it is highly unlikely that the travellers would ever confide in an enforcement agent where they intend to travel to next and there has never been an instance in which his warning has amounted to an unauthorised encampment within the TDC area.

I have spoken with the solicitor at another Devon authority regarding the use of these particular services, and his comments were as follows.

"They were fine (although overcharged) but actually I don't think they added much value other than having direct contact into the bailiffs. We had travellers move onto a car park and so we wanted them off quickly. We started down the possession proceedings but then resorted to common law. We (our planning enforcement officers) served notice on the Friday saying they needed to be gone by 9am on the Monday and The Enforcement Agency Company sorted out the bailiffs to come at 9am on the Monday. In the end they moved off on the Sunday but the company decided to still 'proactively' police the site, write a report for us and charge us for the pleasure."

Another authority has used certified bailiffs from Bristol for their sensitive sites (e.g. car parks or where environmental damage threatened), certified bailiffs from Bristol – Able Investigations and Solutions Ltd. They present a common law trespass notice. The Council then do welfare assessments. They have to pay Able to come down from Bristol, but found them to be cheaper than the Enforcement Agent who also keeps on ringing them. The bailiffs' fees for this matter were £1,200 for (price quoted was for 2016). There is a comment that it can take up to three weeks to get a hearing date at some other County Courts, again reinforcing that TDC are fortunate to have a good relationship with our local court.

## TEIGNBRIDGE DISTRICT COUNCIL

The Council could approach certified bailiffs with a tow truck to seek making an arrangement but it would cost more than using the civil procedure route, and potentially still need the police to attend if there is an anticipated breach of the peace.

If this method is used the Notice still has to be drafted and served either by Council staff or the bailiff.

### **5: APPLICATION FOR AN INJUNCTION**

Some members have raised the question "Could we seek a permanent injunction or blanket ban within the district to prevent travellers? As some Local authorities have been recently granted one.

The lawyers at a neighbouring authority kindly agreed to share advice from Counsel in relation to seeking an injunction in relation to preventing an unauthorised encampment by gypsies and travellers on a Common where there was a regular trespass committed. The advice contains the following comments:

'I do however consider that if a court was simply faced with an application for an unqualified permanent injunction, it may be reluctant to make such an order, which is a discretionary remedy, without the persons directly affected by the order having an opportunity to object, which would be the position if the application was effectively made ex parte before next year's season. It might also be concerned that such blanket order would not serve much purpose, as it would be likely that the order would only be drawn to the attention of the travellers after they had moved on to the Common. Once the travellers are on the Common, then it would be the local authority's duty to make appropriate welfare enquiries - in order to make a decision in the traveller's particular circumstances whether to rely on the injunction to seek their removal.

Given that there appear to have been travellers stopping for many years, the Court might be concerned as to the proportionality of a blanket ban being imposed now. Action to remove them in their particular circumstances, would not have the prior approval of the court. Rather the Council would be in little better position than it already is.'

The Advice continues:

## TEIGNBRIDGE DISTRICT COUNCIL

“One possibility would be to apply for permanent injunction as soon as the first encampment is set up next summer, naming the occupants as defendants, but in reality I do not think that this would significantly change the position, as such travellers would be unlikely to defend the proceedings and the same points, which I have mentioned above, apply to subsequent unauthorised encampments. If the proceedings were defended, it would probably be because the proceedings had attracted wider publicity and drawn attention to the issue with the Common. This would have the effect of escalating the costs of the proceedings and possibly serving to attract others to the Common by way of protest. If the application were not defended then the costs of making the application for an injunction would I hope be of the order of £5,000. If, however, the matter became fully contested then I could easily envisage the costs of each side reaching £20,000, if not more, making the total costs exposure potentially double that amount or more.”

In relation to TDC

It is my legal opinion that a Court would not consider it proportional to make either a blanket ban or an injunction for one specified area within the district. There is not a single piece of land that has seen a regular occurrence of illegal encampments. Areas that have had injunctions granted have been where there has been a very high volume of travellers repeatedly encamping on the same piece of land. District wide, the problems encountered by residents may be one of perception rather than actual nuisance and annoyance, without crime reports and calls logged to the police or the clean up costs amounting to high value, I am doubtful that an application for a permanent injunction would be cost effective or proportionate response.

### **6 GENERAL COMMENT REGARDING CLEAR UP COSTS.**

The above options deal with the power to evict the travellers from the Council Owned land. There is no specific route for dealing with the clear up costs when using the County Court process, an application for costs can be made to the court. As previously mentioned the travellers usually leave the site prior to the court hearing and so the costs are never recouped in reality. Once the site is vacated the Council clears the site up as soon as possible, TDC act expediently to ensure the site is cleared and to a very high standard.

None of the above methods of enforcement allow for the Council to deal with the clear up issues in respect of any fly tipping or litter left behind. The comment that is made by the public is often regarding the fact that they would be subject to prosecution in regard of any fly tipping act that they may commit. Whilst the travellers on an illegal site are also subject to prosecution in respect of any criminal activity including fly tipping the

## TEIGNBRIDGE DISTRICT COUNCIL

difficulty in bringing a prosecution comes down to the evidence and it is almost impossible to establish the identity of which individual has committed the offence, alongside the transient nature of the travellers the local authority has little power to establish the identity and the address of an individual in order to issue a summons for the offence.

### 7 GOVERNMENT VIEW

Government consultation entitled, “ Powers for dealing with unauthorised development and encampments” was published 5<sup>th</sup> April 2018

[Ministry of Housing, Communities & Local Government](#), [Home Office](#), and [Ministry of Justice](#)

The Government were seeking views on the effectiveness of powers for dealing with unauthorised encampments

This consultation ran from  
11am on 5 April 2018 to 11:45pm on 15 June 2018

The results of the consultation have not yet been published.

It appears that prior to this consultation the government’s view was that there are a wide range of powers available to LOCAL Authorities that enable them to deal with travellers.

See example below

A Westminster Hall debate on Unauthorised encampments is scheduled for Thursday 12 October 2017 at 1.30pm. The Member leading the debate is Wendy Morton MP

Over the summer, many of my constituents in Aldridge-Brownhills have once again had to endure the litter, rubbish, antisocial behaviour and noise caused by unauthorised Traveller encampments on public open spaces and village commons. Even our local football club, Walsall Wood, has been affected. I am sure the House understands the upset and frustration this causes. Can we please have a debate in Government time to look at the matter, including at the powers available to councils and police, and—really importantly—the impact on our local communities?

#### **Answered by: Andrea Leadsom | Leader of the House of Commons**

My hon. Friend raises an important point, which is of great interest to Members throughout the House. I am sorry to hear about the issues she has faced in her constituency. The police and local authorities have a wide range of powers available to address the issue. They can direct



## TEIGNBRIDGE DISTRICT COUNCIL

trespassers to leave the land, and remove any vehicle and property if there is a suitable pitch available on a caravan site elsewhere. Failure to comply with a police direction is a criminal offence. It is really important that the police and local authorities work together to address the issue.

**HC Deb 7 September 2017 c314**

### 8. CONCLUSION

Teignbridge District Council act as swiftly as possible once an illegal traveller encampment is reported to them. The policy is followed and the Court approached as soon as an officer visit to the site has been carried out. We are lucky that the Council's Legal departments relationship with the Torquay & Newton abbot County Court is such that they will assist us in getting a claim issued and a hearing date as soon as possible. The law states that there must be two clear days between the claim being issued and served on the travellers and a hearing date. Whilst the public are concerned regarding the arrival of the travellers on any council owned land they should be reassured that the Council have no choice but to act using the powers that they have and abide by the relevant legislation, In comparison to other authorities Teignbridge take action as soon as it is confirmed that travellers are illegally encamped on any of its land.

Although there are a variety of powers available to the Council in practice without the support of the police the local authority are unable to use the options that although are legally available under section 2 & 3 above. Once the results of the consultations are published due consideration will need to be given to it.

**(Officer)** *[please delete (Officer) once name entered]*

**(Designation)** *[please delete (Designation) once entered]*

**Cllr  
Portfolio-Holder for ...**

<b>Wards affected</b>	all
<b>Contact for any more information</b>	marie.downey @teignbridge.gov.uk tel.5102
<b>Background Papers (For Part I reports only)</b>	
<b>Key Decision</b>	N
<b>In Forward Plan</b>	N
<b>In O&amp;S Work Programme</b>	N
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	

**TEIGNBRIDGE DISTRICT COUNCIL**

TEIGNBRIDGE DISTRICT COUNCIL

**OVERVIEW & SCRUTINY COMMITTEE**

CHAIRMAN: Cllr Mike Haines

EXECUTIVE PORTFOLIO-HOLDER: Cllr Timothy Golder

**DATE:** 19 November 2018

**REPORT OF:** Tony Watson and  
Cllr Timothy Golder (Portfolio-holder for Economy  
Skills and Tourism)

**SUBJECT:**

**PART I**

**RECOMMENDATION**

- 1) The Committee is recommended to consider the contents of a draft Executive report in relation to the Council adoption of an Asset Management Strategy and supporting policy documents.
- 2) The Committee make a recommendation for any amendments to the draft documents and content of the draft Executive Report.

**1. PURPOSE**

- 1.1 To consider the draft Strategy and policy documents under the Committee's function to assist the Council and Executive in the development of policy framework procedure rules.

**2. BACKGROUND**

- 1.0 A Teignbridge Asset Management Strategy has been drafted as a high-level statement of the overall approach to providing property and accommodation to meet the organisation's corporate and operational objectives. It is anticipated that this will be incorporated into the Capital Strategy which the Council is now required to produce annually under the CIPFA<sup>1</sup> Prudential Code.
- 1.2 A suite of policy documents have also been drafted to support the implementation of the Strategy with appropriate processes, governance mechanisms and policy frameworks. They establish:

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<sup>1</sup> Chartered Institute of Public Finance & Accountancy

## TEIGNBRIDGE DISTRICT COUNCIL

- What the corporate approach or attitude is to its property assets
- What behaviours are expected
- What principles are going to be followed.

- 1.3 The draft policy documents include the Teignbridge District Council:
- Land and Buildings Disposal Policy;
  - Land and Buildings Acquisition Policy; and
  - Town and Parish Council Service Devolution & Asset Transfer Policy

### 3. MAIN IMPLICATIONS

- 3.1 The implications that Members need to be aware of are as set out in the draft Executive Report attached at Appendix 1.

### 4. GROUPS TO BE CONSULTED

- 4.1 It is recommended that the Teignbridge Association of Local Councils be consulted with on the Draft Town & Parish Council Service Devolution and Asset Transfer Policy

### 5. WITNESSES TO BE CALLED

- 5.1 Not applicable

### 6. TIME-SCALE

- 6.1 The new fees and charges to be introduced as from 2019/20 will need the approval of Full Council in February 2019.

### 7. CONCLUSION

- 7.1 It is proposed that the any recommendations made by the Overview & Scrutiny Committee are included within the report being made to the Executive Committee on 4<sup>th</sup> December 2018.

**Tony Watson** (*Interim Head of Commercial Services*)

**Cllr Tim Golder**  
**Portfolio-Holder for Economy Skills & Tourism**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Donna Best (Estates & Development Manager)

**TEIGNBRIDGE DISTRICT COUNCIL**

<b>Background Papers (For Part I reports only)</b>	
<b>Key Decision</b>	Y
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	Y
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	Appendix 1: Draft report to Executive 4 <sup>th</sup> December 2018

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# **EXECUTIVE**

**LEADER:** Cllr Jeremy Christophers

**PORTFOLIO HOLDER:** Cllr Timothy Golder

**DATE:** 4<sup>th</sup> December 2018

**REPORT OF:** Tony Watson, Interim Head of Commercial Service and  
Cllr Timothy Golder, Portfolio Holder for Economy Skills and Tourism

**SUBJECT:** Asset Management Strategy

## **PART I**

### **RECOMMENDATIONS**

- 1) The Executive is recommended to adopt the Teignbridge District Council
  - i. Asset Management Strategy;
  - ii. Land and Buildings Disposal Policy;
  - iii. Land and Buildings Acquisition Policy.
- 2) The Executive is recommended to consider the draft Town and Parish Council Service Devolution & Asset Transfer Policy for comment prior to consultation with the Teignbridge Association of Local Councils

### **1.0 PURPOSE**

- 1.1 Asset management is about supporting the delivery of strategic goals and objects through the use of property assets. The Asset Management Strategy captures roles and responsibilities within the authority, what we are seeking to achieve and, how we intend to do it. It is envisaged that the proposed Asset Management Strategy and Overview (Appendix A) be incorporated into the Capital Strategy the Council is required to produce annually under the CIPFA<sup>1</sup> Prudential Code.
- 1.2 The Strategy needs to be supported by the appropriate processes, governance mechanisms and policy frameworks. To this end, associated policies have been drafted for adoption in three key areas: property disposal, acquisition and transfer to town and parish councils.

### **2.0 BACKGROUND**

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<sup>1</sup> Chartered Institute of Public Finance & Accountancy

**TEIGNBRIDGE DISTRICT COUNCIL**

- 2.1 The Council's Asset Management Plan was last updated in 2012. Rather than merely update an existing plan, a fresh look has been taken at the approach to asset management and the documents required.
- 2.2 The Asset Management Strategy provides a high-level statement of the overall approach to providing property to meet the organisation's needs. It seeks to make clear, in general terms, the strategic aim, asset priorities, how the priorities are met, how we keep track of progress and performance and by whom the work is led. An overview has been captured on one page so that the cohesive message is conveyed in a straight forward and visual manner, as opposed to a lengthy written document.
- 2.3 The property policies are designed to make sure that the property asset strategy is reflected in the decisions of all parts of the organisation. They set down the 'rules of behaviour' for the organisation, as far as property decision-making is concerned to establish:-
- i. What the corporate approach or attitude is to its property assets;
  - ii. What behaviours are expected; and
  - iii. What principles are going to be followed.
  - iv.
- 2.4 It is recommended that the 'Town and Parish Council Service Devolution & Asset Transfer Policy', is shared with the Teign Association of Local Councils for consultation with a view to the document being brought back to the Executive for future adoption.
- 2.5 Thought has been given to the creation of a property asset management action plan. This would provide clear and measurable actions that will be implemented over the short term, as part of delivering the property asset management strategy. This would set out what we need to do to deliver the strategy and the specific activities or actions to be taken. These would generally be categorised into the following groups:
- Policy development
  - Organisational arrangements
  - Property specific activities
- 2.6 Given that these activities are already incorporated and monitored within the Spar risk register, through the capital programme and service plans, a separate asset management action plan is not recommended at this time.

**3.0 MAIN IMPLICATIONS**

- 3.1 Research by CIPFA Property and the Royal Institution of Chartered Surveyors (RICS) has found that where strategic property asset management has effectively been put in place, it has brought real and tangible benefits for the organisations concerned. These benefits have been captured by CIPFA property and are attached at Appendix B.
- 3.2 The main implications for the new Policy documents are detailed in turn below.



## TEIGNBRIDGE DISTRICT COUNCIL

**4.0 Land and Buildings Disposal Policy (Appendix C)**

- 4.1 At present, there is no framework or guidelines relating to the disposal of property. The policy document primarily sets out clarity around procedures and the impact of legislation on practices. However, there are some new concepts introduced or/and areas of the policy that should be highlighted.
- 4.2 **Identification of surplus and under-used property** (Paragraph 5). This introduces responsibility for each service, through its annual service business planning, to identify property that is under-used or surplus to their individual service delivery requirements. This property will then be referred to the Economy and Assets Service to consider any other potential uses for the property, including operational use by an alternative service. Where a surplus asset is not deemed as having an alternative potential use, a recommendation to the Capital Review Groups will be made to establish the property as surplus for disposal.
- 4.3 The purpose of introducing this more strategic discipline is to embed a more corporate and efficient use of Council owned assets.
- 4.4 **Direct approaches to acquire property interests from the Council** (Paragraph 7). The Council regularly receives enquiries from third parties wishing to acquire an interest in Council owned property. This can range from people wanting a scaffold licence or to run an event, to asking if they can buy a freehold interest.
- 4.5 This policy introduces an application process for these enquiries with application forms made available on the website. The purpose is to introduce a clear and transparent process for applicants and to help manage expectations. In addition, some application forms will carry a small administration fee and a schedule is set out below:-

Purchase of freehold or lease	£150
Temporary use of council land up to 28 days	£75
Easements over land	£50
Beach Hut Hire	£nil
Events application	
Small event (up to 499 attendees)	£45
Medium event (500-999 attendees)	£75
Large event (1000-4999 attendees)	£100
Major event (5000+)	Details on request

**TEIGNBRIDGE DISTRICT COUNCIL**

4.6 All proposed fee charges for 2019-20 are set out in Appendix G of the policy document and are subject to agreement by Full Council (February 2019). It is anticipated that as part of the One Teignbridge programme, online applications and payment will be made available to our customers.

4.7 **Member Involvement (Paragraph 8.7).** The section sets out guidance to members in relation to property negotiations. The purpose is to set clear boundaries to which members can refer.

**5.0 LAND AND BUILDINGS ACQUISITION POLICY (APPENDIX D)**

5.1 This policy document is to be followed when considering the acquisition by the Council of an interest in property. The purpose is to adopt procedures that are consistent and which ensure maximum benefit from the effective purchase and subsequent management of the Council owned property assets.

5.2 The document intends to instil the premis that the acquisition of property is considered a capital project and that as such, the adopted project management framework should be followed. This should ensure a clear appraisal and funding approval process. In addition, the policy seeks to ensure that the relevant property expertise, in the form of the Council's chartered surveyors, are brought in at an early stage to ensure that, amongst other things, the land and/or buildings are suitable and the right price.

**6.0 TOWN AND PARISH COUNCIL SERVICE DEVOLUTION AND ASSET TRANSFER POLICY (APPENDIX E)**

6.1 The Council recognises that the devolution of assets and associated services to town and parish councils can make a significant contribution to enabling them to be a stronger, more resilient and sustainable local communities. This is not a new concept and the Council has already supported local communities by undertaking such transfers in the past.

6.2 The Council has a requirement to be able to balance the aspirations of local communities to take on the guardianship of public property assets and delivery of services, with the duty of care it must have in safeguarding the best interests of Teignbridge residents. The introduction of this policy and application procedure set out within this policy is intended to establish a clear approach and governance to service devolution and asset transfer.

6.3 In addition, town and parish councils currently remain unrestricted by central government in the setting of their precepts to fund planned spending. Given the Council's own projected spending pressures, there may come a time when it will be forced to consider reducing existing services provided or disposing of land and buildings connected with current service delivery. Where town and parish councils deem those local services particularly important to their local community, they may wish to apply to take those on themselves. In such cases, an established clear policy and procedure will assist this process.

**TEIGNBRIDGE DISTRICT COUNCIL**

**6.0 GROUPS CONSULTED**

6.1 Services across the Council have been consulted, and contributed, to the preparation of the Asset Management Strategy and the policy documents. These have included Housing, Open Spaces and Resorts, Leisure, Legal, Planning and Finance.

6.2 Consultation with the Teignbridge Association of Local Councils is recommended in respect of:-

- The Town and Parish Council Service Devolution & Asset Transfer Policy
- Options for changes to the Council’s Event Policy

**5.0 TIME-SCALE**

5.1 The strategy and policy content can be adopted immediately. However, where new fees and charges are being introduced as from 2019/2020, this will need the approval of Full Council in February 2019. In addition, the introduction on on-line applications and payments will be subject to the One Teignbridge programme.

5.2 The Teignbridge Town and Parish Council Service Devolution and Asset Transfer Policy will be considered for adoption by the Executive at a future date and following consultation with the Teignbridge Association of Local Councils.

**6.0 DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL-IN)**

10.00 a.m. on

**Tony Watson**  
Interim Head of Commercial Services

**Cllr Timothy Golder**  
Portfolio Holder for Economy Skills and Tourism

BELOW TO BE FILLED IN BY REPORT AUTHOR:

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Donna Best, Estates & Development Officer
<b>Background Papers (For Part I reports only)</b>	N/A
<b>Key Decision</b>	Y
<b>In Forward Plan</b>	Y
<b>In O&amp;S Work Programme</b>	Y
<b>Community Impact Assessment attached:</b>	N
<b>Appendices attached:</b>	A: Asset Management Strategy and Overview B:Cipfa Property: Benefits of strategic asset management C: Draft Land & Buildings Disposal Policy D: Draft Land & Buildings Acquisition Policy E: Draft Town & Parish Council Service Devolution and Asset Transfer Policy

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## 1.5 Asset Management Strategy

The Leader is the Executive member with responsibility for assets. The Head of Commercial Services is the current designated Corporate Property Officer (CPO). The CPO is authorised to take the lead on asset management planning across all services thus ensuring that property assets are regarded throughout the Council as corporate assets.

This strategic approach ensures that the Council's business and property plans support its key objectives and inform its spending decisions. The alignment of the corporate vision with service business plans, the Medium Term Financial Plan and Capital Strategy provides a stable context in which to make informed decisions and deliver the right outcomes. Further, it provides the opportunity to shape the property portfolio to efficiently support the delivery of services and to hold, acquire or occupy only those properties that support the aims of the Council. Property assets represent the Council's largest physical resource in financial terms and they underpin all service activities;

- a) For the purpose of direct service delivery (such as parks, gardens and leisure centres);
- b) To support service delivery (for example administrative offices and depots); and
- c) To support the Council's wider policy objectives. This part of the portfolio is varied: Many assets have been made available for social or sporting purposes or are retained for a range of reasons such as a potential to contribute to future regeneration schemes or provide workspace for local employment provision. In addition, the portfolio provides a valuable revenue income, (approx. £8.43 million 2017/18), which in turn helps to support the Council in delivering important services to its residents.

The Council's corporate property function sits as part of the Economy and Assets Service and is overseen and supported by the Capital Review Group. The overview below summarises the Council's strategic property aims, asset priorities and how they are managed and monitored.

## TEIGNBRIDGE COUNCIL CORPORATE ASSET MANAGEMENT OVERVIEW

Our Strategic Property aim is:

ENSURE THAT TDC LAND AND BUILDING ASSETS ARE EFFICIENTLY MANAGED, MAINTAINED, REDEVELOPED, ACQUIRED AND DISPOSED OF IN A CONSISTENT, STRATEGIC MANNER THAT SUPPORTS CORPORATE OBJECTIVES AND SERVICE DELIVERY

Our asset priorities are:

Understand our assets and how they perform	Challenge whether we have the right assets in the right place and in a condition to meet service delivery needs	Dispose of the assets we no longer need	Acquire new assets if we need them	Maintain and invest in property	Make assets more efficient to run	Reduce the carbon footprint of our assets	Make the most of our assets
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We deliver these priorities by:

Retention of a Corporate Asset Database with continued programme to rationalise property information into one place	Asset Challenge Review	Compliance with Property Disposal & Acquisition Policy and Procedures	Investing in a prioritised programme of Planned Maintenance and Capital Programme projects	Proactive estates management
Measuring and monitoring asset data and information to show how our assets perform	Service Business Planning		Delivery of a prioritised programme of strategic property projects set out in the <b>Capital Programme</b>	Ensuring 'best consideration' in all our property transactions
	One Teignbridge Transformation Programme		Compliance with statutory and health & safety legislation	Clear <b>Property Policies</b> and Procedures

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We keep track of progress & performance with:

Capital Programme - monitoring of delivery by the Capital Review Group					
Performance indicators					
Budget monitoring/ SPAR risk register					
	An Asset Review Schedule	Asset Disposal	Asset Acquisition	Capital Programme monitoring	Capital receipts and revenue income
				Planned & Reactive Maintenance monitoring	
				Property Inspection Regimes	

This work is led by:

The Corporate Property Officer (Head of Commercial Services)				
Economy & Assets Housing & Health Environment & Leisure	All Services	Economy & Assets - Estates	Economy & Assets Housing & Health Environment & Leisure	Economy & Assets

## Appendix B

### The benefits of strategic property asset management

#### CIPFA Property

Where strategic property asset management has been effectively put in place it has brought real and tangible benefits for the organisations concerned, in the following areas.

##### **Being corporate**

- Establishing a strategic property group (or board) where corporate discussions can take place.
- Putting into place a corporate landlord governance model.
- Appreciating that long-term change was needed which relies on a corporate approach.
- Increasing the desire for a corporate solution.
- Enabling common priorities to be agreed and adopted.
- Enabling the establishment of corporate standards for assets, for example in asset condition or utilisation.

##### **Awareness**

- Raising profile of property assets and brought senior leadership buy-in.
- Showing that things had to change.
- Knowing more about their assets.
- Improving engagement with elected members.
- Increasing understanding of how assets enable an organisation and services to deliver.
- Putting property at the top table.

##### **Service delivery**

- Improving engagement between property team and services.
- Development of department asset strategies or incorporating asset strategies within departmental business planning approaches.
- Supporting services to challenge their service delivery operating models.

##### **Finances**

- Improving financial forecasting.
- Identifying procurement cost savings.
- Analysing and aligning budgets.
- Demonstrating savings, delivering efficiencies or spending money more wisely.
- Taking a more commercial attitude to services and to property assets, and driven value from the portfolio.
- Focussing staff and finance where biggest difference can be made.
- Initiated a capital and disposal strategy.
- Developing an investment strategy.

##### **Efficiency**

- Realising the need and value of data in improving efficiency and in making decisions.
- Understanding costs.
- Highlighting property performance:
  - energy
  - maintenance
  - compliance
  - fitness for purpose.

- Achieving better and fewer assets.
- Enabling the development of a repair and maintenance programme.
- Supporting asset review, rationalisation and asset challenge.

#### **Delivering corporate objectives**

- Delivering better return (social and financial) through formal decision making platforms.
- Driving regeneration.
- Driving organisational policy on Community Asset Transfer.

#### **Partnerships**

- Improving collaboration and brought organisations together, including neighbouring local authorities, blue light services, health, central government etc.
- Supporting area reviews and co-location strategies.
- Developing better links with other council strategies.
- Promoting and delivering Internal shared use of assets.

### **Why the benefits are sometimes not seen**

For some organisations, attempts to adopt a strategic approach to property asset management do not get sufficient traction or at various points go 'off the rails'. Sometimes this is due to the organisation writing their asset management framework before they have put in place the necessary and important foundations. There can be a number of other reasons why strategic property asset management does not deliver what was intended. These can include:

- Lack of understanding as to what it is all about.
- High level policy change or shift in political priorities.
- Other plans and strategies change.
- Inconsistencies in approaches.
- Approaches to changing priorities or strategies is not fed through to property asset implications and need to adapt.
- The asset management framework becomes too bulky and cumbersome.
- The asset management framework results in being nothing more than a position statement instead of being forward-looking and strategic.
- The organisation lacks a culture of taking a corporate approach to decision making.
- Political overrule of adopted strategy in certain cases.
- Struggle to achieve engagement with all senior management and services.
- Heavy operational workload resulting in diversion of resources from strategic activities.
- Lack of adequate property-related data.
- No clarity around service delivery models.
- Timeframes, objectives or funding arrangements of partners out of alignment.
- Amount of time, money and people available to deliver.
- Ward councillors can sometimes concentrate on local issues rather than bigger picture.
- Dependence on internal drivers for change which is not always there.
- The property team lacks status within the organisation.



# Teignbridge District Council

## Land and Buildings Disposal Policy

Date: June 2018

Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
Devon  
TQ12 4XX  
Tel. 01626-215856  
[www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)



# Teignbridge District Council

## Land and Buildings Disposal Policy

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**Teignbridge District Council**  
**Land & Buildings Disposal Policy**

## **1.0 Introduction**

- 1.1 Unlike private property owners, local authorities are subject to constraints when they come to dispose of land or buildings in their ownership. Some of these constraints are enshrined in law; others arise because of a general expectation that local authorities should be seen to act fairly when disposing of land and ensure the best outcome for their residents.
- 1.2 Changing requirements and regular review of property assets will at times lead to them being deemed surplus. In addition, there may be circumstances in which a disposal is considered the best way to achieve one or more the objectives of the Council. The purpose of this policy is to provide a framework for the disposal of such property assets.
- 1.3 In order to comply with legislation and best practice it is essential that the procedures adopted for land disposal are directed to obtaining the best terms reasonably available:
- a) Allowing all interested parties an equal opportunity to lease or purchase, and;
  - b) Avoiding partiality or bias

## **2.0 Legal Framework**

- 2.1 The Council may dispose of surplus land and property having regard to the provisions in section 123 of the Local Government Act 1972 (**Appendix A**) and the General Disposal Consent 2003 (**Appendix B**). This legislation ensures that property is disposed of at the best price obtainable subject to certain exceptions.

## **3.0 What is a disposal?**

- 3.1 For the purposes of this policy, a disposal of property is considered to be a disposal if it consists of
- a) A freehold transfer; or
  - b) The grant of an interest in Council owned land and/or buildings

## **4.0 Reasons for the Council holding property**

- 4.1 Delivery of public services and property assets are intrinsically linked: The reasons for the Council holding property, as set out in the Capital & Asset Management Strategy are:-
- a) For the purpose of direct service delivery (such as parks and gardens)
  - b) To support service delivery (for example administrative offices and depots)
  - c) To support the Council's wider policy objectives. This part of the portfolio is varied: Many assets have been made available for social or sporting purposes or are retained for a range of reasons such as a potential to contribute to future regeneration schemes or provide workspace for local employment provision. In addition, the portfolio provides

a valuable revenue income which in turn helps to support the Council in delivering important services to its residents.

- 4.2 The strategic property aim is to ensure that Teignbridge land and building assets are efficiently managed, maintained, redeveloped, acquired and disposed of in a consistent, strategic manner that supports corporate objectives and service delivery.

## **5.0 Identification of surplus and under used property**

- 5.1 Property will be identified as surplus if it does not fulfil any of the reasons or objectives for the council holding property assets as set out above.
- 5.2 It is the responsibility of each service, through its annual Service Business planning, to identify any property or part thereof, that is under used or surplus to their individual service delivery requirements. Following the identification of surplus property, or part thereof, it should be referred to the Economy and Assets Service to consider any other potential uses for the property, including operational use by an alternative service.
- 5.3 Where a surplus asset is not deemed as having an alternative potential use, a recommendation to the Capital Review Group will be made to establish the property as surplus for disposal.
- 5.3 As well as identification by a service area, surplus land and property may be identified by the following methods:
- Asset Challenge Review
  - Following a direct approach from an interested party
- These methods are explored further below.

## **6.0 Asset Challenge Review**

- 6.1 The Council owns a wide range of assets within its property portfolio. These are a valuable resource and one which should be managed in an efficient and effective way in line with the Council's strategic property aim. If the resource is not managed well, there is potential for wasting revenue on operating and maintaining assets that are either ineffective or inefficient. Equally there is a capital value locked into assets which if the asset is no longer required, could be realised, and capital liabilities that could be avoided.
- 6.2 Where assets are still required, then the wrong asset in the wrong location can make a difference to the efficiency of services delivered and impact negatively on customer access to those services. If property assets are not well maintained, this affects the customer experience and can impact negatively on the Council's reputation in the community.
- 6.3 The Council undertakes a regular asset challenge process which enables the Council to understand what assets they own, what these cost, what benefit is derived from them and whether there are opportunities that can be exploited from the asset base.

## **7.0 Direct approaches to acquire property interests from the Council**

- 7.1 The Council regularly receives enquiries from third parties wishing to acquire an interest in Council owned property. This can range from acquiring a scaffold licence or running an event, to acquiring a freehold interest.

7.2 There are application processes in place for these enquiries. Application forms are available online or can be obtained from Economy and Assets. There is a draft 'Frequently asked Questions and Answers' page for our website at Appendix G which provides further details in relation to the process. Events are managed by the Green Spaces team and the hire of beach huts, by the Resorts Team. As part of the One Teignbridge digitalisation programme, it is anticipated that online applications will be the method of submission in the future.

7.3 Some types of applications carry a small administration fee and a schedule is set out below:-

Purchase of freehold or lease	£150
Temporary use of council land up to 28 days	£75
Easement over land	£50
Beach Hut Hire	£nil
Events application	
Small event (up to 499 attendees)	£45
Medium event (500-999 attendees)	£75
Large event (1000-4999 attendees)	£100
Major event (5000+)	Details on request

7.4 The fees are a contribution towards the cost of administering the applications and are non-refundable unless the enquiry leads to the open marketing of the property.

7.5 Utility companies have legal rights to acquire wayleaves or easements over land and are processed on a case by case basis.

7.6 The Council also receives applications from town and parish councils for the devolution of services and associated assets. It is widely recognised that the devolution of services and associated assets to local communities can make a significant contribution to enabling them to be stronger, more resilient and sustainable. There are potential benefits to be had in empowering local communities to develop facilities based on local needs and preferences, and to retain the services most important to those neighbourhoods. The framework for these transfers is set out in the Council's Service Devolution and Asset Transfer Policy.

**8.0 Property Disposal Responsibilities**

8.1 All proposed freehold and leasehold property disposals are managed by the Council's Estates Team.

8.2 The Estates Team will advise on the appropriate method of disposal (Appendix D) and follow the relevant property disposal procedures. These procedures are all based on the assumption that the Estates Team ensure that market value/ the best price achievable (whether by way of freehold or leasehold) is attained.

8.3 The table below outlines the financial thresholds for decisions relating to the disposal of land and buildings as detailed in the Council’s Financial Instructions<sup>1</sup>:-

Capital Receipt Value or annual rent (up to 10 years)	Decision Authority
£0 - £10,000	Business Manager – Economy & Assets
£10,001 - £50,000	Business Manager – Economy and Assets in consultation with the Portfolio Holder, Head of Paid Service, Business Lease and Chief Financial Officer.  The Business Manager and Chief Finance Officer will sign the Decision Note for the disposal to evidence their agreement.
£50,001 & above	Portfolio Holder Decision.
<p>These instructions are subject to the provisions of the Council’s Constitution with regard to key decisions as well as the Council’s Asset Disposal Policy.</p> <p>Decisions will be reported retrospectively to the next Executive Committee.</p> <p>The decision to agree to the disposal <b>by Lease</b>, where the period of the lease does not exceed <b>10 years</b>, may be made by the Business Manager – Economy and Assets, having regard to the requirements of the Land &amp; Buildings Disposal Policy, and where it does not prejudice existing land holdings or future development proposals.</p> <p>Lease decisions which commit the Council to periods in <b>excess of 10 years</b> must be approved by the Executive.</p>	

8.4 Where an urgent decision is required to safeguard the interests of the Council and a decision is not within the approved budget or policy framework, under Part 3.2 Budget and Policy Framework Procedure Rules paragraph 2.4 of the Council’s Constitution<sup>2</sup>,

*“The Executive, a Committee of the Executive, an individual Member of the Executive or officers, area committees or joint arrangements discharging Executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:*

- *if it is not practical to convene a quorate meeting of the Full Council;*
- and*
- *if the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.*

*The reasons why it is not practical to convene a quorate meeting of Full*

<sup>1</sup> <https://www.teignbridge.gov.uk/media/6164/agenda-14-dec-2017.pdf>

<sup>2</sup> [https://www.teignbridge.gov.uk/media/1144/budget\\_and\\_policy\\_framework.pdf](https://www.teignbridge.gov.uk/media/1144/budget_and_policy_framework.pdf)

*Council and the Chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.*

*In the absence of the Chairman of the Overview and Scrutiny Committee, the consent of the Chairman of the Council, and in the absence of both, the Vice Chairman, will be sufficient.*

*Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency”.*

## **8.5 Minor Disposals**

8.5.1 A minor disposal generally arises when an application is received from adjacent or neighbouring owner (s) to purchase the freehold or leasehold interest (in excess of seven years) of a small or inconsequential area of land in the Council's ownership where the land

- a. Is surplus to requirements;
- b. Has no development value;
- c. No open market opportunity; and
- d. A market value of less than £10,000.

8.5.2 It is permissible in these cases to open 'confined' negotiations with the adjacent or neighbouring owner to achieve the most advantageous financial result or for reasons of good estate management; eg if the land is 'landlocked' or is difficult or expensive to maintain. These owners are considered 'special purchasers'. A special purchaser is a particular buyer for whom a particular asset has special value because of advantages arising from its ownership that would not be available to other buyers in a market.

8.5.3 There may also be circumstances where it is in the Council's interest to initiate a minor disposal. However, departure from open marketing should only be considered in the circumstances as outlined in this section and on the advice of the Estates Team.

## **8.6 Major Disposals**

8.6.1 A major disposal is any disposal not covered by the minor disposal definition above. The Estates team will advise on the appropriate method of disposal.

## **8.7 Member Involvement**

8.7.1 Members should not be involved in negotiations on land and property transactions with third parties. Member involvement in the discussion of initial scheme proposals (eg the assessment of schemes at expression of interest or formal tender stage) will occasionally be necessary but this should only be in the format of proper meeting and presentations organised in consultation with the relevant Portfolio Holder. Where a third party attempts to involve a Member in negotiations, the Member shall refer the same to the Managing Director or to such other officer as the Managing Director may direct, and have no further part in the transactions concerned.

## **9.0 Disposing of a property assets for less than best consideration**

- 9.1 The Council may dispose of surplus land and property having regard to the provisions in section 123 of the Local Government Act 1972 (Appendix A) and the General Disposal Consent 2003 (Appendix B). This legislation ensures that property is disposed of (otherwise than by way of a short tenancy,) at the best price obtainable. As a first principal, an asset identified as being surplus for disposal will be marketed openly.
- 9.2 The Council may sell an interest in property at less than best price where it is considered that the purpose of the disposal will achieve the promotion or improvement of the economic, social or environmental well-being for the area and/or local residents.
- 9.3 Valuation advice should be reported to set out the unrestricted (best price obtainable) and restricted values, together with the value of conditions. This will ensure that the monetary value to the authority of any voluntary conditions can be taken account. Control over the sale of land and property at an under value is important because of the possible impact on the capital programme if capital receipts are lower than they would otherwise be if the land was sold at best consideration.
- 9.4 The undervalue must be £2,000,000 or less, and the land must not be held for planning purposes, otherwise the Secretary of State's specific consent is needed. However, even where the Secretary of State consents to a disposal at less than the best consideration that can reasonably be obtained, the disposal must still comply with EU State aid rules.
- 9.5 While this exception may be made, it is the Council's policy that all disposals achieve best consideration (market value). Only in very exceptional circumstances will the Council consider the use of its powers under the General Disposal Consent 2003. In all cases where disposal is proposed on terms at a less than best consideration basis, then delegation to Officers shall not apply and approval will be sought from Members of the Executive Committee. This is to ensure that the legal requirement to ensure that the Council is satisfied that the "well being test" is met and that the amount of "under value" is tested by the Council's valuers.
- 9.6 Any freehold disposal made below market value is subject to the Council having a first call on the property should the asset become surplus to the transferee/purchaser's requirements and a decision taken to dispose of the premises. This is based on the Council paying no more than the original transfer amount.
- 9.7 Should the Council wish to waive its right to buy back the asset, a clawback overage provision will protect the Council's original interest should the site be sold on the open market and permission granted for a higher value use. Such provision will be made for a 25 year period and a 50% share in the increase in the value of the land from the transfer price to the value with the benefit of planning permission. The trigger dates will be the date of the sale of the land with the benefit of planning permission.
- 9.8 The most likely circumstances in which the Council will consider a sale at less than best value are:-
- i. Where an asset (and the associated service) is to be transferred to a town or parish council. (The framework for these transfers is set out in the Council's Service Devolution and Asset Transfer Policy.)
  - ii. Where the disposal will meet the strategic aspirations of the Council. For example, will enable the Council to acquire housing allocations.



- iii. Where the freehold interest of an asset is to be transferred to a social enterprise ie a business which has social, charitable or community based objectives that help people or communities.

9.9 This policy now supersedes the 'Policy for disposals at less than best consideration' previously adopted by the Executive Committee 18 April 2006.

## **10.0 EU State Aid Rules**

10.1 When a local authority disposes of land at less than best consideration, it provides a subsidy to the purchaser. The nature and amount of subsidy must comply with the rules in relation to State aid, particularly if there is no element of competition in the sale process. Failure to comply with the state aid rules will mean that the subsidy is unlawful, and may result in the benefit being recovered (with interest) from the facility.

10.2 State aid requirements are set out in Article 107 (1) of the treaty on the Functioning of the European Union (TFEU: "Save as otherwise provided in the treaties, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market.

10.3 In order to avoid triggering the state aid rules when disposing of publically owned property, it is necessary to ensure that the purchaser pays a market price.

## **11.0 Open Space**

11.1 The Council will not normally dispose of any core recreational open spaces by way of freehold interests.

11.2 The Council will consult its relevant services, such as Spatial Planning and Green Spaces and Active Leisure Services to ensure that disposal of an open space asset would not prevent or put at risk other plans or strategies.

11.3 The Council will consider applications for the disposal of 'incidental open space' and areas of landscaping or parts of these – particularly where it will improve the management of the land benefiting the wider public, will reduce an unacceptable and significant impact on a neighbouring property resulting from misuse of open space and/or clears up anomalies of past land sales, acquisitions and transfers.

11.4 The legal requirements of the Council to advertise proposed disposal of public open space and consider objections must all be complied with. Open Space is defined as any land "laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground". The Council is obliged to give notice of the intention to dispose by placing a public notice in the local newspaper for two consecutive weeks. Any objections must be considered. Applicants will be requested to meet the costs of advertising the proposed transfer. All potential purchasers will have to meet the costs of advertising the proposed sale.

11.5 The Council will not agree disposals where it judges that the personal safety for users of the remainder of nearby open space will be detrimentally affected eg where a narrow alleyway is created. Neither will the Council contemplate sales which lead to the wholesale loss of, or detract from the visual quality/ of the surrounding area. It may apply covenants on sales to retain the open nature of landscaped area and/or to require the provision of certain standards of new boundary fencing, walling or delineation.

11.6 Consideration of any detrimental impact of such disposals on neighbouring properties not financially involved in nor benefiting from the sale will also be given and this may be grounds to the Council refusing an application to acquire an interest in the asset.

## **12.0 Events on Council Owned Land**

12.1 Events are an important part of Teignbridge's cultural offer. Events make a major contribution to the community cohesion and well-being, as well as making a positive contribution to the economic well-being of the area.

12.2 The hire of Council land for events in managed, and licences issued by, the Open Spaces and Resorts teams.

12.3 Temporary Event Notices or Premises license may also require serving for certain events to permit licensable activities such as regulated entertainment or the sale of alcohol. These applications are processed and served by the Licensing Service.

## **12.0 Property Disposal Procedure**

12.1 Once a property is deemed surplus for disposal by the Capital Review Group, the Estates Team will determine the appropriate method of disposal. While there are minor variations relating to the differing types of disposal method, the following principles generally apply to all freehold sales of property:-

### **12.2 Pre-Marketing**

1. Internal consultation – To give Business Leads a further opportunity to provide any comment or express an interest in use of the asset within a time limit of 21 days. This will ensure that the disposal will not prevent or put at risk other plans or strategies. The consultation includes circulation to relevant ward members.
2. Legal consultation – To report fully on the Council's title and any rights or obligations which might affect it. Where it is intended to include covenants or conditions, legal advice should be obtained prior to negotiations.
3. Former Owner – Consider if there is an obligation under the Crichel Down Rules to offer the land back to a former owner. A summary of these rules and procedures is at Appendix C.
4. Where development potential has been identified, pre-application advice will be sought from the Planning Team to establish clarity around potential uses, density of development etc
5. Where the property has been registered as an asset of community value under the Localism Act 2011 Right to Bid legislation, the Council's Spatial Planning and Delivery Service must be advised by way of a completed Section 95 Notice. Following receipt of this notice there will be a statutory interim moratorium period and possibly a full moratorium period, during which the property will not be disposed.
6. Consideration of method of disposal – See Appendix D which considers the options available. Appendix E provides guidance aimed at minimising or addressing the difficulties presented by late or revised bids.

### **12.3 Preparation for marketing (Based on in-house marketing)**

1. Pre-marketing inspection by Property & Design Team if property includes a building. Condition survey and energy performance certificate to be obtained. Health and safety related works will be considered.
2. Marketing inspection by Estates Team. To include inspection for valuation report and to acquire information for marketing literature.
3. VAT position established (Finance).
4. Marketing literature prepared. Sales/letting details and press release
5. For sale or to let board erected where relevant
6. At the discretion of the Estates & Development Manager, external agents may be appointed to undertake the marketing on the Council's behalf where deemed appropriate.

#### 12.4 Marketing

1. Marketing literature, as a minimum, forwarded to:-

- Relevant ward members
- Council website page ([Property to let or for sale](#))
- Enquiries Log relevant potential buyers/tenants
- Relevant town or parish council clerk
- Devon County Council (Estates & Assets)
- Devon & Somerset Fire Service (Estates & Assets)
- Devon & Cornwall Police (Estates & Assets)
- NHS Property Services (South West Team)
- Commercial Register – Exeter Heart of Devon

This list is not exhaustive, and the Estates Team will determine other appropriate recipients on a case by case basis to ensure as broad exposure as possible.

2. Press release sent to local newspapers. Message to be posted on Twitter and Facebook. Adverts placed in relevant media eg Local newspaper, Estates Gazette, CoStar.
3. Negotiation of terms (except where disposed by auction or formal tender)
4. Where bids are assessed by way of an informal or formal tender process, officers undertaking assessment of those bids sign Declaration of Interest Canvassing Confidentiality form.
5. Relevant anti-money laundering checks undertaken
5. Where the purchaser is a social enterprise or charity, Social Enterprise and Charities checks undertaken as detailed in Appendix F.
6. Heads of terms for a purchase agreed (subject to contract) and signed by potential purchaser.
8. Relevant authority acquired to proceed.

9. Decision to be reported retrospectively to the next meeting of the Executive (where relevant authority is not the Executive).

6. Website/ Marketing Boards updated – ‘under offer’

10. Legal Team instructed by Estates Team to prepare relevant legal documentation.

#### 12.5 Sale complete

1. Post completion tasks undertaken. These include:-

- Website updated – marketing literature removed
- Business Rates advised
- Insurance officer advised
- Asset register and GISMO software updated
- Issue of press release (where relevant)

12.6 Based on the Disposal Policy framework, officers work within procedure guidelines which include those specifically adapted for the types of set out below. Where these are not in place at the time of adoption of the Policy, they will be established within 12 months.

- Disposal marketed
- Disposal not marketed
- Lease marketed
- Lease not marketed
- Easements
- Wayleave requests
- Temporary Licence
- Concession marketed
- Concession not marketed
- Events

## Appendix A

### s.123 Local Government Act 1972 (as amended)<sup>3</sup>

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
  - (2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
  - (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
    - (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
    - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),  
the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.
- (3)—(6) (Repealed)
- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
  - (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run, and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

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<sup>3</sup> <http://www.legislation.gov.uk/ukpga/1972/70/section/123>

## Appendix B

### The Local government Act 1972: General Disposal Consent (England) 2003<sup>4</sup>

1. The First Secretary of State ("the Secretary of State"), in exercise of the powers conferred by sections 123(2), 127(2) and 128(1) of the Local Government Act 1972, hereby gives consent to a disposal of land<sup>2</sup> otherwise than by way of a short tenancy<sup>3</sup> by a local authority in England in the circumstances specified in paragraph 2 below.
2. The specified circumstances are:
  - a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
    - i) the promotion or improvement of economic well-being;
    - ii) the promotion or improvement of social well-being;
    - iii) the promotion or improvement of environmental well-being; and
  - b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

#### Interpretation and savings

3. (1) In this instrument -  
"local authority" means:
  - i) London borough council;
  - ii) a county council;
  - iii) a district council;
  - iv) a parish council and parish trustees acting with the consent of a parish meeting;
  - v) a National Park authority;
  - vi) a Metropolitan Borough Council
  - vii) a joint authority established under Part IV of the Local Government Act 1985;
  - viii) a police authority established under section 3 of the Police Act 1996;
  - ix) the Metropolitan Policy Authority;

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<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7690/462483.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7690/462483.pdf)

x) the London Fire and Emergency Planning Authority;

xi) the Broads Authority;

xii) the Council of the Isles of Scilly;

and any other person to whom, by virtue of statute, section 123(2) or section 127(2) of the Local Government Act 1972 applies;

"unrestricted value" means the best price reasonably obtainable for the property on terms that are intended to maximise the consideration, assessed in accordance with the procedures set out in the Technical Appendix.

**(2)** Nothing in this instrument shall be construed as giving consent to a disposal for any purpose for which the consent of the Secretary of State is required by virtue of section 25(1) of the Local Government Act 1988, section 133(1) of the Housing Act 1988, section 32(2) or section 43(1) of the Housing Act 1985, or otherwise as having effect as a consent for any purposes other than those of Part 7 of the Local Government Act 1972.

#### **Citation and revocation**

**4. (1)** This instrument may be cited as the Local Government Act 1972 General Disposal Consent (England) 2003 and shall come into effect on 4 August 2003.

**(2)** The Local Government Act 1972 General Disposal Consents 1998 are hereby revoked insofar as they apply to England.

Signed by authority of the First Secretary of State

**Lisette Simcock**

30 July 2003 Divisional Manager

Plans, International, Compensation and Assessment Division

## Technical Appendix

Valuations For The Purpose Of Determining Whether Proposed Land Disposals Under The Terms Of The Local Government Act 1972 Fall Within The Provisions Of The General Disposal Consent 2003

### The Valuation Report

1. An application to the Secretary of State for a specific consent to dispose of land under the terms of Part 7 of the Local Government Act 1972 for less than the best consideration reasonably obtainable must be supported by a report prepared and signed by a qualified valuer (a member of the RICS), providing the following information.

### Valuations

2. The report should set out the unrestricted and restricted values together with the value of conditions. Where any of these is nil this should be expressly stated. The valuer should also describe the assumptions made. These might include, for example, existing or alternative uses that might be permitted by the local planning authority, the level of demand and the terms of the transaction. The effect on value of the existence of a purchaser with a special interest (a special purchaser) should be described.

3. The Consent removes the requirement for authorities to seek specific consent from the Secretary of State where the difference between the unrestricted value of the land to be disposed of and the consideration accepted is £2,000,000 or less. The purpose of requiring the restricted value and the value of conditions to be reported as well as the unrestricted value is to ensure that the monetary value to the authority of any voluntary conditions can be taken into account when applications for specific consent are considered by the Secretary of State.

4. The valuer should take into account the requirements of the RICS Appraisal and Valuation Standards (Fifth Edition), ("the Red Book"), including UK Guidance Note 54. All values should be assessed in capital, not rental, terms; and where a lease is to be granted, or is assumed by the valuer to be granted, the valuer should express the value of the consideration as a capital sum.

#### *Unrestricted value*

5. The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2)5, except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).



**6.** In general terms, unrestricted value is intended to be the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Apart from the inclusion of bids from a purchaser with a special interest it is defined in the same way as market value. For example, the valuer should take account of whatever uses might be permitted by the local planning authority insofar as these would be reflected by the market rather than having regard only to the use or uses intended by the parties to the proposed disposal.

**7.** The valuer should assume that the freehold disposal is made, or the lease is granted, on terms that are intended to maximise the consideration. For example, where unrestricted value is based on the hypothetical grant of a lease at a rack rent, or a ground rent with or without a premium, the valuer should assume that the lease would contain those covenants that a prudent landlord would normally include. The valuer should also assume that the lease would not include any unusual or onerous covenants that would reduce the consideration, unless these had to be included as a matter of law.

**8.** In the case of a proposed disposal of a leasehold interest, or where the valuer has assumed that a lease would be granted, the unrestricted value should be assessed by valuing the authority's interest after the lease has been granted plus any premium payable for its grant. This will usually be the value of the authority's interest subject to the proposed or assumed lease. In other words, it will be the value of the right to receive the rent and other payments under the lease plus the value of the reversion when the lease expires.

**9.** Where an authority has invited tenders and is comparing bids, the unrestricted value is normally the highest bid. But where, on the advice of the authority's professionally qualified valuer, the authority considers that the highest submitted tender is unrealistically high, or is too low, the unrestricted value may be assessed by the valuer.

#### *Restricted value*

**10.** The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

**11.** Where the authority has invited tenders and is comparing bids, the restricted value is normally the amount offered by the authority's preferred transferee. In other cases it is normally the proposed purchase price.

**12.** In cases where the proposed consideration is more or less than the restricted value both figures need to be given.

#### *Voluntary conditions*

**13.** A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

**14.** The value of voluntary conditions is the total of the capital values of voluntary conditions imposed by the authority as terms of the disposal or under agreements linked to the disposal that produce a direct or indirect benefit to the authority which can be assessed in monetary terms. It is not the reduction in value (if any) caused by the imposition of voluntary conditions and any adverse effect these may have on value should not be included in this figure.

**15.** The proposed disposal, or an agreement linked with it, may give rise to non-property benefits to the authority. For example, these might include operational savings or income generated as a result of the transaction where the authority has an associated statutory duty. The monetary value of these benefits to the authority should be included in the value of voluntary conditions.

**16.** Where the status in law of a voluntary condition is unclear, the authority may need to seek legal advice as to whether the condition is such that its value to the authority can form part, or all, of the consideration. Conversely, there may be cases where, in law, the condition can form part, or all, of the consideration but it has no quantifiable value to the authority.

**17.** Where the valuer is not qualified to assess the value of any benefits (for example, of share options) the report should make clear the extent to which the valuer accepts liability for the figures. Where the valuer does not accept full responsibility the report should make it clear by whom the remainder of the figures have been assessed, and copies of any valuations or advice received from accountants or other professional advisers should be annexed.

**18.** All the values given should be in capital, not rental, terms; and the values of individual conditions as well as the total should be provided. Where there are no conditions, or their value is nil, this should be stated.

### **Valuation of Options**

**19.** A discount may occur in connection with the consideration for either the grant of an option or the exercise of an option, or both. Where the consideration is less than the best price that can reasonably be obtained, (or where the valuer considers that if the option were to be exercised its terms would require the authority to accept less than the best consideration that can reasonably be obtained), the valuations described in paragraphs 20 and 21 below must be provided in support of an application for disposal consent.

#### *Payment for the grant of an option*

**20.** In explaining the basis for calculating the consideration for the grant of an option, the valuer's report needs to include the following information, based on the most likely date for the exercise of the option:

- a)** the unrestricted value of the option to be granted;
- b)** the proposed cash consideration for the option to be granted (which may be nominal or nil); and

- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the option to be granted.

The grant of an option will then be at an undervalue where the unrestricted value at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where  $a > (b+c)$ ).

#### *Consideration for the exercise of an option*

**21.** In explaining the basis for calculating the consideration for the interest to be disposed of under an option, the valuer's report should include the following information, based on the most likely date for the exercise of the option:

- a) the unrestricted value of the interest to be disposed of under the option, disregarding the effect of the option;
- b) the proposed cash consideration for the interest to be disposed of under the option (which may have been specified in the terms and conditions for the granting of the option); and
- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the interest to be disposed of under the option.

The disposal of an interest pursuant to an option will then be at an undervalue where the unrestricted value of the interest at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where  $a > (b+c)$ ).

#### **Development Land**

**22.** In cases where there is no detailed scheme, the valuer should make reasonable assumptions about the form of the development.

#### *Negative Development Value*

**23.** Where the value of the completed scheme is less than the development cost, (for example, where there is low demand or high costs associated with land reclamation or decontamination), the valuer should assess the unrestricted value by making reasonable assumptions about such matters as alternative uses that might be permitted by the local planning authority and the level of demand. Where the proposed scheme is the most profitable but still produces a negative development value the unrestricted value will be nil and therefore a disposal at nil consideration will not be at an undervalue. But where land with a negative development value has a positive value for some other use the disposal would be at an undervalue.

#### *General Effect Of Grants On Values*

**24.** The valuer should consider whether the value of the site is in any way affected by the prospect of grant and take this into account in the valuation. If the valuation is based on

assumptions that disregard the effect of grant then this should be stated in the valuation report. When assessing a value for a use other than that for which a grant has been approved, the valuer should consider the likelihood of any such use achieving planning consent.

1 For the purposes of the 1972 and 1990 Acts 'open space' is defined in section 336(1) of the latter Act.

2 By section 270, land includes any interest in land, and any easement or right in, to or over land.

3 By sections 123(7) and 127(5), a short tenancy is a tenancy, which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run. Disposals by way of a short tenancy do not need consent, see sections 123(2) and 127(2) of the 1972 Act.

4 RICS Appraisal and Valuation Standards (Fifth Edition), UK Guidance Note 5: 'Local authority disposals at an undervalue' published 1 May 2003

5 [see above]

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## Appendix C

### Former owners' rights (Crichel Down rules)

The Crichel down rules require the Council to offer land or property that has become surplus to its requirements back to the original owner under certain circumstances.

The rules apply to land or property that was originally acquired compulsorily or under threat of compulsion.

The rules do not apply to:

- Land that was up for sale at the time of the acquisition
- Agricultural land acquired prior to 1 January 1935
- Agricultural land acquired on and after 30 October 1992 which becomes surplus and available for disposal more than 25 years after acquisition
- Non-agricultural land and property acquired more than 25 years before disposal
- Land and property whose character has changed during the period of ownership, e.g. by development or extensive alteration (the cost of reinstatement will be a factor in determining this issue)
- Disposals comprising a development site of two or more former land holdings or part of a site that has been changed and where a sale in parts would not achieve best value
- Disposals that are effectively de minimis
- Various circumstances, with specific ministerial approval, where the land is still required for some other public sector purpose

The Estates & Development Manager, in consultation with the legal department shall determine whether the Crichel Down rules apply.

If the Crichel Down rules do apply, the Council shall:

- Establish the identity and location of the former owner or successor
- Assess the terms of the offer and method of fixing the price
- Give the former owner two months to agree the basic terms and a further six weeks to agree the price (with such extensions as appropriate) - if agreement is not reached within the timescale, the land or property may be sold on the open market

Special consideration will apply where best value can only be determined by extensive planning work or exposure to the marketplace.

## Appendix D

### Disposal Methods

There are four principal methods of disposal available and are outlined within this appendix.

1. **Private Treaty** – After a reasonable period of exposure to the market, negotiations are carried out between the seller and prospective buyers (or their respective agents) privately and in comparative secrecy, normally without any limit on the time within which they must be completed before contracts are exchanged. In the event that two or more interested buyers are identified the Council may consider moving on to the Informal Tender method (see method 4 below).

#### Advantages:

- allows a flexible approach;
- time pressures are seldom imposed on either the seller or buyer; and
- it is widely understood and accepted by the general public.

#### Disadvantage:

- the proceedings cannot always overcome suspicions of unfair dealings, and it is therefore a method to be used with caution.
- there is no firm contract at the point of offer and acceptance.

2. **Formal Tender** – Requires a great deal of preparations, as the tender document forms the contract for sale. A full appraisal of the transaction needs to be carried out, including a valuation which may be used to provide a guide price in order to have a baseline against which to assess the tenders when they are returned.

#### Advantages:

- The disposal can be concluded quickly where it is unconditional;
- The Council does not need to accept any tender if the offer is not satisfactory;
- The tender procedure should guarantee complete fairness; and
- As bids are not public, tenderers should put forward their best offer.

#### Disadvantages:

- Potential purchasers are often put off by the procedure whereby they commit themselves contractually upon making any financial offer;
- There is little for discussion about the scheme itself, and this method is too robust and inflexible to take account of any conditional offers eg to be made subject to planning.

In view of the inflexibility and disadvantages of the formal tender procedure there should, in normal circumstances, be a presumption against this method for the disposal of property.

In the event of a disposal by formal tender Financial Instructions should be followed.

3. **Auction** - Public auctions are best suited to disposals where it is reasonable to expect keen interest from prospective purchasers, where it is difficult to establish a clear idea of value, and where there is an ambition to bring a clear end date to on-going ownership

Sale by auction requires preparation of all contractual details beforehand in order that a binding contract may be effected immediately a bid is accepted.

**Advantages:**

- Certainty: contracts are exchanged on the fall of the hammer;
- Open process of competitive bidding may lead to a price in excess of that by private treaty;
- Regional/national marketing by the auction house.

**Disadvantages:**

- the seller has no control over who buys;
- funds to meet the sale price must be available within a specified period, and this may put off purchasers who need to raise finance;
- potential purchasers have to consider the transaction during the marketing period, with no opportunity to discuss alternative ways to structure the deal;
- the winning bid need only be marginally more than the second highest bid, and need not represent the maximum the purchaser would have been willing to pay;

4. **Informal Tender** – Informal tendering is a process whereby offers are invited, usually in the form of expressions of interest, with or without a firm closing date.

**Advantages:**

- the most advantageous terms for the Council can be formulated even in very complex cases;
- the Council does not need to accept any tender if the offer is not satisfactory;
- as bids are not public, tenderers should put forward their best offer. (Though not necessarily going to achieve best price because in an auction situation people are sometimes prepared to bid more than they had envisaged, particularly when they see others prepared to bid at that level)
- most useful as a tool for resolving competing interests following private treaty marketing.
- Is useful where the Council is seeking other benefits to a disposal in addition to the price or rent level proposed eg seeking a community benefit or specific type of use for the asset

**Disadvantages:**

- lacks the certainty of the Formal Tender procedure,
- can be frustrating since post-tender negotiations can be protracted and may not be successful; and

- the requirement to negotiate raises some of the disadvantages of a sale by private treaty.

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## **Appendix E**

### **Dealing with late or revised bids**

A difficult situation arises when the Council receives a higher offer after another offer has been accepted "subject to contract". Such difficulties are less likely to occur if exchange of contract takes place quickly after the decision has been made to whom to sell the property. When accepting an offer the Council's position should be made clear, in writing, that in the event of any higher offer being received before a contract is exchanged it may be obliged to consider it.

There are very good reasons for laying down strict rules of compliance with the procedures, particularly time-scales. This is to ensure that all interested parties are treated equally and that the Council operates in an efficient and cost effective manner by reducing uncertainty and delay. Above all, the principle that parties should not benefit from the tactic of an intentional late bid is paramount. Nevertheless, there may be, at times, genuine late bids and where the proposed disposal involves a substantial capital receipt the Council must be able to make decisions that avoid foregoing significant increases in sums achievable.

Whilst it may be appropriate to maintain a policy of disregarding any late bids in a tender exercise, the Council may find itself missing the opportunity to secure best consideration where a late bid substantially exceeds bids received on time. Indeed, case law suggests that Councils can be found to fall short of achieving best consideration if rival bids are not investigated.

Where a higher offer is received after one has been accepted, the applicant should be advised that an earlier offer has been accepted, subject to contract. Unless there is a particular reason why the higher offer should be accepted, e.g. an ability to proceed immediately when the original bidder was not able to do so, then the first applicant (whose offer has been accepted) should, at least, be given the opportunity of matching the higher offer.

### **Dealing with Revised Bids**

The Council may be faced with the successful bidder from an informal auction seeking to substitute a lower bid. This process might also be repeated as the successful bidder in effect explores to find the level of the next bid below his or her own believing that the Council will be prepared to accept any offer above that next bid. The general obligation to obtain the best price which can reasonably be obtained for the land may mean that these bids have to be considered.

## Appendix F

### Social Enterprise and Charities Checklist

Where the Council is disposing of property to a social enterprise or charity, it has a duty of care to both its residents and to the organisation to ensure, in so far as it can, that the organisation has the capacity and skill sets required to care for the asset.

The proposed purchaser or tenant should therefore be assessed against the following criteria:-

- a. A Voluntary and Community Sector organisation must be a legal entity which:
  - is non-governmental - not part of the statutory sector;
  - is non-profit distributing - it must reinvest any surpluses to further its social aims/ community benefits;
  - has community benefit objectives
- b. Be appropriately constituted, for example, a registered charity, a community interest company or a charitable incorporated organisation, a not for profit company or a co-operative. The applicant's constitution should allow for the management/ownership of buildings and/or provision of services
- c. Demonstrate good governance by operating through open and accountable co-operative processes, with adequate monitoring, evaluation and financial management systems
- d. Demonstrate management experience and/or expertise
- e. Demonstrate that the organisation is sustainable with the provision of the organisation's most recent set of accounts where available
- f. Demonstrate a track record of delivering services, or in the case of a new organisation a track record of key individuals and a robust business case
- g. The organisation has a clear purpose and understanding of the activities it wishes to deliver
- h. Can demonstrate it has the skills and capacity within, or available to, its managing body to effectively maintain and manage the asset. (Where significant works are to be undertaken to a property, the details and CV of the overseeing project manager/ clerk of works should be provided).
- i. Where property is to be leased - Provide a management proposal that includes a specific plan on health and safety issues and compliance with legislation/statutory requirements arising from ownership or management of the building and/or running a service.

## Appendix G

### Questions and Answers: Purchasing Council property & acquiring other interests in Council owned land

This document contains common questions and answers about purchasing Council property and provides information on other interests, such as applications for:

1. Leasing Council owned land;
2. Obtaining wayleaves over Council owned land;
3. Obtaining easements over Council owned land;
4. Operating concessions on Council owned land;
5. Obtaining licences to occupy Council owned land;
6. Varying or extinguishing covenants on land formerly owned by the Council;
7. Obtaining access agreements over Council owned land;
8. Siting builders compounds on Council owned land; and
9. Temporary use of Council owned land

#### **What do I do if I want to purchase Council owned property or wish to apply to the Council regarding other Council owned land and property matters?**

Submit an application form. Forms are available from the Council's website (details at the end of this document). Once completed, the application form should be returned to Economy & Assets, together with the non-refundable administration fee.

#### **What fee do I submit with my application?**

**Fee 1 (£150)** will be payable in respect of all applications other than those below.

Or

If your application is for **temporary consent to use Council land for less than 28 days**, please submit your application with **Fee 2 (£75.00) and the appropriate license fee**. Examples of temporary uses include erection of scaffolding, placement of skips and access for works.

Or

**Fee 3 (£50)** Application for an easement or renewal of an existing concession (land, beach or passenger boat concessions)

Or

**Fee 4** For hire of land to run an event

Small event (up to 499 attendees)	£45
Medium event (500-999 attendees)	£75
Large event (1000-4999 attendees)	£100
Major event (5000+)	Details on request

**Please note:** that the Council reserves the right to refuse any application.

**All fees are non-refundable unless the enquiry leads to the open marketing of the property.**

**How do I find out if the Council owns a piece of land?**

Check with the Land Registry.

**Land Registry**

Seaton Court  
2 William Prance Rd  
Plymouth  
Devon  
PL6 5WS

Tel: 0844 892 1111

[www.landregistry.gov.uk](http://www.landregistry.gov.uk)

An on-line mapping service showing Council owned land is also available on the Council's website at <http://gis.teignbridge.gov.uk/AssetRegisterOnline/Map.aspx>

**Planning enquiries**

If your request to purchase land also involves changing the use of that land (for example, from open space to private garden), then it's recommended that you seek advice from the Council's Planning Service before you submit your application by emailing [planning@teignbridge.gov.uk](mailto:planning@teignbridge.gov.uk) or finding out more at <https://www.teignbridge.gov.uk/planning/planning-applications-and-appeals/applying-and-guidance-for-planning-applications/>

**What if I can't provide a plan showing the area I want?**

If you are unable to provide a plan or sketch plan, the Council can provide an Ordnance Survey map, subject to a fee charge.

## **What will happen once I have sent in my application?**

Your application will be passed to a surveyor working in the Economy & Assets Team and who will consult with the relevant Council departments.

### **Decision Making**

The process for deciding whether to accept your application is governed by the Council's constitution and depends on the nature and value of the transaction. The following is a summary of the most frequently encountered decision making processes following relevant consultation:

- If the transaction value is up to £10,000 then the Economy & Assets Business Manager will make the decision.
- If the transaction value is between £10,001 and £50,000, then the Economy & Assets Business Manager and the Chief Finance Officer will make the decision.
- If the transaction value is above £50,001, then the decision will be taken by the Portfolio Holder.
- Lease decisions which commit the Council to periods in excess of 10 years must be approved by the Executive.

You will then be advised in writing of the decision.

This part of the process will take approximately 12 weeks, but can take longer.

If the decision is one that must be made by the Executive, then it will take up to a further 6 weeks. Further details regarding the [Executive](#) can be obtained from the Council's website.

Please note that information regarding your application may be made available to this public meeting unless it contains sensitive information that is considered exempt (as defined in Part 1 of Schedule 12A to the Local Government Act, 1972).

### **Who/What is a Ward Member?**

Each Ward in the District of Teignbridge has up to 3 elected Councillors who are Ward Members. To find out who your ward member is, please visit our website page <https://www.teignbridge.gov.uk/council-and-democracy/district-councillors/who-is-my-councillor/>

### **Who/What is a Portfolio Holder?**

Many Council functions are delegated to the Executive and some of the councillors who make up the Executive are known as Portfolio Holders. There are currently eight Portfolio Holders; each is responsible for specific areas.

The Portfolio Holder for Economy Skills & Tourism is responsible for  
Economic Development  
Regeneration  
Assets & Estates  
Property Maintenance  
Tourism

### **What happens once a decision is made?**

If the decision is to refuse your application, you will be advised in writing.

If the decision is to approve your application, the Estates Team will then make contact with you to agree terms and conditions. The negotiating surveyor may also make a site visit in the course of the negotiations.

Additional information may be required from you such as insurance documents or relevant licences if you are applying for (or renewing) a concession.

Once all the terms and conditions have been agreed with you, the Council's Legal Services team will be instructed, by the Property Services Team, to prepare the legal documents.

At this stage you may want to contact your own solicitor.

### **If my application is refused, can I appeal?**

**There is no appeals procedure.** However, if you feel that you have additional information, or justification to support your application that has not already been considered, or if you amend your application in some way, the Council may be able to process your application again, based on the new information.

Please note that you may be charged a further administration fee if your revised application involves repeating the consultation process.

### **Do I have to use a solicitor?**

It's not a legal requirement but is advisable to ensure protection of your own interests. The Council's Legal Services team cannot advise or assist you as they are employed to protect the Council's interests in the transaction.

### **What do solicitors do?**

You should talk to your solicitor directly about the services he/she offers, but generally it will involve consideration of the draft contract and undertaking a local land charges search (and other searches).

In the sale of a property, once the contract terms are agreed, the contract can be signed and formally exchanged. At the point of exchange of contracts you are likely to have to pay a deposit to the Council through your solicitor; usually this is 10% of the sale price.

The signed contract will include a completion date. This is the date when the land/property becomes yours, subject to the Council receiving payment of the completion monies.

For other transactions, such as leases and concessions, a start date for the contract will be agreed and the legal document executed by each party.

### **What else happens between exchange of contracts and the completion stage of the sale of property?**

Your solicitor will prepare the Transfer. This is the document that will enable you to be recorded as the new legal owner of the property at HM Land Registry. The Transfer will be sent to the Council's Legal Services team who will arrange for it to be sealed on behalf of the Council, in readiness for completion. On the day of completion, on receipt of the completion monies, the Transfer will be dated and then forwarded to your solicitor. The Estates Team will liaise with you on the release of any keys.

### **If I want to have an update with regard to my purchase of the property interest, who should I ask?**

Once the Council's Legal Services team has been instructed, you should contact your own solicitor regarding progress, or the Estates Team.

### **All this seems very complicated and to take a long time. Is there a quicker system for approval of applications?**

Unfortunately not. The Council has legal obligations in the sale of land/property and other land transactions.

### **When will I need to insure the land/property?**

Your solicitor will advise you. If you are acquiring the freehold of a property, it should be from the date of exchange of contracts, as the Council's insurance policy will not cover it from that time.

For other property transaction types, you will need to refer to the specific terms of your legal agreement.

## Do I need to do anything after completion?

Completion on a freehold purchase marks the end of the process so far as the Council is concerned but there are still some matters for you and your solicitor to deal with before the property can be properly regarded as being yours, including submission of a Stamp Duty Land Transaction Return to HM Revenue & Customs, payment of Stamp Duty Land Tax (if appropriate) and registration of the Transfer at the Land Registry.

For other property transactions, you will need to refer to the specific terms of your legal agreement.

### Important points that you should be aware of:

- 1) **Public open space:** If you wish to purchase or lease land which is held as open space, the Local Government Act 1972 requires the Council to publicise its disposal in a local newspaper for two consecutive weeks and to consider any objections received. You will have to pay for the cost of the public notice and will be given a quotation for the cost at the time. You will be requested to pay these costs before the Council will request publication of these notices. If the Council receive any objections to the disposal, these will have to be considered before a decision is made as to whether or not the Council will proceed with the disposal.
- 2) **Open market sale:** The Council is, with certain exceptions, obliged by law under the Local Government Act 1972, to sell land for the best price reasonably obtainable. This means that in some cases if, following consultation, it is considered that the land you have asked to purchase could be of interest to other parties or could be sold for development land, the Council must advertise it for sale on the open market. In such a case you will be sent sales details once prepared and will be able to make an offer for the land along with any other interested party. Please note that in such cases, your administration fee **will** be refundable.
- 3) **Administration fee:** Before the Council can start work on your application, you will need to pay the appropriate non-refundable administration fee. It is payable to offset some of the costs involved in processing your application, but it does not cover the full cost. Payment of the fee **will not** guarantee that your application is approved and it is entirely separate to the valuation of the land.

This fee is reviewed each year and effective from 1 April. There are no exemptions.

- 4) **Planning consent:** Planning consent may be needed for change of use or development of the land, or for other matters such as fencing and boundary treatment. You are responsible for checking if planning consent is required and you should make your own enquiries about this aspect of your proposals with the Planning Service.

It is your responsibility to ensure that you obtain any required consents. Should you submit a planning application to include Council owned land, you must serve the appropriate statutory notice to the Council's Estates Team. Please note that the Council's role as a land owner is completely separate from that of Planning Authority. Therefore, although you may be granted planning consent, this does not guarantee that your application to the Council, as landowner, will be approved.



- 5) **Variation to restrictive covenants:** You may need to seek consent from the Council, as former landowner, to a variation of a restrictive covenant affecting your title to land. This consent should be sought well in advance of any plans you may have to (re)develop etc. your land.
- 6) **Other Fees:** Once a sale has been agreed, you will be required to pay the Council's surveyors fees and a contribution towards the Council's legal fees, before the Council's Legal Services team prepare any documentation. For guidance please refer to the fee list attached to this document.

**For further information please contact the Economy & Assets Service**  
**01626 215481 [economyandassets@teignbridge.gov.uk](mailto:economyandassets@teignbridge.gov.uk)**

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## Fee Charges from 1 April 2019 – 31 March 2020

### Non-refundable administration fees (to consider an application)

Item	Fee (Excluding VAT)	Total (Including VAT)
<b>Fee 1</b> (All applications except those attracting Fee 2 or Fee 3.)	£125.00	£150.00
<b>Fee 2</b> (Temporary consent - Plus license fee as below)	£62.50	£75.00
License Fee up to 12 sq m 1 week	£ 41.67	£50.00
License Fee up to 24 sq m 1 week	£ 83.33	£100.00
License Fee up to 36 sq m 1 week	£ 125.00	£150.00
License fees for larger areas will be charged based on 12 sq m increments at £50.00		
<b>Fee 3</b> (Easement or Renewal of an existing concession)	£41.67	£50.00
<b>Fee 4</b> (Event Hire)		
Small event (up to 499 attendees)	£37.50	45.00
Medium event (500-999 attendees)	£62.50	£75.00
Large event (1000-4999 attendees)Major event (5000+)	£83.33	£100.00 Details on request

- **Other non-refundable fees payable** (if application is approved, but before legal documentation is prepared)

<b>Surveyor's fees</b>	From £200.00 plus VAT
<b>Contribution towards legal fees</b>	From £100.00 plus VAT and disbursements

*Surveyors and solicitors fees are based on the nature of the transaction, land value, rent/license fee payable and/or on the complexity of the transaction. In most instances, they will not apply to those transactions requiring a temporary license only. Disbursements will include obtaining title information from the Land Registry.*

- **Cost of statutory publication of proposed disposals of open space** (Please refer to the earlier sections of this document for clarification as to when this will apply).

<b>Publication costs</b>	£400.00*
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*\*This is an approximate guide. This fee is set by the newspaper and is beyond the Council's control. A quote will be provided. Payment must be received before the notices can be published and will be non-refundable.*

**Fee charges for event hire and markets are not included in this document.**

**If you require this information in a different format, please contact the Economy and Assets Service on 01626 215481.**

# Teignbridge District Council

## Land and Buildings Acquisition Policy

Date: March 2018

Teignbridge District Council  
Forde House  
Brunel Road  
Newton Abbot  
Devon  
TQ12 4XX  
Tel. 01626-215856  
[www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)



# Teignbridge District Council

## Land and Buildings Acquisition Policy

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## Teignbridge District Council

### Land & Buildings Acquisition Policy

#### 1.0 Introduction

- 1.1 This policy document is to be followed when considering the acquisition by the Council of an interest in property. For the purpose of this policy, reference to “property” includes any property constructed on land or land or an interest in land itself. It applies to the acquisition by the Council of all interests in property including freeholds, leaseholds (including capitalised leases), restrictive covenants, easements and options.
- 1.2 Property is a corporate resource and the Council’s Capital & Asset Strategy sets out the strategic property aims of the Council. These aims are to be applied in managing the property portfolio.
- 1.3 This policy places emphasis on adopting procedures that are consistent and which ensure maximum benefit from the effective purchase and subsequent management of the Council’s property assets. Within this framework, the policy will help ensure that the Council achieves best value, acts within the appropriate legal framework and considers whole life costs.

#### 2.0 Council powers and constitution

- 2.1 The powers under which the Council acquires property assets can be general or specific.
- 2.2 General Powers to acquire land and property stem from the Local Government Act 1972 (Section 120). These enable local authorities to acquire property for any of their functions, or for the benefit, improvement or development of their area. Local Authorities are empowered to acquire land notwithstanding that the land was not immediately required for that purpose.
- 2.3 The Local Government Act 2000 introduced additional ‘wellbeing’ powers which provide councils with the power to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of their area. This includes the power to incur expenditure, including land acquisition.
- 2.4 There are more specific powers that support acquisitions for capital programmes or specific projects. As an authority possessing compulsory purchase powers, the Council may also make compulsory purchase orders which, if approved, allow the Council to acquire by compulsion where acquisition by agreement has not proven possible. Further detail is provided at Appendix A.

#### 3.0 What is an acquisition?

- 3.1 For the purposes of this policy, an acquisition of property is considered to consist of
- a. A freehold interest in land and/or buildings

- b. The grant of an interest to the Council in land and/or buildings

#### **4.0 Reasons for the acquisition of property**

- 4.1 Delivery of public services and property assets are intrinsically linked: The reasons for the Council holding property, as set out in the Capital & Asset Management Strategy are:-
  - a) For the purpose of direct service delivery (such as parks and gardens)
  - b) To support service delivery (for example administrative offices and depots)
  - c) To support the Council's wider policy objectives.
- 4.2 The strategic asset management aim, as set out in the Capital Strategy, is to ensure that TDC land and building assets are efficiently managed, maintained, redeveloped, acquired and disposed of in a consistent, strategic manner that supports corporate objectives and service delivery. The adoption of this policy will support these aims.
- 4.3 The Council continues to seek optimal utilisation of its property portfolio, improve retained stock and generate increases in revenue income. Before embarking on property acquisition, it must be ensured that there are no suitable under-utilised assets held in the portfolio that could accommodate the specific service requirement.
- 4.4 To ensure utilisation, the Economy and Assets Service will undertake a thorough process of option appraisal before acquiring property for operational use. This process seeks to optimise service provision efficiently through delivery of quality assets for the best cost.
- 4.5 Unless there are exceptional circumstances, the Council will only acquire property where the following objectives are served:
  - i. It contributes towards the provision of Council services
  - ii. There is a direct link to improving the economic, social and environmental well-being of the community
  - iii. It leads to strategic benefits to the authority in relation to regeneration or redevelopment proposals
  - iv. The property is already maintained by the Council (and there is an advantage in owning it)
  - v. Revenue income generation and/or capital growth

#### **5.0 Appraisal and funding approval process**

- 5.1 Acquisition of property is considered a capital project and the Council has adopted a project management framework. A Reporting Flow Diagram illustrates the approval process at Appendix B.
- 5.2 Any project will commence with the Presentation of a Capital Project Outline Proposal Form (Appendix B) to the Capital Review Group (CRG). The CRG comprises the following officer posts:-

<b>Post</b>	<b>Current Post Holder</b>
Business Manager – Economy & Assets	Tony Watson (Chairman)
Managing Director	Phil Shears
Chief Finance Manager	Martin Flitcroft
Business Manager – Housing & Health	Amanda Pujol
Business Manager – Environment & Leisure	Lorraine Montgomery
Audit Manager	Sue Heath
Projects Manger	Leigh Florence
Accountant	Andrea Snape
Accountant	Steve Wotton

- 5.3 Subject to initial approval by the CRG for further development, all projects involving the acquisition of land or buildings, or an interest in land or buildings, are referred to the Assets & Economy Service at this early stage. The appropriately qualified staff within the service are required to assess value to establish appropriate land and/or building values, assess any estimated development or refurbishment costs, estimate whole life costs and undertake any required negotiation. Where appropriate, independent advice may be sought and managed by the service. This work is undertaken in partnership with other relevant services such as Finance, Legal and Planning.
- 5.4 A project initiation document (PID) Project Brief (Appendix C) is then considered by the CRG. This sets out the full detail of the proposal. If approved, the Strategic Leadership Team (SLT) will then in turn consider for further approval.
- 5.5 Property acquisition shall be prioritised in accordance with the Council’s approved Capital and Asset Management Strategy. Where land is to be acquired to facilitate a non-Council development, this will normally be to meet agreed planning policies.
- 5.6 The Council can fund an acquisition through a range of options, for example, borrowing, partnership with the public or private sectors, s.106 receipts, Community Infrastructure Levy (CIL), blending funding or existing budgets. The best option will vary in each case but without exception, any acquisition must be of a property that is appropriate for its intended purpose with affordable maintenance costs.
- 5.7 All acquisitions shall have the necessary budgetary and relevant committee or delegated approval before the acquisition is completed.
- 5.8 Committee and Financial Approval requirements are set out in the Council’s Financial Instructions. This is subject to provisions of the Council’s Constitution with regard to key decisions. The regulations define a key decision to mean an Executive decision which is likely

*“To result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates.*

*For this purpose significant expenditure or savings shall mean*

- *Revenue – Any contract or proposal with an annual payment of more than £50,000*
- *Capital – Any project with a value in excess of £125,000; or*
- *To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the opinion of the Managing Director”<sup>1</sup>*

5.9 Any project with a value in excess of £250,000 requires the approval of Full Council.

5.10 Any project with a value less than £125,000 may be made by the Portfolio Holder (subject to ‘key decision’) and the following exemption applies to minor acquisitions:-

*“Minor acquisitions up to £50,000 in value may be approved by the Business Manager – Economy and Assets, in consultation with the Portfolio Holder, the Head of Paid Service, the Business Lead, and Chief Finance Officer. The Business Manager – Economy and Assets and Chief Finance Officer will sign the Decision Notice for the acquisition to evidence their agreement”<sup>2</sup>*

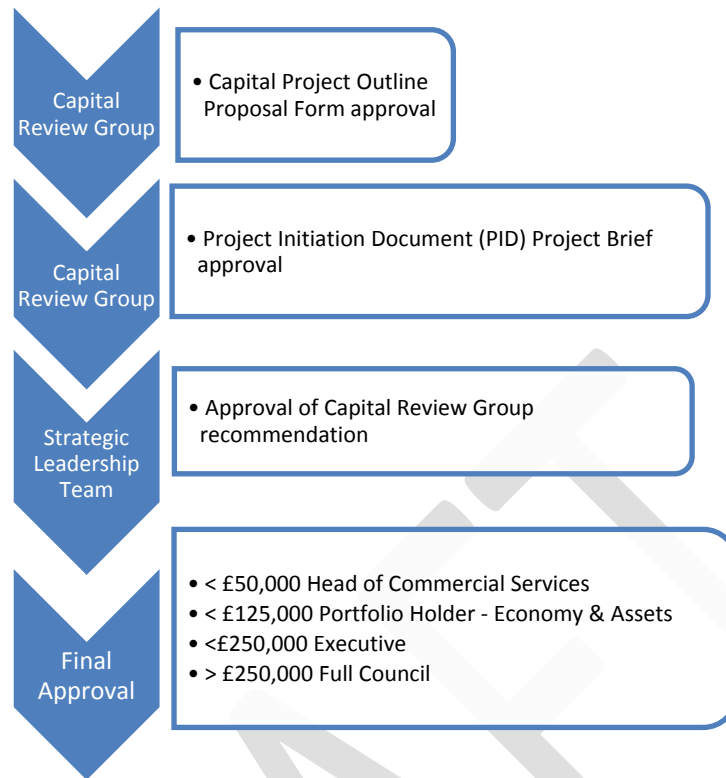
5.11 The approval process is summarised below:-

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<sup>1</sup> <https://www.teignbridge.gov.uk/media/1177/article-15-decision-making.pdf>

<sup>2</sup> Financial Instructions





## 6.0 Property Assessment & Search

- 6.1 If a need for property acquisition is identified, a Capital Project Outline Proposal Form should be approved by the Capital Review Group (CRG). If approved, the Council's Economy & Assets Service will then investigate whether there is any suitable land or property currently held by the Council. If that proves unsuccessful, the Estates Team will establish if there is any suitable property available on the market. In some instances, the property to be considered for acquisition may have already been identified at the initial proposal phase.
- 6.2 Where a number of potentially suitable properties exist in the market, comparison will be made to establish which is the most suitable in terms of the Council's needs.
- 6.3 The following criteria can be used in the decision process:-
- i. Suitable price
  - ii. Availability of the land and or building
  - iii. Condition of any buildings
  - iv. Cost of developing for Council purposes
  - v. Nature of the interest being offered i.e. freehold or leasehold
  - vi. Any potential liabilities such as land contamination, asbestos
  - vii. Any restrictions on use eg Mineral rights

- viii. Sustainability eg the energy performance of a building
  - ix. In relation to a strategic acquisition, the locational advantages of the property
  - x. Return on investment
  - xi. Whole life cost
- 6.4 After the identification of a potentially suitable property, relevant statutory authorities, along with Legal Services, will be consulted by the Estates Team to establish whether there may be constraints on the development or use of the property. The Site Acquisition Due Diligence document attached at Appendix E is a useful checklist when undertaking a suitability assessment.
- 6.5 Valuation advice will be provided by a professionally qualified member of the Council's Estates Team or, where the advice required is specialist or, if thought appropriate, by another suitably qualified surveyor appointed by the Estates Manager.
- 6.6 A financial appraisal will be prepared by the Estates Team in conjunction with Finance Team to establish the financial and budgetary implications of acquiring the property at the negotiated price - linked to the core purpose for the acquisition. This is to be submitted to the Capital Review Group at the Project Initiation Document (PID) Project Brief stage.
- 6.7 Financial appraisal is a method used to evaluate the viability of a proposed acquisition. Viability is evaluated by assessing funding sources, calculating performance and assessing the value of predicted future net income/cashflows. This appraisal should be agreed by the Chief Finance Officer prior to the PID Project Brief being submitted to the Capital Review Group.

- 6.8 The PID Project Brief to be submitted for approval by the Council’s Capital Review Group is based on the “five case” model<sup>3</sup> covering Strategic, Economic, Commercial, Financial and Management parameters and thus includes core topics such as:
1. Demonstrating how the spending proposal fits in relation to policies, strategies and plans and furthers the required outcomes
  2. Demonstrating that the spending proposal optimises value to the public purse and outlines both cash and non-cashable benefits or outcomes
  3. Setting out how the “preferred option” will be procured competitively, in accordance with current regulations for public sector procurement
  4. Setting out the capital and revenue requirement for the spending proposal over the expected life span of the asset or service, together with an assessment of any wider impact upon the balance sheet or income and expenditure accounts of the Council. Unless the acquisition is related to direct operational service delivery, a minimum 1% return after costs is required.
  5. Demonstrating that the spending proposal is being implemented, where appropriate, in accordance with recognised Programme and Project Management methodologies, and that there are robust arrangements in place for monitoring progress, managing change (exceptions), and managing and mitigating risk.
- 6.9 A business case will also highlight any consultation process undertaken and include an Equalities Impact Assessment, where required.

## **7.0 Negotiation of property acquisition**

- 7.1 Following preliminary investigations and the possibility of an acquisition proposal having been approved by the CRG, the Estates Team will commence negotiations for acquisition. It will sometimes be appropriate for the project manager and the Estates Team to agree a bespoke approach to negotiations. However, the Estates Team will ordinarily initiate these activities and no other section should make any contact with the other party (the vendor or his agent) during active negotiations except under procedures agreed with the Estates Team.
- 7.2 All negotiations remain “without prejudice”, “subject to contract”, subject to the required authority and, if necessary, appropriate surveys and planning permissions. Terms for a transaction shall not be finalised unless supported by a written recommendation report from an appropriately qualified surveyor
- 7.3 Where it is proposed that the Council acquire land and/or buildings through s106 negotiations, the acquisition will be treated as any other acquisition. That is, the process starts with an Outline Proposal to the CRG.
- 7.4 When terms have been agreed for an acquisition, and the relevant financial approval authorised, the Estates Team will instruct the Legal Team to prepare the necessary legal

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<sup>3</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/469317/green\\_book\\_guidance\\_public\\_sector\\_business\\_cases\\_2015\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/469317/green_book_guidance_public_sector_business_cases_2015_update.pdf)

documentation to facilitate the acquisition. Where deemed appropriate, the Legal Team may recommend the procurement of private solicitors. No other team may instruct the Legal Team or appoint solicitors to undertake property acquisition work unless agreed with the Estates & Development Manager.

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## Appendix A

### Compulsory Purchase Powers

1. Local authorities can only exercise functions which are authorised by statute. Specific legislation exists to enable the Council to acquire land that is required to perform its statutory functions and to implement proper planning proposals at the relevant time.
2. The council has the ability to utilise Compulsory Purchase Orders (CPO) to acquire land within the District for specified purposes. In the event that these powers are exercised compensation is payable to the landowner in accordance with the Land Compensation Act 1961.
3. The procedure for exercising CPO is, in most cases, directed by the Acquisition of Land Act 1981 and this statutory procedure must be strictly observed.
4. The Council may acquire land by agreement either as an alternative to CPO or in the general exercise of its statutory powers, and these efforts will always be encouraged. The ability to acquire land by agreement is provided by S227 of the Town & Country Planning Act 1990 in the case of a specific alternative to compulsory purchase and, more generally, by S120 of the Local Government Act 1972. Where the Council has the ability to acquire land compulsorily, acquisitions by agreement are often referred to as 'acquisitions under threat of CPO'. It will be assumed that the Council were prepared to utilise powers of CPO unless the land was publicly or privately offered for sale immediately before negotiations.

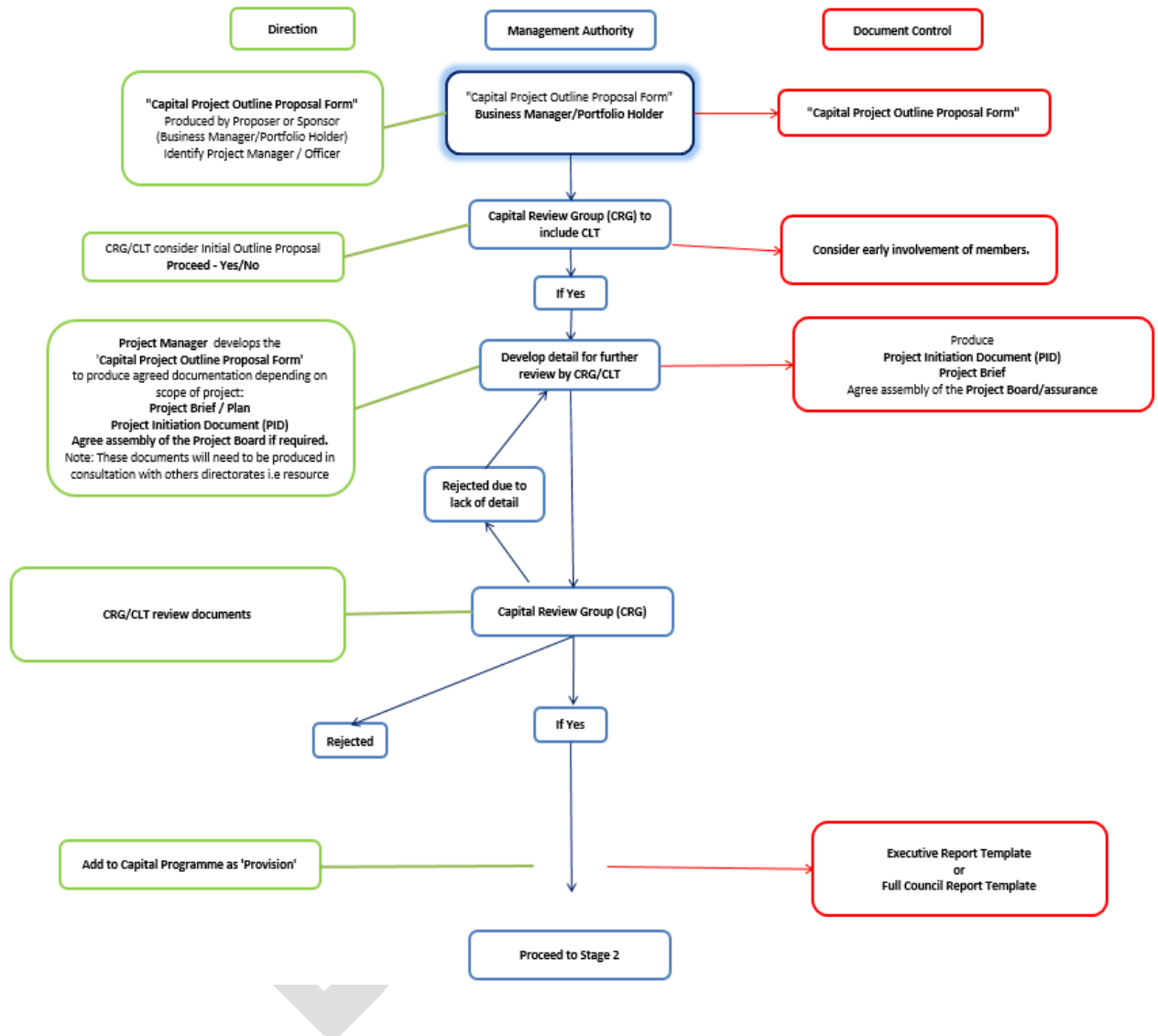
# Appendix B

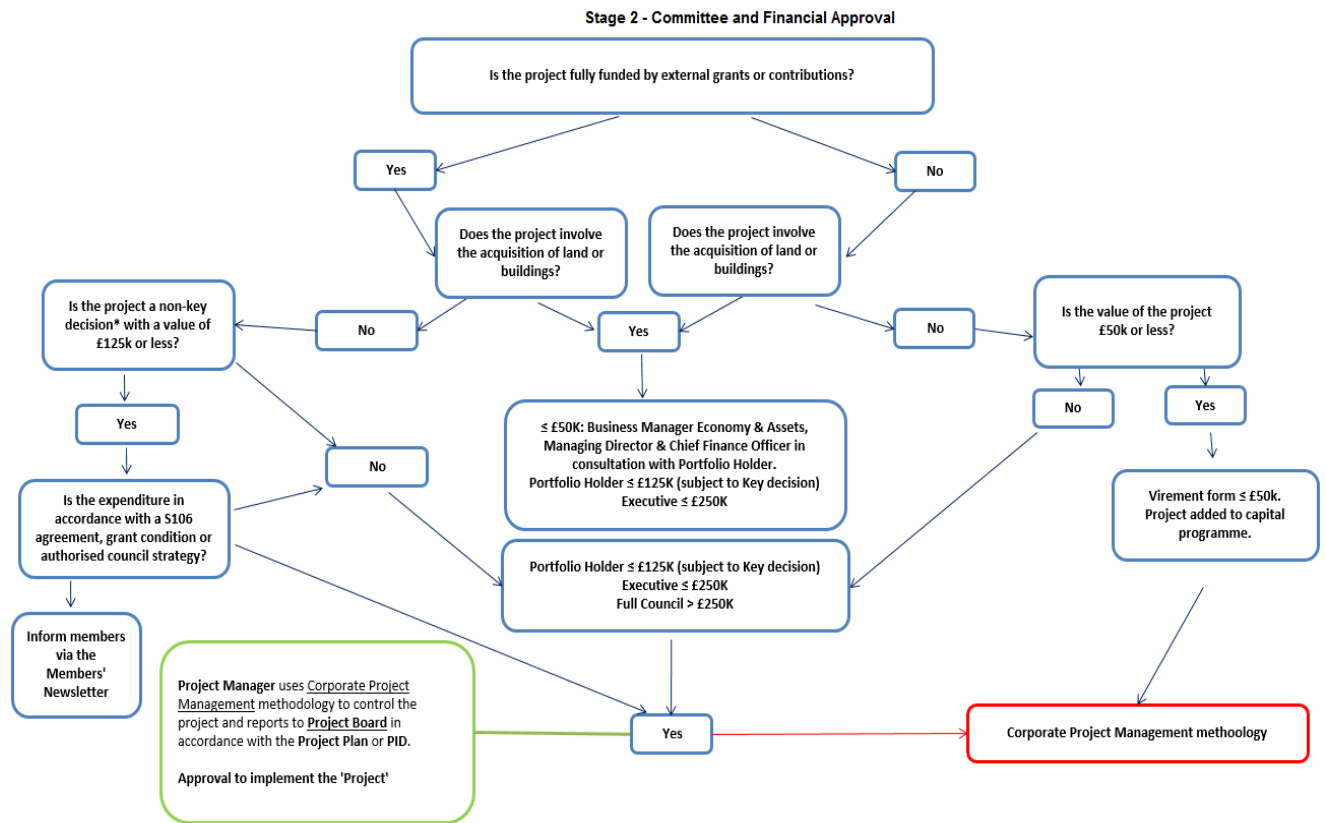
## Project Management – Reporting Flow Diagram

(Please note that there are some formatting issues owing to the document being an Excel Spreadsheet).

### Project Start Up Structure

#### Stage 1 – Internal Approval by Capital Review Group and CLT





## Appendix C

### Capital Project Online Proposal

(Please note that there are some formatting issues owing to the document being an Excel Spreadsheet)

Teignbridge District Council Capital Project Outline Proposal			
<p><i>This form is intended to provide the essential information required for the initial consideration of a capital project by the Capital Review Board. It is to ensure all projects are appraised consistently and are deliverable. Complete this form in time to allow support service managers a reasonable period to plan resources and to allow for Capital Review Board consideration and committee approval where necessary. This form may also be used to notify of support required for feasibility work. Indicate the purpose of the form below. For feasibility support, you may omit sections 2, 8, 11 and 12 and fill in section 7 only to the extent possible at this stage.</i></p>			
<p><b>Please use drop-down box to indicate whether form is being used for feasibility work or to submit capital project for appraisal.</b></p>			
<div style="border: 1px solid black; padding: 2px;">Feasibility</div>			
<b>1</b>	<b>Project Title</b>		
Project Nominator(s) (with day-to-day management responsibility)			
Project Sponsor/Owner (eg. your business manager)			
<b>2</b>	<b>Estimated Cost</b>	Please also see Financial Approval and Funding Sections below.	
<b>3</b>	Anticipated start date of project		
	Anticipated end date of project		
<b>4</b>	<b>Project support and delivery</b>		
<p><i>You must name your main contact within any support departments involved and ensure that staff capacity has been confirmed for the named time period.</i></p>			
	Internal Support	Date confirmation provided	Tick once confirmed. Contact names/comments
	Economy, Property & Assets		
	Finance		
	Planning		
	Building Control		
	Environmental Health		
	Legal		
	Leisure, Open Spaces, Resorts		
	Waste & Cleansing		
	Other (please detail)		
	Strata		
<p><i>Please describe the nature of the required internal support, giving an indication of any key deadlines. For example, this could include advice on engineering issues (eg. highways, drainage) design expertise, project management, financial appraisals, planning applications, surveys, valuation work, procurement, contracts, Strata business change requests, grant claims, financial monitoring and reporting.</i></p>			



5	Project Sponsor must sign to confirm that departmental and support capacity is available for the given dates.	
6	Further comments on delivery methods, such as any external project management arrangements, should also be included here:	
7	<b>Brief Description of Project</b>	
<p><i>This section is intended to demonstrate an outline business case for your project. Please state briefly how the project meets statutory or corporate objectives. Does it form part of a wider strategy or initiative, or impact upon other projects? Also include any possible negative effects. You should consider how the project offers value for money. For example, service improvements; extended asset life; additional income or savings; long-term running costs.</i></p>		
<p>Background: objectives, strategies, links to other projects and initiatives.</p>		
<p>Constraints/negative effects</p>		
<p>Value for money, financial and budget implications.</p>		
8	Please briefly describe options which have been considered, eg. doing nothing/the minimum/partnerships or any other approaches. Why is the chosen option the best?	

9 Priority Indicators & Strategic Alignment			
<i>Please select a category from the drop-down boxes. Scores will populate automatically. If available, please include further details in the boxes provided.</i>			
Select		Score	Further details
2022/23 onwards	Time sensitivity (select year)	1	
	Statutory or legal responsibility (yes or no).	#N/A	
	Health & Safety implications (select risk)	#N/A	
	Fulfils performance indicator or initiative (yes or no).	#N/A	
	Reputation or service issues (select priority/risk level).	#N/A	
No funding	How much of the project do you think will be externally funded, or funded over the first ten years by income generated (for example by rent or fees & charges)?	0	
	Total	#N/A	
	Priority Guidance	#N/A	
10 Teignbridge 10 (please select tick from drop-down box for those which apply)			
	A roof over our heads		Investing in prosperity
	Clean scene		Moving up a gear
	Going to town		Out and about and active
	Great places to live and work		Strong communities
	Health at the heart		Zero heroes
	What else we will do		
<i>Please describe in the box below how the Teignbridge 10 objectives identified above will be met.</i>			

<b>11 Financial approval required as per Teignbridge District Council's Financial Instructions.</b>		
<i>This is the approval required once the project has received the go-ahead from the Capital Review Board. Select gross project value from the drop-down box below (do not deduct external funding). Approval requirement will populate automatically.</i>		
		<b>Financial approval requirement</b>
		#N/A
<b>12 Anticipated Funding</b>		
Please provide details of how it is anticipated the project will be funded.		
	<b>Amount</b>	<b>Further Details</b>
Government/Agency grant		
External contribution/S.106		
Community Infrastructure Levy		
Contribution from revenue or reserves		
Capital Receipts (TDC "capital pot")		
Prudential Borrowing		
Total	-	
<b>13 Capital Indicators &amp; information</b>		
<i>Select tick from drop-down box for those which apply.</i>		<i>Provide details where possible.</i>
	Purchase of land or property	
	Construction of asset	
	Purchase of vehicles, plant, machinery or equipment	
	Purchase or creation of intangible asset eg. computer programme	
	Extends the life or service value of an existing asset	
	Provides economic benefit eg. rent, revenue or savings	
	Teignbridge asset?	
	Provision of loan, grant or financial assistance	
Approved by:		
CLT: Managing Director		
CLT: Director		
Capital Review Group date approved		

**Appendix D**  
**Project Initiation Document**

**PROJECT INITIATION DOCUMENT (PID)**

<b>Purpose:</b> <i>The PID forms the logical document that brings together all of the key information needed to start and run the project on a sound basis.</i>	
<b>Document Version Status:</b> <i>Draft</i>	<b>Document Ref:</b>
<b>Author:</b>	<b>Date:</b>
<b>Period covered:</b>	Month/Year
<b>Document Location:</b>	G:\Asset management\Asset management data\Projects\ (To be moved to global drive)

**Approvals Required:**

- o This document requires the following approvals: xxx
- o Signed approval forms are filed in the Management section of the project files.

Name	Signature	Title	Date of Issue	Version

*Document History*

Revision Date	Summary of changes	Version Issued	Project Sponsor sign-off

**Section 1**

**What is the background to this project**

--

**Section 2**

**About the project**

**Section 2.1**

--

**Objectives of the project**


**Section 2.2**

**Project approach** (identifies a sequence of steps to be completed)


**Section 2.2**

**Project deliverables** (what's the intended outcome)


### Section 3

#### Plan Status (Attach project programme / Gantt chart)

Has the project plan been input into the Master programme

Y/N

*With stages for obtaining approval.*

Milestone	Date	Approved by
Stage	MM/YYYY	
Stage	MM/YYYY	

### Section 4

#### Constraints (Resources, time budget etc)

### Section 5

#### Project Assumptions (Where full facts are not yet known)

##### Section 5.1

##### Section 5.2

Potential (financial, programme etc)

## Section 6

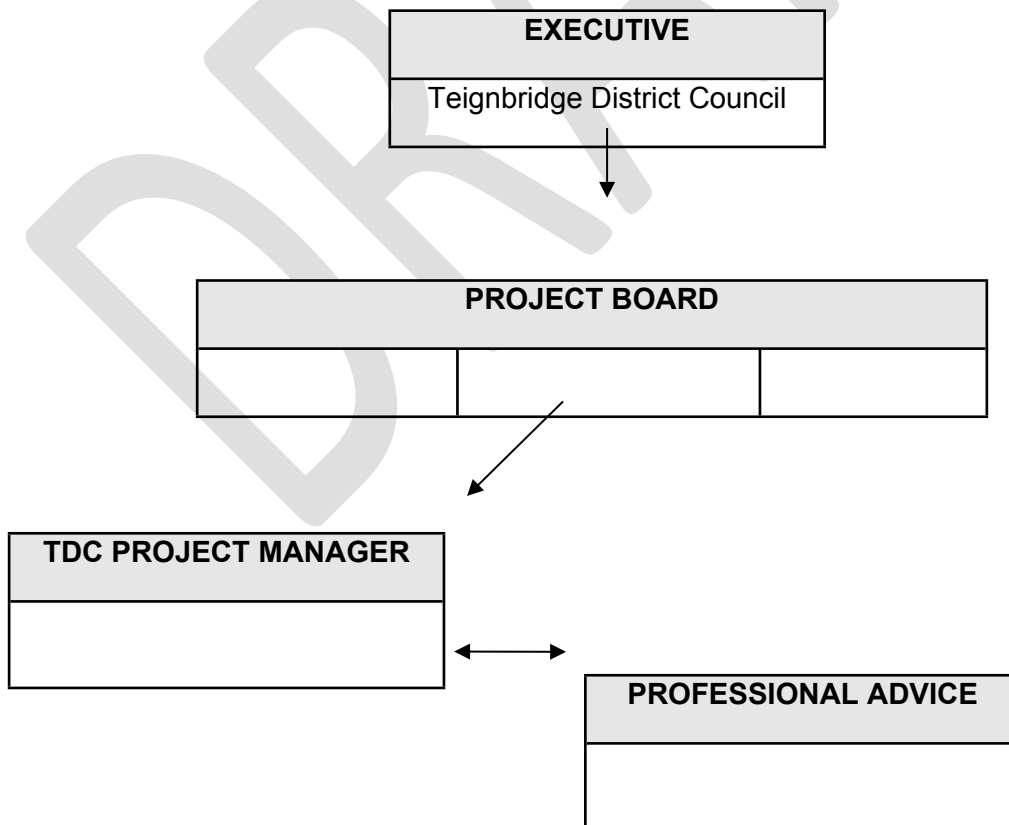
### Exceptions (How will exceptions be dealt with)

Exception report [PM ??] will be issued to the xxxxxxxxxxxxxxxx if urgent issue(s) arise that requires immediate action or there is a deviation from the project. The xxxxxxxxxxxxxxxx will liaise with the xxxxxxxxxxxxxxxx for a decision.

## Section 7

### Structure Diagram

*How will the project team be organised/ structured.*



TEAM MANAGERS	TEAM MANAGERS	TEAM MANAGERS	TEAM MANAGERS	TEAM MANAGERS

**Section 8**

**Communication Strategy** (How will everyone with an interest in the project be kept informed, i.e. who, when and how?)


**Section 9**

**Quality** (Customers expectations in respect of quality and value to the public purse)

**Section 9.1**

--

**Section 9.2**

**Plan for ensuring project quality**

--

**Section 10**

**Project Controls** (How will the project be controlled)

--



<b>Section 10.1</b>

<b>Section 10.2</b>
<b>Initial Project Risks</b>

<b>Section 11</b>
<b>Contingency Plans (Should the project fail)</b>

<b>Section 12</b>
<b>Detailed Costs &amp; Funding (Estimated cost of proposal)</b>

<b>Table One – Breakdown of Project costs:</b>	
(List key items – e.g. project manager, software licences, dissemination costs, etc)	
<b>Item</b>	<b>Total £</b>

**Professional fees (property & legal) – Monthly payments will be made to total the fees stated below.**


**Table Two – Project Funding:**

(List sources of funding for the project – e.g. grants, external contributions, etc)

Item	Amount £
<b>Total Project Funding</b>	

**Table Three – Breakdown of future / ongoing costs:**

(List any future / ongoing costs that will require funding – e.g. maintenance contracts, etc)

Item	Amount £
<b>Total Future / Ongoing Costs</b>	

**Table Four – Future / ongoing funding:**

(List sources of funding for the future / ongoing costs)

Item	Amount £
<b>Total Future / Ongoing Funding</b>	
<b>Future / Ongoing Funding Shortfall</b>	

**Table Five – Breakdown of future / ongoing savings:**

(List any future / ongoing savings that will arise as a result on this project e.g. utilities efficiency savings, etc)

Item	Amount £
<b>Total Future / Ongoing Savings</b>	

## Appendix E Site Acquisition Due Diligence

Activities associated with site investigation

Activity	Action by
Site surveys	Land surveyor and structural engineer
Geotechnical investigation	Ground investigation specialist
Drainage and utilities survey	Civil engineering consultant
Contamination survey	Environmental and/or soil specialist
Traffic study	Transportation consultant
Adjacent property survey	Buildings/party walls/rights of light surveyors
Archaeological survey	Local museum or British Museum and other relevant sources
Sustainability issues	Specialist consultant
Legal aspects	Solicitor
Outlining planning permission	Architect

Confirmation that the activities have been successfully completed is the responsibility of the project manager.

Each task can be broken down into a number of specific elements.

- Site Surveys**
- location
  - Ordnance Survey reference

**Geotechnical  
investigation**

- ground levels/contours
- physical features (e.g. roads, railways, rivers, ditches, trees, pylons, buildings, old foundations, erosion)
- existing boundaries
- adjacent properties
- site access
- structural survey
- previous use of site,
- trial pits
- boreholes and borehole logs
- geology of site including underground workings
- laboratory soil tests
- site tests
- groundwater observation and pumping tests
- geophysical survey

**Drainage and utilities  
survey**

- existing site drainage (open ditch, culvert or piped system)
- extent of existing utilities on or nearest to the site (water, gas, electricity, telecoms)
- extent or any other services that may cross the site (e.g. telephone/data lines, oil/fuel pipelines).

**Contamination survey**

- asbestos
- methane
- toxic waste
- chemical tests
- radioactive substances

**Traffic survey**

- examination of traffic records from local authority
- traffic counts
- traffic patterns
- computer simulation of existing traffic flows
- delay analysis
- noise levels

**Adjacent property survey**

**Traffic survey**

- right of light
- party-wall agreements
- schedule of conditions
- foundations
- drainage
- access
- public utilities serving the property
- noise levels (e.g. airports, motorways, air-conditioning equipment)

**Archaeological survey**

- examination of records
- archaeological remains.

**Sustainability issues**

- effects of proposed development on local environment
- environmental impact assessment
- flood risk
- carbon dioxide emissions
- waste
- transport
- pollution
- ecology and biodiversity
- health and well-being
- social issues.

**Legal aspects**

- ownership of site
- restrictive covenants
- easements, e.g. rights of way, rights of light
- way-leaves
- boundaries
- party-wall agreements
- highways agreements
- local authority agreements
- air rights.

Minerals

**Outline planning  
permission**

- effect of local area plan.

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# Teignbridge District Council

## Town & Parish Council Service Devolution and Asset Transfer Policy

Date: March 2018

Teignbridge District Council  
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Brunel Road  
Newton Abbot  
Devon  
TQ12 4XX  
Tel. 01626-215856  
[www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)



# Teignbridge District Council

## Town & Parish Council Service Devolution and Asset Transfer Policy

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# Teignbridge District Council

## Service Devolution and Asset Transfer Policy

### 1.0 Introduction

- 1.1 The Council recognises that the devolution of assets and associated services to town and parish councils makes a significant contribution to enabling them to be stronger, more resilient and sustainable local communities
- 1.2 There are potential benefits to be had in empowering the local community to develop facilities based on local needs and preferences, and retain the services most important to those neighbourhoods. Further, this supports the Teignbridge Ten super project 'Strong Communities' and the action to encourage councillors to help develop and deliver local ideas.
- 1.3 This is not a new concept and the Council has already supported local communities by undertaking such transfers in the past.
- 1.4 The Council has a requirement to be able to balance the aspirations of local communities to take on the guardianship of public property assets and delivery of services, with the duty of care it must have in safeguarding the best interests of Teignbridge residents. The introduction of this policy and application procedure set out within this policy is intended to establish a clear approach and governance to service devolution and asset transfer.

### 2.0 Service Devolution and Asset Transfer

- 2.1 Teignbridge will promote and facilitate the transfer of assets (by way of freehold or leasehold) and devolve services to town and parish councils where it is deemed more appropriate for those assets and services to be delivered by third tier local government.
- 2.2 Delivery of services and property assets are intrinsically linked: Teignbridge has responsibility for land and buildings held for the following reasons:-
  - a) For the purpose of direct service delivery (such as parks and gardens)
  - b) To support service delivery (for example administrative offices and depots)
  - c) To support the Council's wider policy objectives. This part of the portfolio is varied: Many assets have been made available for social or sporting purposes or are retained for a range of reasons such as a potential to contribute to future regeneration schemes or provide workspace for local employment provision. In

addition, the portfolio provides a valuable revenue income which in turn helps to support the Council in delivering important services to its residents.

- 2.3 Where practicable, services and/or property types will be considered for transfer in a wholesale fashion rather than on an asset by asset basis. For example, if one area of amenity land is being proposed for transfer, all amenity land within the boundary should be included for consideration.

### **3.0 Service Devolution**

- 3.1 The transfer of both statutory and discretionary services can be facilitated; although where statutory services have been transferred the ultimate responsibility will remain with Teignbridge District Council. Responsibility for delivering the service may be transferred to a town or parish council under clear contractual arrangements. The town or parish council will then become responsible for the delivery of those services in accordance with the terms of a Service Delegation Agreement. In view of the Council's underlying statutory responsibility, the Council must be able to terminate the service delegation agreement at any given time.
- 3.2 Where responsibility for discretionary services is transferred, Teignbridge District Council will cease to be responsible and accountable for the delivery of these services. There is also no guarantee that the Council would consider re-assuming delivery of the service. A clear, written declaration must be made by the Council and accepted by the town or parish council to that effect.
- 3.3 There may be strategic reasons for Teignbridge District Council to retain ownership of the asset but where the responsibility to provide services could be devolved. In some cases, the transfer of the freehold of an asset may not be considered where:-
- a. Where there is a net income or a strategic benefit to the Council which would prevent the asset transfer but for the amenity maintenance services (see Appendix D). Examples might include Council depots, development sites, pay & display car parks.
  - b. The land is maintained for the benefit of the community by the Council and held on trust, but not owned beneficially by the Council
  - c. Where there is only a small area of Council owned land and the costs of transfer is prohibitive (unless the local town or parish council are prepared to fund the transfer).
  - d. Where there is a large number of small non-strategic open space land parcels. These are most efficiently and successfully managed via a service delegation agreement. In these cases, a fixed term tenancy of 7 years (less 5 days) will be granted. (A lease of this length is exempt from s123 "best consideration" tests.)

Should the town or parish council wish to have the freehold of these legally transferred, it will be the responsibility of that town or parish council to undertake all the required due diligence and fund all legal costs.

- e. Adjoining/surrounding land is not to be transferred
  - f. There are historic and/or complex land issues which would make a freehold transfer resource prohibitive to both Teignbridge District Council and town or parish council. In these cases, a fixed term tenancy of 7 years (less 5 days) will be granted.
- 3.4 Following the date of transfer, Teignbridge District Council will not be responsible for delivery of any of the amenity maintenance services listed in Appendix D within the defined boundary. The town or parish council will perform the services within the boundary indefinitely on and from the transfer date to the minimum standards required by any relevant legislation. Any decision thereafter to provide enhanced service provision beyond legal requirements will be at the discretion of the relevant town or parish council. The town or parish council would take responsibility for all consequences: financial, contractual, safety or otherwise for the services delivered and the management of associated property assets.
- 3.5 The delegation of services will not affect any rights Teignbridge District Council may have to dispose of, transfer, assign, lease or otherwise deal with its land in its capacity as freehold owner.

#### **4.0 Asset Transfer**

- 4.1 Asset transfer relates to disposal by way of a freehold or leasehold arrangement at less than best consideration; that is at a price or rent below the market value. Any freehold transfer on this basis will be subject to the Council having a first call on the property should the asset become surplus to the transferee's requirement i.e. a future decision is made by the transferee to sell the premises. This will be based on the Council paying no more than the original transfer amount.
- 4.2 Should the Council wish to waive its right to buy back the asset, a clawback overage provision will protect the Council's original interest should the site be sold on the open market and permission granted for a higher value use. Such provision will be made for a 25 year period and a 50% share in the increase in the value of the land from the transfer price to the value with the benefit of planning permission. The trigger dates will be the date of the sale of the land with the benefit of planning permission or implementation of the planning permission.
- 4.3 A leasehold interest may be granted for a period of up to 125 years. A leasehold transfer can be a preferred method of disposal where the Council wish to exert continued control over the asset.
- 4.4 Property assets will be considered for transfer where one or more of the following benefits will be provided:-

- a) The transfer of the asset will provide social, economic or environmental well-being benefits to the local community. (For example through the ability to manage and regulate an open space at a local level)
- b) The transfer would be a 'tidying up' exercise, passing incidental pieces of land and landscaping, or parts of these, to a local level
- c) The asset has the potential to provide for a community facility which the parish or town council has demonstrated they have the skills, drive and access to resources to deliver (For example, a village hall)
- d) The transfer of the asset will enable the continuation of a service to the local community that TDC is no longer able to provide. (For example, public conveniences)
- e) A community partnership can be entered into based on public access to and use of an asset
- f) It is believed that the town or parish council would be able to secure grant funding and or have access to funding streams not available to the District Council.

4.5 Property assets unlikely to be considered for devolution include the following:-

- Assets that generate an immediate income to the Council and or are held to fulfil strategic priorities of the Council (e.g. Pay & display car parks and employment space)
- Assets held for future capital realisations
- Land held for future development of a Council or partner scheme
- Vacant land or buildings that can generate a capital receipt in excess of £10,000. This is the de-minimus level for capital accounting purposes

## **5.0 Disposing of a property asset for less than best consideration**

5.1 The Council may dispose of surplus land and property having regard to the provisions in section 123 of the Local Government Act 1972 (Appendix A) and the General Disposal Consent 2003 (Appendix B). This legislation ensures that property is disposed of at the best price obtainable subject to certain exceptions. Section 127 of the Local Government Act 1972 in respect of parish or community councils, or the parish trustees of a parish.

5.2 The exception is where the authority considers that the purpose of the disposal at less than best price will achieve the promotion or improvement of the economic, social or environmental well-being for the area and/or local residents. Valuation advice should be reported to set out the unrestricted (best price obtainable) and restricted values, together with the value of conditions. This will ensure that the monetary value to the authority can be taken account.

## **6.0 Mitigating the risk of an unsuccessful transfer**

6.1 It is proposed that town and parish councils will be able to apply for the delegation of service provision and/or transfer of property by submitting an Application Form (Appendix C). The application form includes a section titled 'General Considerations and Practicalities'. This section requests that applicants are clear about the following:-

- a) The aims and objectives for the land or building;
- b) the need and demand for the services proposed; and
- c) that the decision to take responsibility for a service and/or property asset should benefit the local community by allowing more effective service provision.

6.2 Where a property asset is to be transferred, the Practicalities section also requests consideration of premises costs and responsibilities and, the submission of a Premises Management Plan - detailing who will be responsible for decisions relating to the property, along with responsibilities for the day-to-day management of the premises and legislative compliance. Issues expected to be addressed will include cleaning, fire safety, health & safety, repairs, management of costs and income and, general administration.

6.3 By requiring the Premises Management Plan, it is anticipated that the implications of taking on the property and/or service management arrangements will have been given careful consideration by the applicant. This early planning will help to mitigate the risk of an unsuccessful transfer.

## 7.0 The Approval Process

7.1 On receipt of an application, Economy & Assets consult with:

- i. Finance
- ii. Legal
- iii. The relevant Portfolio Holder/s
- iv. Housing
- v. Environment & Leisure
- vi. Ward Members
- vii. HR (where application is in relation to an in-house run service that might result in TUPE or redundancies)

If there is a valid reason given that the service and or premises should not be transferred e.g. for operational reasons, the request will be refused.

7.2 If there are no objections raised against a proposed transfer of a property asset by the consultees, the property will be deemed surplus for disposal.

7.3 Ward Members consultation.

7.4 If it is proposed that the property be transferred at less than best consideration, a valuation will be undertaken to establish the under-value (the difference between the market value and restricted value). This 'under value' will be reported to the Executive Committee. In addition, the Executive Committee will satisfy itself that the 'well being' requirements have been met. This is to enable the Council to ensure compliance with the requirements of the Local Government Act 1972. Any costs incurred by the Council in seeking the relevant valuation advice will be met by the applicant.

7.5 When considering the disposal of public open space, the legal requirements of the Council to advertise proposed disposals and consider objections, must be complied with. Open Space is defined as "any land, laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground".

- 7.6 The Council is obliged to give notice of the intention to dispose by placing a public notice in the local newspaper for two consecutive weeks. Any objections must then be considered by the appropriate decision maker. Applicants will be required to meet the costs of advertising the proposed disposal.
- 7.7 Heads of Terms will be negotiated and agreed between the Estates Team and relevant town or parish council in relation to any property asset transfer. Service delegation agreements negotiated and agreed between the applicable service Business Lead and relevant town or parish council.
- 7.8 The relevant authority will be sought for approval of the transfer in line with the Council's Financial Instructions for disposal of land and buildings where a market value is being paid for the premises. Service delegation agreements will also be considered for approval.
- 7.9 The Legal Team will be instructed by the Estates Team to prepare and complete the relevant legal document/s for the transfer of any property (whether by leasehold or freehold). Relevant Business Leads will instruct the Legal Team in respect of Service delegation agreements.

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## Appendix A

### s.123 Local Government Act 1972 (as amended)<sup>1</sup>

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
  - (2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.
  - (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
    - (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
    - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),  
the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.
- (3)—(6) (Repealed)
- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
  - (a) of the grant of a term not exceeding seven years, or
  - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run, and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1972/70/section/123>

## Appendix B

### The Local government Act 1972: General Disposal Consent (England) 2003<sup>2</sup>

1. The First Secretary of State ("the Secretary of State"), in exercise of the powers conferred by sections 123(2), 127(2) and 128(1) of the Local Government Act 1972, hereby gives consent to a disposal of land 2 otherwise than by way of a short tenancy 3 by a local authority in England in the circumstances specified in paragraph 2 below.
2. The specified circumstances are:
  - a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;
    - i) the promotion or improvement of economic well-being;
    - ii) the promotion or improvement of social well-being;
    - iii) the promotion or improvement of environmental well-being; and
  - b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).

### Interpretation and savings

3. (1) In this instrument -  
"local authority" means:
  - i) London borough council;
  - ii) a county council;
  - iii) a district council;
  - iv) a parish council and parish trustees acting with the consent of a parish meeting;
  - v) a National Park authority;
  - vi) a Metropolitan Borough Council
  - vii) a joint authority established under Part IV of the Local Government Act 1985;
  - viii) a police authority established under section 3 of the Police Act 1996;
  - ix) the Metropolitan Policy Authority;

---

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7690/462483.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7690/462483.pdf)

x) the London Fire and Emergency Planning Authority;

xi) the Broads Authority;

xii) the Council of the Isles of Scilly;

and any other person to whom, by virtue of statute, section 123(2) or section 127(2) of the Local Government Act 1972 applies;

"unrestricted value" means the best price reasonably obtainable for the property on terms that are intended to maximise the consideration, assessed in accordance with the procedures set out in the Technical Appendix.

**(2)** Nothing in this instrument shall be construed as giving consent to a disposal for any purpose for which the consent of the Secretary of State is required by virtue of section 25(1) of the Local Government Act 1988, section 133(1) of the Housing Act 1988, section 32(2) or section 43(1) of the Housing Act 1985, or otherwise as having effect as a consent for any purposes other than those of Part 7 of the Local Government Act 1972.

#### **Citation and revocation**

**4. (1)** This instrument may be cited as the Local Government Act 1972 General Disposal Consent (England) 2003 and shall come into effect on 4 August 2003.

**(2)** The Local Government Act 1972 General Disposal Consents 1998 are hereby revoked insofar as they apply to England.

Signed by authority of the First Secretary of State

**Lisette Simcock**

30 July 2003 Divisional Manager

Plans, International, Compensation and Assessment Division

## Technical Appendix

Valuations For The Purpose Of Determining Whether Proposed Land Disposals Under The Terms Of The Local Government Act 1972 Fall Within The Provisions Of The General Disposal Consent 2003

### The Valuation Report

1. An application to the Secretary of State for a specific consent to dispose of land under the terms of Part 7 of the Local Government Act 1972 for less than the best consideration reasonably obtainable must be supported by a report prepared and signed by a qualified valuer (a member of the RICS), providing the following information.

### Valuations

2. The report should set out the unrestricted and restricted values together with the value of conditions. Where any of these is nil this should be expressly stated. The valuer should also describe the assumptions made. These might include, for example, existing or alternative uses that might be permitted by the local planning authority, the level of demand and the terms of the transaction. The effect on value of the existence of a purchaser with a special interest (a special purchaser) should be described.

3. The Consent removes the requirement for authorities to seek specific consent from the Secretary of State where the difference between the unrestricted value of the land to be disposed of and the consideration accepted is £2,000,000 or less. The purpose of requiring the restricted value and the value of conditions to be reported as well as the unrestricted value is to ensure that the monetary value to the authority of any voluntary conditions can be taken into account when applications for specific consent are considered by the Secretary of State.

4. The valuer should take into account the requirements of the RICS Appraisal and Valuation Standards (Fifth Edition), ("the Red Book"), including UK Guidance Note 54. All values should be assessed in capital, not rental, terms; and where a lease is to be granted, or is assumed by the valuer to be granted, the valuer should express the value of the consideration as a capital sum.

#### *Unrestricted value*

5. The unrestricted value is the best price reasonably obtainable for the property and should be expressed in capital terms. It is the market value of the land as currently defined by the RICS Red Book (Practice Statement 3.2)5, except that it should take into account any additional amount which is or might reasonably be expected to be available from a purchaser with a special interest (a "special purchaser"). When assessing unrestricted value, the valuer must ignore the reduction in value caused by any voluntary condition imposed by the authority. In other words, unrestricted value is the amount that would be paid for the property if the voluntary condition were not imposed (or it is the value of the property subject to a lease without the restriction).

**6.** In general terms, unrestricted value is intended to be the amount which would be received for the disposal of the property where the principal aim was to maximise the value of the receipt. Apart from the inclusion of bids from a purchaser with a special interest it is defined in the same way as market value. For example, the valuer should take account of whatever uses might be permitted by the local planning authority insofar as these would be reflected by the market rather than having regard only to the use or uses intended by the parties to the proposed disposal.

**7.** The valuer should assume that the freehold disposal is made, or the lease is granted, on terms that are intended to maximise the consideration. For example, where unrestricted value is based on the hypothetical grant of a lease at a rack rent, or a ground rent with or without a premium, the valuer should assume that the lease would contain those covenants that a prudent landlord would normally include. The valuer should also assume that the lease would not include any unusual or onerous covenants that would reduce the consideration, unless these had to be included as a matter of law.

**8.** In the case of a proposed disposal of a leasehold interest, or where the valuer has assumed that a lease would be granted, the unrestricted value should be assessed by valuing the authority's interest after the lease has been granted plus any premium payable for its grant. This will usually be the value of the authority's interest subject to the proposed or assumed lease. In other words, it will be the value of the right to receive the rent and other payments under the lease plus the value of the reversion when the lease expires.

**9.** Where an authority has invited tenders and is comparing bids, the unrestricted value is normally the highest bid. But where, on the advice of the authority's professionally qualified valuer, the authority considers that the highest submitted tender is unrealistically high, or is too low, the unrestricted value may be assessed by the valuer.

#### *Restricted value*

**10.** The restricted value is the market value of the property having regard to the terms of the proposed transaction. It is defined in the same way as unrestricted value except that it should take into account the effect on value of any voluntary condition(s).

**11.** Where the authority has invited tenders and is comparing bids, the restricted value is normally the amount offered by the authority's preferred transferee. In other cases it is normally the proposed purchase price.

**12.** In cases where the proposed consideration is more or less than the restricted value both figures need to be given.

#### *Voluntary conditions*

**13.** A voluntary condition is any term or condition of the proposed transaction which the authority chooses to impose. It does not include any term or condition which the authority is obliged to impose, (for example, as a matter of statute), or which runs with the land. Nor does it include any term or condition relating to a matter which is a discretionary rather than a statutory duty of the authority.

**14.** The value of voluntary conditions is the total of the capital values of voluntary conditions imposed by the authority as terms of the disposal or under agreements linked to the disposal that produce a direct or indirect benefit to the authority which can be assessed in monetary terms. It is not the reduction in value (if any) caused by the imposition of voluntary conditions and any adverse effect these may have on value should not be included in this figure.

**15.** The proposed disposal, or an agreement linked with it, may give rise to non-property benefits to the authority. For example, these might include operational savings or income generated as a result of the transaction where the authority has an associated statutory duty. The monetary value of these benefits to the authority should be included in the value of voluntary conditions.

**16.** Where the status in law of a voluntary condition is unclear, the authority may need to seek legal advice as to whether the condition is such that its value to the authority can form part, or all, of the consideration. Conversely, there may be cases where, in law, the condition can form part, or all, of the consideration but it has no quantifiable value to the authority.

**17.** Where the valuer is not qualified to assess the value of any benefits (for example, of share options) the report should make clear the extent to which the valuer accepts liability for the figures. Where the valuer does not accept full responsibility the report should make it clear by whom the remainder of the figures have been assessed, and copies of any valuations or advice received from accountants or other professional advisers should be annexed.

**18.** All the values given should be in capital, not rental, terms; and the values of individual conditions as well as the total should be provided. Where there are no conditions, or their value is nil, this should be stated.

### **Valuation of Options**

**19.** A discount may occur in connection with the consideration for either the grant of an option or the exercise of an option, or both. Where the consideration is less than the best price that can reasonably be obtained, (or where the valuer considers that if the option were to be exercised its terms would require the authority to accept less than the best consideration that can reasonably be obtained), the valuations described in paragraphs 20 and 21 below must be provided in support of an application for disposal consent.

#### *Payment for the grant of an option*

**20.** In explaining the basis for calculating the consideration for the grant of an option, the valuer's report needs to include the following information, based on the most likely date for the exercise of the option:

- a)** the unrestricted value of the option to be granted;
- b)** the proposed cash consideration for the option to be granted (which may be nominal or nil); and

- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the option to be granted.

The grant of an option will then be at an undervalue where the unrestricted value at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where  $a > (b+c)$ ).

#### *Consideration for the exercise of an option*

**21.** In explaining the basis for calculating the consideration for the interest to be disposed of under an option, the valuer's report should include the following information, based on the most likely date for the exercise of the option:

- a) the unrestricted value of the interest to be disposed of under the option, disregarding the effect of the option;
- b) the proposed cash consideration for the interest to be disposed of under the option (which may have been specified in the terms and conditions for the granting of the option); and
- c) the value to the authority of any terms or conditions which, in the valuer's opinion, form part of the consideration for the interest to be disposed of under the option.

The disposal of an interest pursuant to an option will then be at an undervalue where the unrestricted value of the interest at (a) exceeds the proposed cash consideration at (b) plus the value of any conditions at (c) (ie: where  $a > (b+c)$ ).

#### **Development Land**

**22.** In cases where there is no detailed scheme, the valuer should make reasonable assumptions about the form of the development.

#### *Negative Development Value*

**23.** Where the value of the completed scheme is less than the development cost, (for example, where there is low demand or high costs associated with land reclamation or decontamination), the valuer should assess the unrestricted value by making reasonable assumptions about such matters as alternative uses that might be permitted by the local planning authority and the level of demand. Where the proposed scheme is the most profitable but still produces a negative development value the unrestricted value will be nil and therefore a disposal at nil consideration will not be at an undervalue. But where land with a negative development value has a positive value for some other use the disposal would be at an undervalue.

#### *General Effect Of Grants On Values*

**24.** The valuer should consider whether the value of the site is in any way affected by the prospect of grant and take this into account in the valuation. If the valuation is based on

assumptions that disregard the effect of grant then this should be stated in the valuation report. When assessing a value for a use other than that for which a grant has been approved, the valuer should consider the likelihood of any such use achieving planning consent.

1 For the purposes of the 1972 and 1990 Acts 'open space' is defined in section 336(1) of the latter Act.

2 By section 270, land includes any interest in land, and any easement or right in, to or over land.

3 By sections 123(7) and 127(5), a short tenancy is a tenancy, which is granted for seven years or less, or the assignment of a term, which has not more than seven years to run. Disposals by way of a short tenancy do not need consent, see sections 123(2) and 127(2) of the 1972 Act.

4 RICS Appraisal and Valuation Standards (Fifth Edition), UK Guidance Note 5: 'Local authority disposals at an undervalue' published 1 May 2003

5 [see above]

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**Service Devolution & Transfer of  
Premises to  
Town and Parish Councils**

**Guidance & Application Form**

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## General Considerations

Before making an application to run a service or for the transfer of an asset from Teignbridge District Council (TDC), it is important to consider your options carefully. Below are some general aspects which should be considered before making an application.

The aims and objectives for the land or building. By having clear objectives it is possible to assess whether premises are needed, the amount of space and type of facilities required.

The need and demand for the services which are proposed.

The decision to take responsibility for a service and/or property asset should benefit the local community by allowing you to provide services more effectively. It is important to consider the monetary costs and time needed to maintain a building, as these additional responsibilities could reduce the efficiency of primary services.

## Practicalities

It is important to have a financial plan outlining the funding of the service and/or premises.

Where a property is to be transferred with the service, initial purchase/leasing costs may include surveying and legal costs. Each party will be expected to pay their own costs. It is also important to consider that a premises can generate a number of other ongoing costs. These may include:

- rates
- utilities (electricity, water etc)
- insurance – building, contents and public liability
- repairs – reactive and planned maintenance
- security

- administration
- alterations and/or adaptations
- Staff eg cleaning and caretaking

TDC will be able to provide limited information in this respect owing to accounting practicalities within the authority. In addition, there are efficiencies of scale from which it benefits owing to size of the organisation (eg insurance policies held) and the wide range of different skill sets accessible across the authority (eg lawyers, surveyors and accountants). It is therefore advised that independent advice is sought when considering the implications of acquiring and managing a property asset.

Where a property asset is proposed for transfer, a Premises Management Plan is required detailing who will be responsible for decisions relating to the property, along with responsibilities for the day-to-day management arrangements and compliance legislation. Issues which need to be addressed can include cleaning, fire safety, health and safety, security, repairs, general administration and managing costs. Teignbridge District Council reserves the right to challenge plans submitted.

Your organisation must also have the capacity to take on the delivery of a service and/or the ownership of property, along with the associated statutory considerations that can include but are not limited to:-

- Health and Safety at Work Act 1974 and subsequent regulations
- Regulatory Reform (Fire Safety) Order 2005
- Occupiers' Liability Act 1957
- Landlord and Tenant Act 1954
- Charities Act 2011
- Town and Country Planning Act 1990 and subsequent regulations
- Equality Act 2010
- Building Act 1994
- Defective Premises Act 1972
- Control of Asbestos Regulations 2012

Similar considerations will also need to be given where it is the proposed transfer of service delivery only proposed.

## **Application Guidance**

If you are satisfied that your council has a genuine need to take on the service and/or premises and the ability to do so, please complete the Application Form below.

When completing the application form(s) it is important that you provide as much information as possible so that we can assess your application. Please do not hesitate to write on additional sheets if required.

If you require any additional guidance on the process or help with the completion of the application forms please contact Economy & Assets on **01626 215233**. A copy of the Teignbridge District Council's Service Devolution & Asset Transfer Policy is also available on our website or by request.

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## SERVICE DEVOLUTION & ASSET TRANSFER APPLICATION FORM

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### Council Details

Name of Council	
Address of Council	
Post Code	
Telephone Number	
Fax Number	
Email Address	

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### Correspondent's Contact Details

Name of Correspondent	
Position Held	
Address (if different from above)	
Post Code	
Telephone Number(s)	
Email Address	

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**Solicitor's Contact Details (if available)**

Name of Solicitor	
Contact	
Address	
Post Code	
Telephone Number(s)	
Fax Number	
Email Address	
DX	

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Where assets are transferred for a nil or less than market consideration, the financial cost to TDC will be weighed against the community benefit. Please indicate which of the following community benefits will be provided by the transfer of this asset.

- The transfer of the asset will provide social, economic or environmental well-being benefits to the local community. For example, through the ability to manage and regulate an open space at local level
- The transfer would be a 'tidying up' exercise, passing incidental pieces of land and landscaping, or parts of these, to local level
- The property has the potential to provide for a community facility, for example a village hall, which the parish or town council has demonstrated they have the skills, drive and access to resources to deliver
- The transfer of the asset will enable the continuation of a service to the local community that the TDC are no longer able to provide e.g. public conveniences

- A community partnership can be entered into based on public access to and use of an asset
- It is believed that the applicant would be able to secure grant funding and or have access to funding streams not available to the District Council.

Name and address of Property to be transferred and Land Registry DN reference<sup>3</sup>

Proposed use of property

Means of transfer (i.e. lease or freehold)

The Council has the discretionary power under the General Disposal Consent (England) 2003 and S.123 of the Local Government Act, to consider disposals of surplus assets at less than best consideration where such disposal is likely to contribute to the promotion or improvement of the economic, social or the environmental well-being of the Teignbridge area or its residents. Please indicate below how this proposed transfer will contribute in any of these ways.

(Please note that the GDC will not apply in some limited circumstances such as housing land)

**Economic Benefits**

How will the transfer benefit the local economy?	
--	--

**Social Benefits**

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<sup>3</sup> <https://www.gov.uk/get-information-about-property-and-land/search-the-register>

How will the transfer provide social benefit to the community?	
--	--

**Environmental Benefits**

How will the transfer benefit the environment?	
--	--

Any other information to support the transfer	
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Should the Council consider that the transaction at less than best value will meet the requirements of the General Disposal Consent Act, a valuation of the property asset will be undertaken to determine best value. Any costs incurred by the Council in seeking the relevant valuation advice will be met by the applicant.

When considering the disposal of public open space, the legal requirements of the Council to advertise proposed disposals and consider objections must all be complied with. Applicants will be required to meet the costs of advertising the proposed disposal.

Where a service delegation agreement is sought without the transfer of any associated asset please specify below the service for which you are proposing to take on responsibility. Please include details of any reasons for the proposal, boundaries and conditions.

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## Declaration

I confirm that I am authorised to sign this application on behalf of (*name of council*)

and that, to the best of my knowledge and belief, all the information provided is true and correct. I confirm that I have considered all the financial implications of the property acquisition and that I am satisfied that the council is able to meet all anticipated costs.

I enclose copies of:-

- Plan outlining the property to be considered for transfer and/or service delegation boundary in red (required)
- Management Structure (required)
- Premises Management Plan (required where property to be transferred)
- Community Consultation (if available)
- Business Plan (if available)
- Any other documents you think may be helpful when we are assessing your application

Name (print)	
Position in council	
Date	

### Please return this completed form to:

Teignbridge District Council  
Economy & Assets  
Forde House  
Brunel Road  
Newton Abbot  
TQ12 4XX

Or email: [economyandassets@teignbridge.gov.uk](mailto:economyandassets@teignbridge.gov.uk)

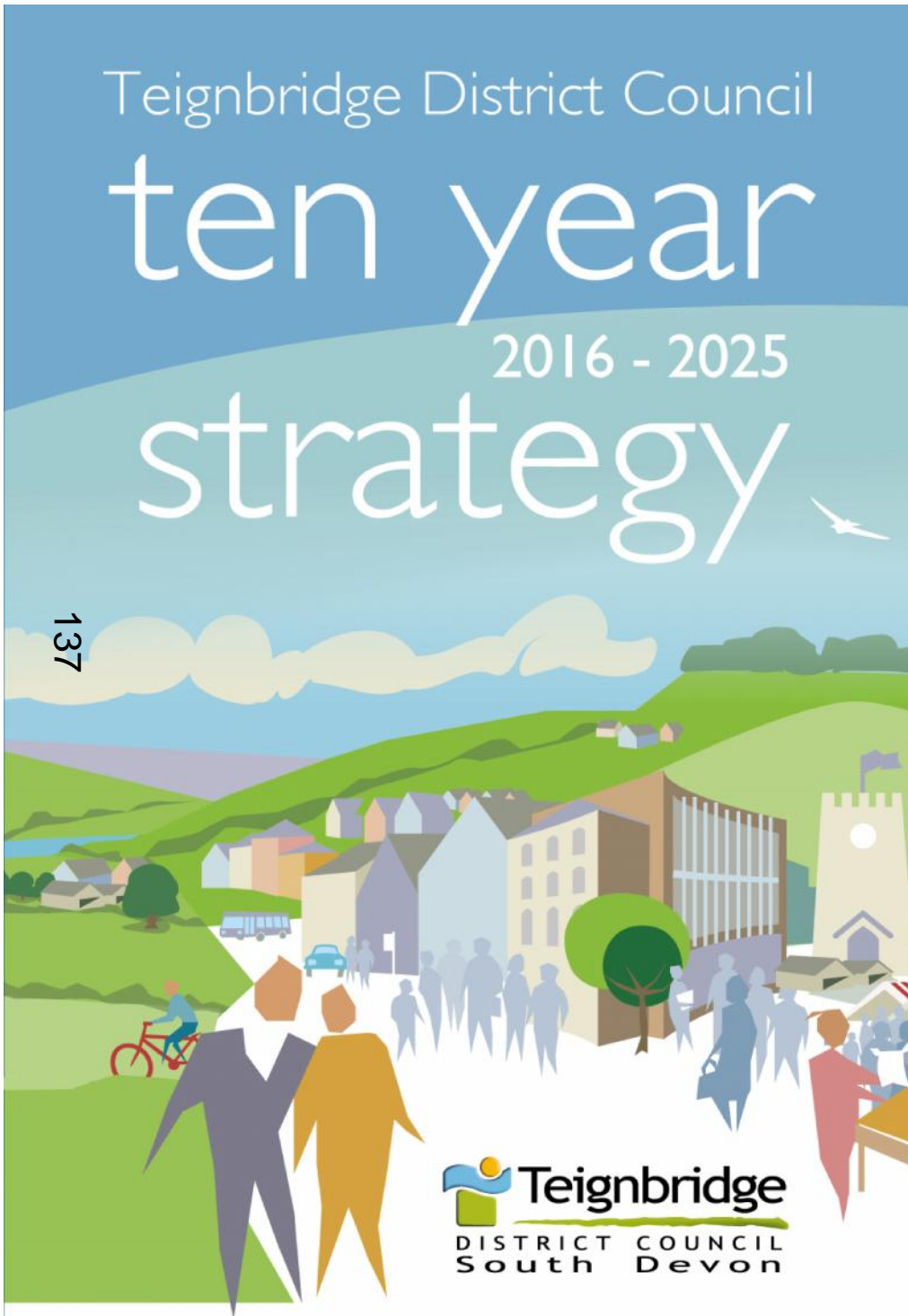
**Appendix D**  
**Amenity Maintenance Services**

Task	Condition and comment
Litter Picking	To be carried out on amenity land  Examples include: <ul style="list-style-type: none"> <li>• Beverage and drinks containers</li> <li>• Food containers or utensils</li> <li>• Magazines and newspapers</li> <li>• Shopping and other bags</li> <li>• Illegal deposits of bagged commercial and household waste which shall be cleared as fly tipping</li> <li>• Removal of pigeon droppings from pathways and footways</li> <li>• Removal of fallen branches, wood, metal and plastic objects</li> <li>• Dog/ animal faeces</li> <li>• Cigarette waste and packets</li> <li>• Removal of leaf and blossom falls</li> </ul>
Emptying of Litter Bins	To be carried out on amenity land
Removal of Fly Tipping (but no enforcement related tasks)	Must be carried out on amenity land
Removal of Fly Posting (but no enforcement related tasks)	Must be carried out on amenity land
Graffiti removal (but no enforcement related tasks)	Must be carried out on amenity land
Balancing ponds, amenity footpaths and water courses	Must be carried out on amenity land  Monitor the condition and health and safety concerns on amenity footpaths, ponds, ditches and any amenity asset and effect their reasonable repair and maintenance
Park/ street furniture management	Must be carried out on amenity land  Monitor the condition of the furniture and any health and safety concerns and effect their reasonable repair, maintenance and replacement
Grounds Maintenance	Must be carried out on amenity land Maintenance of shrub beds, hedges, trees, herbaceous borders and any soft areas.
Grass maintenance	Must be carried out on amenity land
Sports pitch maintenance	Must be carried out on amenity land
Inspection and maintenance of play equipment	Must be carried out on amenity land

	Will include play areas, multiple use games areas (MUGAs) and skate parks
Allotments management	General up keep and maintenance including:- <ul style="list-style-type: none"> <li>• Boundary fencing</li> <li>• Gate and hedges</li> <li>• Tracks and footpaths</li> <li>• Car parks</li> <li>• Grass area</li> </ul>
Open Cemeteries and closed churchyard maintenance & upkeep	Must be carried out on all cemeteries and closed churchyards.  Includes memorial inspections
Weed control	Must be carried out on amenity land  Responsibility for all weeds on service delegated areas
Bus shelter maintenance	Litter collection and cleaning (graffiti, fly posting, moss etc. removal)

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# Council Strategy 2016-2025

22 October 2018

**Goal** 01 A roof over our heads

**Lead Contact:** Humphrey Clemens, Amanda Pujol

**RAG Status:**

On track

## Summary Statement

All indicators apart from those relating to homelessness prevention are on target or exceeding targets. Details of these are summarised below and a fuller explanation is in the performance indicator section of the report. All projects have commenced and progress is on track.

### **Make sure plans take full account of all housing needs**

The net additional new homes is on target with 325 delivered against a target of 310. Progress on the GESP and Local Plan Review is on schedule; the first stage of public engagement is complete with analysis ongoing, and sites submitted through the consultation process are currently being assessed as part of the Housing Economic Land Availability Assessment.

### **Deliver affordable housing**

Delivery of affordable homes is currently well ahead of target however, looking at completed projections to the end of the year, the annual target will currently not be achieved. This is due to breaches of section 106 planning conditions by developers, resulting in a shortfall of 25 units. Legal action is being instigated against those developers concerned.

Schemes to deliver affordable housing on our own land are on track, with 2 sites receiving positive pre application planning advice.

### **Evaluate options for delivering affordable rented housing**

A new project to deliver affordable housing on land owned by Teignbridge Council has commenced and is reported below.

### **Improve housing conditions and reduce empty homes**

The Property Agent Rating Scheme was launched on 19 th September and was well attended by the property agent sector. 8 awards have been issued and 8 are in progress. The number of dwellings improved by intervention from the Council is well ahead of target.

Teignbridge recorded a figure of 338 empty homes at the assessment date of 1st October 2018 exceeding the target for the 10th consecutive year and reducing empty homes to 0.54% of total housing stock which is well below the national average of 0.85%.

### **Prevent homelessness wherever possible**

As reported last quarter, change to the homeless legislation and the criteria for recording homeless prevention statistics has resulted in the Council

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being unable to record homeless prevention outcomes previously recorded in 2018/19 and, as a result, these indicators are showing as a concern. The impact of this change has been significant with prevention recorded as 23 against a target at the end of quarter 2 of 220. Currently we are unable to count any cases where the private sector housing team prevents homelessness or discretionary housing payments enable a resident to remain in their home. Hence the number of homeless preventions remains a concern. We are still waiting advice from MHCLG with regard to their requirements for these statistical returns going forward and, in the event that they agree these cases can be counted we will backdate the figures accordingly.

**Key to Performance Status:**

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

**Key to +/- Column:**

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSROH 4.2	<u>Number of dwellings improved through intervention by the Council (Y2-4)</u>	+	180	198	99 (2/4)	Well ahead of target	61	118			118 (2/4)	(Quarter 2) The quarterly target has been exceeded due to increased activity in housing enforcement work. (AD)
CSROH 2.1	<u>Deliver an average of 124 affordable homes a year in urban areas as defined by the Local Plan (Y1-4)</u>	+	139	124	62 (2/4)	Well ahead of target	48	101			101 (2/4)	(Quarter 2) This indicator requires an average delivery of 124 new affordable homes. Over the past 9 years targets have been exceeded. Due to developers breaching Section 106 planning agreements 25 expected affordable homes will be delayed into future years making this years target

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Performance Indicators													
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes	
													unachievable and beyond our control. Legal action is being instigated against those concerned. (GD)
CSROH 4.1	<b><u>Number of empty properties impacting on the New Homes Bonus (Y2-4)</u></b>	-	361	360	360 (2/4)	Ahead of target	461	338			338 (2/4)		(Quarter 2) Teignbridge recorded a figure of 338 at the assessment date of 1st October 2018 exceeding the target for the 10th consecutive year and reducing empty homes to 0.54% of total housing stock which is well below the national average of 0.85%. (GD)
CSROH 1.2	<b><u>Net additional homes provided</u></b>	+	697	620	310 (2/4)	On target	170	325			325 (2/4)		(Quarter 1 - 2) Includes late completions from beginning of the plan period (1/4/14) (HW)
CSROH 5.2	<b><u>Homelessness prevented by client remaining in existing home (Y1-4)</u></b>	+	495	440	220 (2/4)	Concern	4	23			23 (2/4)		(Quarter 2) Since the introduction of the Homelessness Reduction Act, it is no longer possible to claim homelessness preventions for work completed by the private sector housing team (through disabled facilities grant provision and enforcement action) or through the administering of direct housing benefit payments and discretionary housing payments, without those cases being recorded through the H-clic system.

## Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												This is the standardised central government statistical returns system for homelessness prevention and relief cases. Previously, such cases could be counted without inclusion onto our homelessness prevention case management system. They would now have to be recorded onto our case management system, and each leading household member would be issued with personalised housing plans, and statutory homelessness decisions which could be subject to statutory review. In essence, the recording of prevention statistics has become significantly more formalised and stringent in line with the new legislation. We are working with colleagues in PS housing and Revenue and Benefits to develop short form Personalised Housing plans to ensure that 'add on' preventions can be claimed in time for the next quarterly period. (TM)
CSROH 5.3	<u>Homelessness prevented by assisting with alternative</u>	+	408	363	182 (2/4)	Concern	31	89			89 (2/4)	(Quarter 2) Please see explanation from HL P11 ROH 5.2 - Homelessness

Performance Indicators													
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes	
	<u>accommodation (Y1-4)</u>												prevented by client remaining in existing home (TM)
CSROH 5.4	<u>Number of households placed into temporary accommodation (Y1-4)</u>	OFF	62	TPI	TPI	Not calculable/No status	87	85			85 (2/4)		
CSROH 5.1	<u>Number of rough sleepers as an estimate on a snapshot date (Y1-4)</u>	-		4	4	Data not due	n/a	n/a	n/a		n/a		(2018 - 2019) The annual rough sleeping count happens in mid November and is co-ordinated by the Dept. for Communities and Local Gov. All Devon authorities undertake the count on a single night. (JT)
CSROH 1.1	<u>Provide gypsy and traveller pitches according to identified need in Plan Teignbridge</u>	+	48	21	21	Data not due	n/a	n/a	n/a		n/a		
CSROH 1.3	<u>Number of self build homes provided</u>	+	15	31	31	Data not due	n/a	n/a	n/a		n/a		
CSROH 1.4	<u>Ratio of self-build permissions to registered demand</u>	+		100%	100%	Data not due	n/a	n/a	n/a		n/a		

**Key to Performance Status:**

Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due
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**Projects**

**Roll-out, launch and promote the 'property agent rating scheme' (Y1-4) (HSH2.10\*)** **On track** **Project Responsible Officer Alison Dolley**

Date	Progress Review
03/10/2018	The PARS scheme was launched on the 19 <sup>th</sup> September and was attended by approximately 50 delegates including letting agents, landlord associations, Trading Standards, Citizen Advice and the Fire Service. 8 awards were issued on the day (6 platinum, 1 gold and 1 bronze). A further 8 applications are currently being assessed and once this is completed then work will commence on assessing those agents who have not made an application to ensure that they comply with all the relevant legislation and reach bronze level.
31/12/2018	

**Delivery of the Local Plans\* (CSO1)** **On track** **Project Responsible Officer Simon Thornley**

Date	Progress Review
15/10/2018	<p>Progress on the GESP and Local Plan Review is currently on schedule and in line with the approved Local Development Scheme.</p> <p>The Local Plan Review has completed its first stage of public engagement with the finalisation of the 'Issues Stage' in July 2018. Analysis of representations received is on-going and will form a Consultation Statement and feed into the next stage of plan preparation- The Draft Plan.</p> <p>A catalogue of sites have been submitted through the Local Plan Review Consultation which are currently being assessed as part of the Housing Economic Land Availability Assessment (HELAA). This will form a central evidence base for forthcoming draft site allocations in the Draft Local Plan.</p>
31/03/2019	

**Obtain planning and funding for one affordable housing scheme on council owned land (Y4) (HSP1.19\*)** **On track** **Project Responsible Officer Graham Davey**

Date	Progress Review
08/10/2018	<p>Schemes are being worked up on council land in Newton Abbot, Kenn, Ideford and Chudleigh. Two sites have received positive pre-application advice. A scheme at Haldon Ridge for three pitches is now within the developer's 6 week notice period of completion. A scheme for acquisition of land in Bovey Tracey to deliver 4 custom build affordable homes has been approved in principle by the Capital Review Board, as is a scheme in Hennock. A planning application is pending approval at Bovey Tracey and a portfolio holder decision for land acquisition is being drafted for signature. Planning permission is expected during October 2018 with acquisition to follow shortly afterwards.</p> <p>In addition, two further sites in Newton Abbot are receiving feasibility assessments for development and redevelopment respectively.</p>
31/12/2018	

**Review Devon Home Choice allocation scheme, report issues & make recommendations to Members (Y4) (HSA3.10\*)** **On track** **Project Responsible Officer Tony Mansour**

Date	Progress Review

**Review Devon Home Choice allocation scheme, report issues & make recommendations to Members (Y4) (HSA3.10\*)**

**On track**

**Project Responsible Officer Tony Mansour**

<b>Date</b>	<b>Progress Review</b>
08/10/2018	Initial preliminary consultation has taken place with Registered Providers, and a meeting with Teign Housing is scheduled for November 2018 to commence work on the audit.
31/12/2018	

# Council Strategy 2016-2025

22 October 2018

**Goal** 02 Clean Scene

**Lead Contact:** Chris Braines, Kevin Lake

**RAG Status:**

On track

## Summary Statement

All scheduled projects are underway and progress on the actions are summarised below,

### **Deliver and monitor effective cleansing services**

The Duty of Care and Flytipping awareness project is being delivered. Work is ongoing on the new IT system to manage street cleansing functions. Some progress has been made working towards an agreed specification but the project remains behind schedule as STRATA consider a more strategic approach across authorities. The WRAP litter innovation fund project to reduce rubbish entering the marine environment as litter from bins and household waste has been delivered and the required feedback report is currently being produced. The number of community litter picks supported is well ahead of target at present but we anticipate this levelling out as activities reduce over the autumn and winter months.

### **Fly Tipping and Community Environment Wardens**

There are active fly tipping investigations that Teignbridge are leading on which may result in cases being taken to Court. The fly tipping publicity campaign is active.

### **Recycling**

Provisional figures released in Q2 for the 17/18 year confirm Teignbridge are celebrating a second consecutive year as the highest performing recycling authority in Devon with a rate of 55.4% of waste recycled. The amount of residual waste decreased by over 5kg per household and the total amount of waste collected reduced by 469 tonnes. The amount of household plastic recycled increased by over 180 tonnes. The collection of foil for recycling has now been added to all households in the district following the successful trial. This was communicated to all residents in September funded with support from the foil industry. Garden waste subscription renewals have been a great success with over 21,000 users already renewed. The estimated Q2 2018/19 recycling rate is 55.79% pending final data for this period.

### **Bathing water quality**

All of the beaches in Teignbridge were classified as Excellent. It has been agreed by leadership that a 'Love Your Beach' steering group will be set up to cover all of the beaches rather than just issues in Teignmouth.

### **Air quality standards**

The Governments Road to Zero strategy was launched at the beginning of July and the TDC plan has been submitted to Defra for technical consideration.

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We anticipate a response by the end of 2018. The plan will then be taken to Overview and Scrutiny Committee for consideration.

**Council policies on dog fouling and access restrictions**

Advice has been received from the Police Legal team and the Wildlife Crime lead confirming we are not able to use the Public Spaces Protection Order (PSPO) for the purposes recommended by Habitats Regulations Executive Committee in relation to Dawlish Warren. There will be a report to the Executive on the 30<sup>th</sup> October recommending adoption of the PSPO and the controls for dealing with irresponsible dog owners.

**Key to Performance Status:**

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

**Key to +/- Column:**

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSCLS 3.2	<u>Street cleaning &amp; litter responsibilities. £'s per household</u>	-	£21.18	£23.50	£11.75 (2/4)	Well ahead of target	£4.71	£9.09			£9.09 (2/4)	
CSCLS 5.4	<u>Household waste collected: £'s per household (BV86)</u>	-	£50.96	£50.29	£25.15 (2/4)	Well ahead of target	£11.40	£16.75			£16.75 (2/4)	
CSCLS 4.1	<u>Number of community litter picks supported</u>	+	40	27	14 (2/4)	Well ahead of target	10	16			16 (2/4)	
CSCLS 3.1	<u>Improved street and environmental cleanliness - level of litter</u>	-	1.00%	2.00%	2.00% (1/3)	Well ahead of target	n/a	n/a	n/a		1.00%	
CSCLS 5.3	<u>Residual household waste per household</u>	-	346.60kg	355.00kg	177.50kg (2/4)	On target	91.60kg	178.40kg			178.40kg (2/4)	(Quarter 1 - 2) Waiting on final figures for Qtr2 but

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Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												estimated accumulated figure is 178.4kg/hh. (EB)
CSCLS 5.1	<u>Household waste recycled and composted</u>	+	55.35%	56.00%	56.00% (2/4)	On target	56.23%	55.79%			55.79% (2/4)	(Quarter 1 - 2) Waiting on final figures for Qtr 2 but estimated accumulated recycling rate is 55.79%. (EB)
CSCLS 2.1	<u>Number of incident types dealt with by Community Environment Warden Team</u>	OFF	1,082	TPI	TPI	Not calculable/No status	184	427			427 (2/4)	

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**Key to Performance Status:**

Projects: No status set Milestone Missed Will not be achieved Caution On track Ahead of schedule Project completed Data not due

Projects		
<u>New IT system to manage street cleansing (CSCLS 3.3)</u>		<span style="border: 1px solid black; padding: 2px; background-color: orange;">Caution</span>
Project Responsible Officer Anna Lang		
Date	Progress Review	
05/10/2018	The project remains behind schedule but some progress has been made. STRATA have begun to develop the specification for the IT solution across the 3 authorities.	
29/12/2018		
<u>Targeted litter campaign including enforcement and community based activities (CSCLS 1.2)</u>		<span style="border: 1px solid black; padding: 2px; background-color: green; color: white;">On track</span>
Project Responsible Officer Tracey Fey		
Date	Progress Review	
08/10/2018	An anti-fly tipping campaign called 'Check who you pay to take your rubbish away' was developed and delivered in partnership between Waste and Cleansing Services and Environmental Health. The campaign ran for 10 weeks from 4 <sup>th</sup> June 2018.	



<b>Targeted litter campaign including enforcement and community based activities (CSCLS 1.2)</b>		<b>On track</b>	<b>Project Responsible Officer Tracey Fey</b>
<b>Date</b>	<b>Progress Review</b>		
	<p>A working party with representatives from relevant stakeholders including Torbay and South Hams Council, Devon County Council, the Environment Agency and Trading Standards was set up to develop a campaign brand which was consistent and meet all our needs.</p> <p>Various communication channels were used to raise awareness of the following key messages to help prevent fly tipping;</p> <ul style="list-style-type: none"> <li>• Legal responsibilities/duty of care of householders and businesses</li> <li>• Guidance for householders and businesses to dispose of waste legally</li> <li>• Penalties for non-compliance</li> </ul> <p>These channels included digital displays at local supermarkets, Adshells on prominent bus shelters on busy routes throughout the district, vehicle livery on our fleet of refuse lorries, adverts in local publications, display material in libraries, road shows and digital opportunities such as social media.</p> <p>In the autumn, after the summer holiday period we re-launched the campaign for a further four weeks starting on 10<sup>th</sup> September 2018.</p> <p>The impact of the campaign will be assessed in Quarter 3 by looking at the number of reported fly tipping incidences during the campaign period and by comparing fly tipping data with the same period from previous years.</p>		
31/12/2018			
<b>Bulky Waste Collection Service Review (CSCLS 5.8)</b>		<b>On track</b>	<b>Project Responsible Officer Chris Braines</b>
<b>Date</b>	<b>Progress Review</b>		
24/09/2018	The majority of the project has been completed, including the build of the 'to be' forms as part of the One Teignbridge project. Progress has been made with regard to the outstanding issue on the legality of the proposed refund process and it is anticipated that this will now be resolved and the project will be completed during October 2018.		
<b>Working with other agencies, communities and land owners to reduce fly tipping (CSCLS 2.2)</b>		<b>On track</b>	<b>Project Responsible Officer David Eaton, Anna Lang</b>
<b>Date</b>	<b>Progress Review</b>		
15/10/2018	Work has continued in this area, both through the Teignbridge anti fly-tipping campaign but also through an emerging 'Clean Devon' project looking to bring together a range of interested bodies including, Devon County Council, Highways England, Devon Districts, Environment Agency, NFU and the Police and Crime Commissioner to look at potential for greater joint working across Devon on reducing fly tipping and littering.		
31/12/2018			
<b>Good bathing water quality for Teignbridge beaches (CSCLS 6.1)</b>		<b>On track</b>	<b>Project Responsible Officer Sarah Holgate</b>
<b>Date</b>	<b>Progress Review</b>		

<b>Good bathing water quality for Teignbridge beaches (CSCLS 6.1)</b>		<b>On track</b>	<b>Project Responsible Officer Sarah Holgate</b>
<b>Date</b>	<b>Progress Review</b>		
01/10/2018	All bathing water quality classifications are excellent. Signage was displayed over the summer and daily pollution risk forecasting was provided at Teignmouth, Dawlish and Shaldon by electronic signs. It has been agreed by leadership that a 'Love Your Beach' steering group will be set up to cover all of the beaches rather than just issues in Teignmouth. The group will meet for the first time once the bathing water quality classifications are announced in November. Bin it for beaches campaign supported on social media and posters. Don't feed the locals campaign held in Teignmouth to discourage feeding the seagulls which can impact bathing water quality. Campaign posters also distributed to Shaldon Parish Council and Dawlish Town Council. Love your Loo Campaign from South West Water also supported and posters displayed as well as shares on social media. Posters displayed in all toilets in Teignbridge as well as leisure centres.		
31/12/2018			
<b>Updating Air Quality Action Plan (CSCLS 7.2)</b>		<b>On track</b>	<b>Project Responsible Officer Colin Bignall</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	The Governments Road to Zero strategy was launched at the beginning of July. This has informed the draft Air Quality Action Plan.  The plan has now been submitted to Defra for technical consideration. We anticipate a response by the end of 2018. The plan will then be taken to Overview and Scrutiny Committee for consideration.		
31/12/2018			
<b>Review existing Dog Fouling policy and consider introduction of Public Space Protection Orders (CSCLS 8.1)</b>		<b>On track</b>	<b>Project Responsible Officer David Eaton</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	During this quarter the advice was received from the Police Legal team and the Wildlife Crime lead that we are not able to use the Public Spaces Protection Order (PSPO) for the purposes recommended by Habitats Regulations Executive Committee.  Therefore there will be a report to the Executive on the 30 <sup>th</sup> October recommending adoption of the PSPO and the controls for dealing with irresponsible dog owners.		
24/12/2018			
<b>Automate Recycling Compliance Process (CSCLS 5.9)</b>		<b>Project completed</b>	<b>Project Responsible Officer Chris Braines</b>
<b>Date</b>	<b>Progress Review</b>		
19/10/2018	Project completed. New process rolled out on Firmstep through One Teignbridge project		

# Council Strategy 2016-2025

22 October 2018

**Goal** 03 Going to town

**Lead Contact:** Neil Blaney, Timothy Golder

**RAG Status:**

On track

## Summary Statement

Overall the project is on track.

### Designing and delivering small and large scale schemes

Work to improve the Market Walk in Newton Abbot with new facades is nearly finished and set to be completed by late October. This has been well received by operators and members of the public. Further work is ongoing in respect of the delivery of a new Hotel, following a positive expression of interest process. The Council retains an aspiration to deliver a new cinema in the Town alongside small scale improvements will be made to the Market Square to improve the appeal of the area for customers.

A marketing campaign was launched earlier in the year to bring the Brunswick Street site in Teignmouth to the attention of would be partner investors and developers. There are now proposals to be considered and these will be presented to members in September.

A range of projects are being developed to bring under-utilised buildings into active use. For example, the Former Ambulance Staff Building on The Den, Teignmouth. After a successful marketing campaign, a new tenant has been secured. In the meantime, the Goldfish Bowl, also on the Den and which was until previously being used as a store, has been marketed to seek an active use for the site.

There are a number of projects underway, these include the Bakers Park development, Dawlish Warren Car Park, Former Europlas building - Benbow Relocation, Kenton Watercourse Repair Works, and Market Walk Enhancement.

Having now recently acquired land designated for employment use at Forde Road, Newton Abbot, initial feasibility and design work is underway.

### Running and improving Newton Abbot Markets

We are investigating the viability of installing solar panels on the roofs of the Market Walk shopping centre. Electricity generated would be used to offset the electricity costs incurred by the Market Hall.

The Coach Survey work undertaken by the team has been highlighted within the Top Ten best entries for Market Innovation Awards 2018 (National Association of British Market Authorities and Blanchere Market Awards). The survey work identified the levels of spend by, and value of, coach visitors to Newton Abbot, and the number of coach visits increased following provision of additional temporary coach parking spaces.

### Town centre health checks

First drafts of the Town Centre healthchecks are nearly ready as we await the last pieces of outstanding data and will be ready for the next quarterly update. Data from the Dartmoor towns is limited as the NPA does not collect the necessary data.

The project to secure free Wi-Fi in Newton Abbot, Teignmouth and Dawlish town centres is progressing well. We have received and signed a Memorandum of Understanding between ourselves and Devon County Council for the use of their street furniture for the Wi-Fi boxes. We are now preparing a procurement package to put

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out to tender.

**Working with and supporting continued town centre management**

The project to create a shared Town Centre Manager post for the Dartmoor towns is progressing well. We have now identified a potential funding route which could reduce the cost of a Business Development Manager on a one-year contract (on a trial basis). The Town Councils of Bovey Tracey and Ashburton have shown an interest in engaging in this project.

**Using our powers to bring about improvements and support business growth**

The Council continues to exceed targets for dealing with major and minor planning applications within nationally prescribed timescales. The Environmental Health team provide continued updates to businesses to ensure compliance with changes to legislation and the percentage of businesses with a food hygiene rating of 5 continues to meet our target.

**Improving accessibility and encouraging more town centre living**

Work continues to revise car parking numbers in Newton Abbot town centre, linked to the publication of the master plan and phase 1 development. Project work to review bus movements in and out of the town with Devon County Council continues. Connectivity to new residential settlements including Bradley Lane is being considered with the wider planning consents for those sites.

**Supporting evening cultural and leisure opportunities**

The food based events of Summer Nights in Newton Abbot and Taste of the Teign across various sites along the Teign Estuary were well received and attended. Both events raised the profile of the area and offered cultural and leisure opportunities into the evening.

The Best Bar None project hasn't taken off as anticipated. A report will be produced for the next quarterly review to look at what has been done to date, what the barriers are to progress and potential solutions.

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**Key to Performance Status:**

Performance Indicators:

No data
Concern
Caution
On target
Ahead of target
Well ahead of target

**Key to +/- Column:**

+ Higher figures are better
 - Lower figures are better
 OFF Direction cannot be determined

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSGTT 7.1	<u>% of businesses with a food hygiene rating of 5</u>	+	91%	90%	90% (2/4)	On target	90%	90%			90% (2/4)	(Quarter 2) In Teignbridge business compliance is generally being maintained even though the economic climate is challenging. Public awareness of the Food Hygiene Rating

## Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												<p>Scheme remains high. The rating is an added incentive for the business operator to maintain or improve compliance. However there will always be exceptions which we address using more formal powers.</p> <p>During this quarter we have been focusing on lower risk (Cat E) businesses recently which generally don't receive visits for 3 or more years as well has the high risk businesses. Several of the lower risk businesses have closed since their last intervention which has resulted in a drop number of businesses in scope of the scheme. (PN)</p>

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### Key to Performance Status:

Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due
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## Projects

**Peripatetic Town Centre Manager (CSGTT 4.2)** Caution Project Responsible Officer Allie Clark

Date	Progress Review
12/10/2018	<p>The project is still progressing but has been flagged as a caution as it is slightly behind the initial timescale, and there are some changes to the Town Councils that are engaging in the work. It is therefore requested that the timescales for the project are revised to reflect these changes, and that the project is retitled 'Business Development Manager' to reflect a change in focus following discussions with the towns.</p> <p>In relation to progress of the work, representatives from Bovey Tracey, Ashburton and Chudleigh Town Councils (with apologies sent from Buckfastleigh) attended the first meeting in September 2018, which was well received.</p> <p>We have identified a potential funding route which could reduce the cost of a Business Development Manager (BDM) on a one-year contract (on a trial basis). Chudleigh and Buckfastleigh Town Councils have since confirmed that they will not take part in the project.</p> <p>Moretonhampstead Parish Council were invited to take part but have not responded to requests.</p> <p>We hope to progress with the BDM project at our next meeting (October 2018) between the two remaining towns.</p>

## Date Progress Review

31/12/2018

## Best Bar None\* (CSGTT 7.3)

## Caution

## Project Responsible Officer Rob Kingdon

## Date Progress Review

28/09/2018 Initial discussion meeting took place in 2015 including the National BBN co-ordinator.

In July 2016, sent a letter to all Licensed Premises (LPs) in Newton Abbot giving information about the BBN scheme, the ambition to have a scheme for Newton Abbot and asking licensee's to make contact if they wanted any further information.

10<sup>th</sup> Sept 2016 - Mick McDonnell, BBN National Co-ordinator joined Rob Kingdon visiting LP's and promoting a BBN launch event in October. All LP's visited, flyer and BBN material handed over.

26<sup>th</sup> September 2016 - Rob passed the BIIAB Level 2 award in Assessment of Licenced Premises (self-funded).

24<sup>th</sup> October 2016 - BBN launch event took place in the Council Chamber. Very poor turnout however a steering group was formed with reps from Wetherspoons, Enigma Nightclub and the Saracens Head LP's. Mick and Rob were to support first meetings but then it would be self-supported.

Date planned for the New Year to have initial meeting. During that period, the landlord of the Saracens Head was unable to continue as the proposed chair of the steering group. No other landlord wished to perform the role of chair or join the steering group.

March 2017 - When Rob approached landlords to consider joining the initial steering group he was met with hostility and a clear message they did not want BBN or to join the scheme. He did assist Torbay and Exeter schemes with assessments and their award schemes to increase our knowledge base and establish reciprocal arrangements

March 2017 - Met with representative from the Office of the Police and Crime Commissioner re BBN and challenges being faced with regards to the Newton Abbot Business community - offered to support any initiative.

April 2017 - Reviewed this with Rebecca Hewitt - decided to change the focus and start a scheme for the rural LP's with the hope it would be rolled out in Newton Abbot after. Advice from Andrea Furness to seek support via the local LVA's (Licensed Victuallers Association).

Change name to Teignbridge Best Bar None Scheme.

May 2017 - Spoke with Sergeant Cole, Ashburton Police about BBN. He would mention the scheme with the LVA for Buckfastleigh and get a date for me to present to their members. MM from BBN would assist too.

Nov 2017 - New Sgt arrived at Ashburton - met with him about BBN - will arrange invite when next meeting is held by the LVA.

Jan 2018 - Enigma nightclub shut who were considering joining.

During 2018 there has been a significant demand on the resources of the Community Safety and ASB team in addressing emerging issues including youth gang culture and County Lines.

A discussion will take place before the next review to consider the barriers and progress potential solutions.

Still awaiting the invitation from Ashburton and Buckfastleigh Licensed Victuallers Association. So project has not currently progressed.

<b>Best Bar None* (CSGTT 7.3)</b>		<b>Caution</b>	<b>Project Responsible Officer Rob Kingdon</b>
<b>Date</b>	<b>Progress Review</b>		
31/10/2018			
<b>Running and improving Newton Abbot markets (CSGTT 2.2)</b>		<b>On track</b>	<b>Project Responsible Officer Neil Blaney</b>
<b>Date</b>	<b>Progress Review</b>		
20/07/2018	<p>Work on the consultation on the Draft Code of Practice has been held in abeyance. The draft is nearly complete, following ongoing engagement with Traders and customers over the last 12 months.</p> <p>We are looking to introduce a system that will allow traders to book and pay for their pitches online in advance. This will not only give Traders the ability to manage their bookings at any time, but also improve the Market Team's processes, reduce risk and make a saving by reducing the amount of cash needing to be collected, counted and processed across the year.</p> <p>This new system is part of our digital transformation programme, with this area of work due to be undertaken in the Autumn of 2018. As there will be a need to test the potential new way of payment with Traders, it is felt appropriate to delay the Code of Practice to allow us to engage with Traders on the payment option and the Draft Code at the same time.</p>		
31/12/2018			
<b>Newton Abbot town centre masterplan (CSGTT 7.2)</b>		<b>On track</b>	<b>Project Responsible Officer Tom Butcher</b>
<b>Date</b>	<b>Progress Review</b>		
15/10/2018	The masterplan document has been reviewed to ensure that it relates to all emerging schemes locally and in readiness for the public exhibition.		
29/10/2018	Development proposals are progressing for Halcyon Road and Market Walk. Initial options available to be presented to the Council in due course. Market Walk redevelopment to commence early 2018 with the detailed master plan to be presented upon scheme completion		
<b>Annual survey of traders and customers (CSGTT 2.3)</b>		<b>On track</b>	<b>Project Responsible Officer Neil Blaney</b>
<b>Date</b>	<b>Progress Review</b>		
20/07/2018	<p>The Annual Coach Driver Survey 2018 was completed in June this year, following the success of the surveys in 2017. The surveys have recorded an increase in coach visits from 106 in 2017 to 184 in 2018, an increase of 175%. This figure is based on a comparable survey on the same days (Wednesdays) and for the same period (May to June) in each year, it doesn't cover other days or the full picture across the year. However, anecdotal evidence from the Markets team and traders confirms that more coaches are visiting Newton Abbot. From the survey results 98% of visitors would recommend Newton Abbot to friends, and the main recommendations received were to improve permanent coach parking and access/number toilets within markets/Market Walk.</p> <p>Details of the coach surveys for 2017 and 2018 can be viewed via <a href="https://www.teignbridge.gov.uk/community-and-people/markets-and-car-boots/newton-abbot-markets/coach-drivers/">https://www.teignbridge.gov.uk/community-and-people/markets-and-car-boots/newton-abbot-markets/coach-drivers/</a>.</p> <p>As set out in the update on the Code of Practice, further engagement with Traders is planned later this year for both the Draft Code and looking at the creation of an online payment and booking system for Market Traders.</p>		
31/12/2018			
<b>Place based town centre projects with improvements to accessibility (CSGTT 1.2)</b>		<b>On track</b>	<b>Project Responsible Officer Tom Butcher</b>
<b>Date</b>	<b>Progress Review</b>		
15/10/2018	Work continues to revise car parking numbers in Newton Abbot town centre, linked to the publication of the master plan and phase 1 development. Project work to review bus movements in and out of the town with Devon County Council continues. Connectivity to new residential settlements including Bradley Lane is being considered with the wider planning consents for those sites.		
31/12/2018			

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# Council Strategy 2016-2025

22 October 2018

**Goal** 04 Great places to live and work

**Lead Contact:** Humphrey Clemens, Nick Davies

**RAG Status:**

On track

## Summary Statement

All Projects are underway and all but two are on track. Neither of the Performance Indicators reported in the 2nd Quarter have a target. Progress on the actions is summarised below together with an explanation for the Projects where the status is assessed as a Caution. The overall status of the T10 Project is On Track.

### Design Guidance

The draft Teignbridge Urban Design Guide was subject to public consultation from 26 January to 9 March 2018. It provides a framework for achieving high quality in new development. The first chapter of the Design Guide and a schedule of representations was presented to Executive on 17 July 2018. Executive accepted the approach and resolved to adopt it, with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes are being made with a view to adoption before the end of the year.

### Ensuring Neighbourhoods are real communities

Work is well under way on a Masterplan for Wolborough and a draft Framework Plan was reported to Planning Committee on 31 July 2018 when approval was given for it to be released for public consultation. The Masterplan is following a revised timetable due to the need for considerable work on the road alignment, church setting and biodiversity. For this reason the Project is labelled Caution.

Already completed - NA1 Houghton Barton Development Framework Plan was adopted as a Supplementary Planning Document (SPD) by Executive on 5 December 2017

### Protecting landscapes and heritage

Following consideration of public comments by Planning Committee the Solar Voltaic Developments in the Landscape Supplementary Planning Document (SPD) was adopted by Executive on 17 July 2018.

Already completed - Report on landscape sensitivity to wind energy proposals to be used as part of the evidence base for reviewing the Teignbridge Local Plan.

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### Working towards overall improvement in biodiversity

Planning permission has been granted for 5Ha of the SANGS land at South West Exeter and Council has approved the purchase of all of the SANGS land. Discussions relating to purchase of the majority of the SANGS land are nearing completion. A procurement process for SANGS land establishment will be advertised early next year. Projects identified in the South East Devon European Site Mitigation Strategy are being delivered on target. In addition, over £300,000 of Section 106 money was secured from developers to fund other biodiversity improvements in the first 2 Quarters of this year. A draft SPD to protect Greater Horseshoe Bats was taken to Planning Committee on 20 March 2018 and approved for public consultation. Responses are now being reviewed before the document is updated and returns to Committee for adoption. This project is identified as having a Caution status as it has overrun its original timetable. The Pollinator Pledge continues to raise awareness of the importance of wildflower meadows and, among other initiatives, 7 closed churchyards had areas left to promote pollinators.

Already completed - The Suitable Alternative Natural Green Space (SANGS) at Dawlish successfully opened to the public as Dawlish Country Park.  
Already completed - A Cirl Buntings and Development Guidance Note was published in October 2017

### Supporting improvements to walking, cycling and public transport

2,746 sq m of employment space has been provided in the first 2 quarters of this year to improve work opportunities within easy reach of Teignbridge residents.

#### Key to Performance Status:

Performance Indicators:

No data

Concern

Caution

On target

Ahead of target

Well ahead of target

#### Key to +/- Column:

+

Higher figures are better

-

Lower figures are better

OFF

Direction cannot be determined

### Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSGP 2.3	<b>Sqm of employment space completed</b>	+	2,085sq.m	TPI	TPI	No Target	1,009sq.m	2,737sq.m			2,737sq.m (2/4)	
CSGP 4.1	<b>Section 106 Money Secured For Biodiversity</b>	+	£201,252.82	TPI	TPI	No Target	£306,079.00	£317,414.80			£317,414.80 (2/4)	

**Key to Performance Status:**

Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due
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**Projects**

**Adopt A Greater Horseshoe Bat SPD (CSGP 4.6)** Caution **Project Responsible Officer Michelle Luscombe**

Date	Progress Review
15/10/2018	<p>Dartmoor, South Hams, Torbay, Devon County &amp; Teignbridge undertook consultation on a draft SPD in Spring 2018. Responses are now being addressed before the document is updated and returns to Committees for adoption.</p> <p>The updated guidance will save officers time, provide more clarity for developers and therefore result in more robust planning decisions that provide proper protection for bats whilst continuing to deliver the required level of development.</p> <p>The document covers headline requirements for Local Planning Authorities and developers, South Hams SAC consultation area Greater Horseshoe Bats requirements and information needed for Habitat Regulations Assessment, including survey and monitoring. There will also be supporting advice notes on some mitigation specifics, design of lighting schemes etc.</p>

**Adopt Supplementary Planning Document For Wolborough (CSGP 2.5)** On track **Project Responsible Officer Fergus Pate**

Date	Progress Review
15/10/2018	<p>The Masterplan's timetable was revised, to take account of the need for considerable technical work on the road alignment, church setting and biodiversity implications, much of which has been funded by a grant from the MHCLG. The draft masterplan was presented to planning committee on 31 July 2018, and consultation was undertaken in August and September. It is anticipated that the outcomes of the consultation and a proposed route forward will be presented to Planning Committee in December 2018.</p> <p>In the meantime, an appeal has been made against "non-determination" of the planning application on the western part of the site, which has been called-in by the Secretary of State. Appeal hearings are due in March 2019. This does not affect the masterplan timetable.</p>

**Devon Pollinator Pledge (CSGP 4.7)** On track **Project Responsible Officer Sian Avon, Mark Payne**

Date	Progress Review
12/10/2018	<p>Work has continued to manage and improve wildflower areas recently created at Forde House, Decoy Country Park and within the closed churchyards.</p> <p>Seven closed churchyard sites had areas left to promote pollinators, oxeye daises provided a good source of pollen for long periods of the spring and summer on these sites and the bug project at Ideford Church (constructed in 2017) has been particularly successful with</p>

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<b>Devon Pollinator Pledge (CSGP 4.7)</b>		<b>On track</b>	<b>Project Responsible Officer Sian Avon, Mark Payne</b>
<b>Date</b>	<b>Progress Review</b>		
31/12/2018	evidence of hedgehogs living there as well as providing a good habitat and overwintering site for various insects. The first phase of wildflower enrichment has taken place at Dawlish Countryside Park. Wildflower rich green hay was harvested from Aller Brook Local Nature Reserve, Eastcliff Park and Coombe Valley Local Nature Reserve using specialist equipment then transported and spread at Dawlish Countryside Park. Rangers were assisted in this task by large group of 22 volunteers from Dawlish Gardens Trust. Ripe seed of Ox-Eye or Moon daisies and other wildflowers were also harvested from the Council's Newton Abbot Cemeteries and spread over the areas. This enrichment method makes use of existing resources and reduces reliance on more expensive seeding.		
<b>Preparation And Adoption Of Residential Design Guide* (CSGP 1.3)</b>		<b>On track</b>	<b>Project Responsible Officer Maureen Pearce</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	The first chapter of the Design Guide and a schedule of representations was presented to the Executive Committee on 17th July 2018. The committee accepted the approach and resolved to adopt, with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes will be made during the remainder of the year.		
31/12/2018			
<b>Implementation Of Projects In South East Devon European Site Mitigation Strategy (CSGP 4.3)</b>		<b>On track</b>	<b>Project Responsible Officer Maureen Pearce</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	<ul style="list-style-type: none"> <li>• Special mark and marker buoys indicating the Exe wildlife refuges boundaries were laid in the Exe on 14/15<sup>th</sup> August 2018.</li> <li>• The Exe Estuary wildlife refuges - Implementation plan delivered: targeted events, sustained &amp; focused presence on-site, use of patrol boat, work with local neighbourhood Police teams, support from partner authority Countryside teams, social media, press releases, leaflets for distribution.</li> <li>• The Exe Estuary Patrol Boat was launched at Exmouth on Mon 20<sup>th</sup> August 18.</li> <li>• New signage and interpretation for Dawlish Warren and the Exe Estuary has been delivered to site and is awaiting installation.</li> <li>• The Habitat Regulations Officer Working Group met on 10<sup>th</sup> Sept 18 to consider options regarding mitigation at Dawlish Warren.</li> <li>• A contract for Petalwort monitoring at Dawlish Warren has been awarded.</li> <li>• Body Worn Cameras for Habitat Mitigation Officers received 5<sup>th</sup> Oct 18.</li> <li>• Devon Loves Dogs (DLD) membership continues to build with strong partnership working at Dawlish Countryside Park, Dawlish Warren and across the Exe estuary.</li> <li>• Onsite visit at Dawlish Countryside Park with RTPI awards judging panel.</li> <li>• Onsite visit to Dawlish Countryside Park and South West Exeter SANGS allocation with RTPI South West young planners.</li> <li>• Meeting of senior management from partner authorities to consider consistent approach to Habitat Regulations Appropriate Assessment following People vs. Wind judgement.</li> </ul>		
31/12/2018			

<b>SW Exeter Suitable Alternative Natural Greenspace (SANGS) (CSGP 4.5)</b>		<b>On track</b>	<b>Project Responsible Officer Fergus Pate</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	Discussion with land promotor relating to the majority of the SANGS land is almost at a final agreement, with completion expected by mid-November at the latest. Negotiations relating to Parcel C have hit an impasse due to an existing lease covering approximately a third of this Parcel. The site promotor has secured an option on a separate area of land but it will be necessary to carry out a site visit to ensure it is suitable. This will be done shortly. We had anticipated that Land Trust would be a good option for managing the delivery of the SANGS, but as of September they no longer offer this service. We are in the process of compiling specifications and documents for a procurement process for SANGS establishment. It is anticipated that the procurement offer will be advertised early in 2019.		
31/12/2018			
<b>Delivery of the Local Plans* (CSO1)</b>		<b>On track</b>	<b>Project Responsible Officer Simon Thornley</b>
<b>Date</b>	<b>Progress Review</b>		
15/10/2018	Progress on the GESP and Local Plan Review is currently on schedule and in line with the approved Local Development Scheme.  The Local Plan Review has completed its first stage of public engagement with the finalisation of the 'Issues Stage' in July 2018. Analysis of representations received is on-going and will form a Consultation Statement and feed into the next stage of plan preparation- The Draft Plan.  A catalogue of sites have been submitted through the Local Plan Review Consultation which are currently being assessed as part of the Housing Economic Land Availability Assessment (HELAA). This will form a central evidence base for forthcoming draft site allocations in the Draft Local Plan.		
31/03/2019			
<b>Prepare &amp; Adopt A Landscape / Renewable Energy Policy Document (CSGP 3.3)</b>		<b>Project completed</b>	<b>Project Responsible Officer Maureen Pearce</b>
<b>Date</b>	<b>Progress Review</b>		
13/07/2018	<b>Solar Photovoltaic Developments in the Landscape Supplementary Planning Document (SPD)</b>  At the 5 June 2018 Planning Committee Meeting, it was resolved that: <ul style="list-style-type: none"> <li>● Public consultation on the draft SPD has been carried out in accordance with recommended procedures</li> <li>● Issues raised during the public consultation have been satisfactorily addressed</li> <li>● The SPD be referred to the 17th July Executive Committee meeting for adoption</li> </ul> <p>The SPD was subsequently adopted by Executive on 17 July 2018</p>		

# Council Strategy 2016-2025

22 October 2018

**Goal** 05 Health at the heart

**Lead Contact:** Paul Nicholls, Sylvia Russell

**RAG Status:**

On track

## Summary Statement

The overall Health at the Heart programme is on track and continues to focus on the wider determinants of health and health inequalities not being addressed by the other Teignbridge Ten programmes and where the services we provide can make a contribution. Summaries of the overarching objectives are set out below. Further information can be found in the Project or Performance indicator notes.

### **Health interventions, educational and physical activity programmes to local communities most in need**

Human Resources have now implemented the revised sickness absence monitoring as agreed by the Absence Review Working Group with an absence figure of 10.3 days which equates to 96% attendance adopted as the target going forward. The Performance Indicator is currently showing as Concern. Our HR policies and procedures are currently being updated in order of priority and managing sickness absence is one of the priorities. The HR Team are proactively managing sickness cases, with a particular focus on resolving long term sickness absence cases.

Sun Safety awareness was promoted by the Resorts team throughout the last quarter. Progress with smokefree playparks but now moving forward again and is focusing on caravan sites and other commercial settings. The need for the project will be reviewed in April 2019. The Teignbridge Dementia Alliance continues to make good progress on developing Dementia Friends within the community. There is also good progress on various health wellbeing initiatives by the Community Voluntary Sector and our Leisure Services which will have a positive impact on specific sectors of our population.

Engagement with Best Bar None by the licensed trade coupled with reduced capacity in the Community Safety team, due to other priorities, is continuing to impact on this project. Best Bar none is also reported in "Going to Town" and a report has been requested for quarter 3 to review what has been done to date and identify what the barriers are to progress and any possible potential solutions. No progress has been made on the relaunch of the Health Exchange or the implementation of Make Every Contact Count training for Teignbridge front line staff. However this is envisaged to be prioritised in the next reporting period.

### **Working with others to target home improvement measures such as loans and grants for those in greatest need**

Housing services continue to improve housing conditions through the provision of financial assistance to our most vulnerable households. Although Performance Indicator CSHAH 1.10 Number of households whose housing conditions have been improved through financial assistance (Y4) is

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currently showing as concern they are only three away from achieving the target this quarter. This is mainly due to being reliant upon the contractor's ability to complete the works within a specified timeframe. The service manager is satisfied the current 52 grants/loans which have been approved will ensure the annual target is met.

This quarter has seen an increase in the number of declarations for ECOflex which has resulted in being ahead of target. It is likely that the numbers will reduce in quarter 3 due to the changes in the scheme.

#### **Deliver disabled facility grants DFGs to enable those with long term health and care needs to remain at home independently**

The loans and grant policy has been revised and grants extended to ensure our most vulnerable residents receive assistance to help them remain in their home through disabled facility grants (DFGs) as well as other grants to improve housing conditions including energy efficiency measures such as new or improved heating. 56 households have been assisted with 39 DFG and 17 grants completed.

#### **Working with others to deliver and support specialist and adapted housing to meet identified needs**

Representatives of Housing and the Teignbridge Affordable Housing Partnership have compiled a comprehensive response to the Local Plan Issues and Options consultation document which was submitted in July. The response covered issues including, space standards, accessible homes, meeting the needs of an older generation, gypsies and travellers, empty homes, park homes, custom build and including elements of Affordable Housing Supplementary Planning Guidance. Housing Enablers are working collaboratively with Strategic Planning on housing need evidence for neighbourhood plans.

#### **Design new developments to create places that are safe, inclusive, and accessible to all and promote interaction and a healthy, active lifestyle**

The Councils Executive Committee accepted the first chapter of the Design Guide and the proposed approach and resolved to adopt with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes will be made during the remainder of the year.

#### **Key to Performance Status:**

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

#### **Key to +/- Column:**

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSHAH 2.4	<b><u>Number of properties receiving free or subsidised energy efficiency measures (Y4)</u></b>	+	178	280	140 (2/4)	Well ahead of target	65	183			183 (2/4)	(Quarter 2) This quarter has seen an increase in the number of declarations for ECOflex which has resulted in being ahead of target. It is likely that the numbers will reduce in quarter 3 due to the change over from ECO2T to ECO3. (AD)
CSHAH 3.3	<b><u>Number of vulnerable &amp; elderly residents assisted to remain in their own home (Y4)</u></b>	+	n/a	250	125 (2/4)	On target	68	124			124 (2/4)	(Quarter 2) Currently on target. (AD)
CSHAH 1.10	<b><u>Number of households whose housing conditions</u></b>	+	n/a	100	50 (2/4)	Caution	32	47			47 (2/4)	(Quarter 2) Whilst the number has fallen slightly short this

Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
	<u>have been improved through financial assistance (Y4)</u>											quarter there are currently 52 grants/loans that have been approved and will be completed in Quarters 3 & 4. (AD)
CSHAH 5.9	<u>Working days lost due to sickness absence - av/all employees</u>	-	9.71 days	10.30 days	5.15 days (6/12)	Concern	2.68 days	5.85 days			5.85 days (2/4)	(September) HR have implemented revised sickness monitoring. HR policies are currently being updated in order of priority and managing sickness absence is one of the priorities. The HR Team are proactively managing sickness cases, with a particular



Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												focus on resolving long term sickness absence cases. (RS)
CSHAH 3.1	<u>Total number on housing register requiring a wheelchair adapted property (Y4)</u>	OFF	35	TPI	TPI	Not calculable/No status	25	23			23 (2/4)	(Quarter 2) In Q4 2017/18 we had 35 households all requiring fully wheelchair accessible homes and had been on the housing register longer than other household types. Our aim is to reduce the number and time spent on register with direct matching and specialised one to one support with housing

Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												solutions. (TH)

**Key to Performance Status:**

Projects: No status set Milestone Missed Will not be achieved Caution On track Ahead of schedule Project completed Data not due

**Projects**

**Best Bar None\* (CSGTT 7.3)** Caution **Project Responsible Officer Rob Kingdon**

Date	Progress Review
28/09/2018	<p>Initial discussion meeting took place in 2015 including the National BBN co-ordinator.</p> <p>In July 2016, sent a letter to all Licensed Premises (LPs) in Newton Abbot giving information about the BBN scheme, the ambition to have a scheme for Newton Abbot and asking licensee's to make contact if they wanted any further information.</p> <p>10<sup>th</sup> Sept 2016 - Mick McDonnell, BBN National Co-ordinator joined Rob Kingdon visiting LP's and promoting a BBN launch event in October. All LP's visited, flyer and BBN material handed over.</p> <p>26<sup>th</sup> September 2016 - Rob passed the BIIAB Level 2 award in Assessment of Licenced Premises (self-funded).</p> <p>24<sup>th</sup> October 2016 - BBN launch event took place in the Council Chamber. Very poor turnout however a steering group was formed with reps from Wetherspoons, Enigma Nightclub and the Saracens Head LP's. Mick and Rob were to support first meetings but then it would be self-supported.</p> <p>Date planned for the New Year to have initial meeting. During that period, the landlord of the Saracens Head was unable to continue as the proposed chair of the steering group. No other landlord wished to perform the role of chair or join the steering group.</p> <p>March 2017 - When Rob approached landlords to consider joining the initial steering group he was met with hostility and a clear</p>

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<b>Best Bar None* (CSGTT 7.3)</b>		<b>Caution</b>	<b>Project Responsible Officer Rob Kingdon</b>
<b>Date</b>	<b>Progress Review</b>		
	<p>message they did not want BBN or to join the scheme. He did assist Torbay and Exeter schemes with assessments and their award schemes to increase our knowledge base and establish reciprocal arrangements</p> <p>March 2017 - Met with representative from the Office of the Police and Crime Commissioner re BBN and challenges being faced with regards to the Newton Abbot Business community - offered to support any initiative.</p> <p>April 2017 - Reviewed this with Rebecca Hewitt - decided to change the focus and start a scheme for the rural LP's with the hope it would be rolled out in Newton Abbot after. Advice from Andrea Furness to seek support via the local LVA's (Licensed Victuallers Association).</p> <p>Change name to Teignbridge Best Bar None Scheme.</p> <p>May 2017 - Spoke with Sergeant Cole, Ashburton Police about BBN. He would mention the scheme with the LVA for Buckfastleigh and get a date for me to present to their members. MM from BBN would assist too.</p> <p>Nov 2017 - New Sgt arrived at Ashburton - met with him about BBN - will arrange invite when next meeting is held by the LVA.</p> <p>Jan 2018 - Enigma nightclub shut who were considering joining.</p> <p>During 2018 there has been a significant demand on the resources of the Community Safety and ASB team in addressing emerging issues including youth gang culture and County Lines. A discussion will take place before the next review to consider the barriers and progress potential solutions. Still awaiting the invitation from Ashburton and Buckfastleigh Licensed Victuallers Association. So project has not currently progressed.</p>		
31/10/2018			

<b>Healthy Lifestyles Campaign* (CSOAA 7.2)</b>		<b>On track</b>	<b>Project Responsible Officer Nikki Taylor, James Teed</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	<p>Dawlish Leisure Centre hosted the South West Youth Games event on 7<sup>th</sup> July. The event was a real success and was delivered on the back of planning and collaboration with local organisations and volunteers to stage the games. Hundreds of youth participants were able to enjoy a sun-baked day of sports and activities. Plenty of activities were available to families and non-participants, with the day ending with the successful England quarter-final World Cup match versus Sweden played on the big screen. It was a really great advert for delivering a successful and popular event from a Teignbridge venue. The Teignbridge team were successful across many of the activities in addition to the volunteer recruitment drive to make the event happen. The Games Village promoted healthy living through</p>		

<b>Healthy Lifestyles Campaign* (CSOAA 7.2)</b>		<b>On track</b>	<b>Project Responsible Officer Nikki Taylor, James Teed</b>
<b>Date</b>	<b>Progress Review</b>		
	health watch Devon, and South West Water's drink well campaigns and the Youth Games event at Dawlish attracted around 2000 people to become more active and healthy in the District. More junior activities have been introduced across all 3 centres these include basketball, football, 'mini movers' this has been reflected in the numbers of u18's participation in the PI's.		
31/12/2018			
<b>Smoke Free Play Parks (CSHAH 1.7)</b>		<b>On track</b>	<b>Project Responsible Officer Hollie Warran</b>
<b>Date</b>	<b>Progress Review</b>		
04/10/2018	Another holiday park has signed up to the scheme and has been given signs.		
14/01/2019			
<b>Raise Awareness &amp; Deliver Initiatives To Prevent Increase In Melanoma (CSHAH 1.4)</b>		<b>On track</b>	<b>Project Responsible Officer Sarah Holgate, Hollie Warran</b>
<b>Date</b>	<b>Progress Review</b>		
10/10/2018	A-frames with skin cancer awareness posters were displayed at Dawlish Warren, Dawlish, Teignmouth and Shaldon Golf. SPF 50 suncream was also available for free from Shaldon Golf, Teignmouth and Dawlish Warren Resort Office, The RNLI Lifeguards and the Lido swimming pool. We are in discussions with HR about arranging mole checks for staff and some skin cancer awareness sessions.		
30/04/2019			
<b>Make Market Walk a Smokefree Place (CSHAH 1.6)</b>		<b>On track</b>	<b>Project Responsible Officer Hollie Warran</b>
<b>Date</b>	<b>Progress Review</b>		
04/10/2018	The officer responsible for the implementation of this project is still seconded to the Environmental Protection team however they have been able to undertake some research into what would be required and have also discussed implementation with representatives the Economy and Assets team currently leading the redevelopment of Market Walk.		
31/12/2018			
<b>Increase Staff &amp; Member Awareness Of Mental Health &amp; Dementia (CSHAH 1.3)</b>		<b>On track</b>	<b>Project Responsible Officer Rebecca Hewitt</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	The Teignbridge Dementia Alliance continues to meet. At the last meeting on the 26 <sup>th</sup> September it was reported that a total of 149 individuals have now become Dementia Friends. Further sessions are planned with Teignmouth Town Council, Chudleigh Town Council, Buckfastleigh Town Council and Newton Abbot Police.		

**Increase Staff & Member Awareness Of Mental Health & Dementia (CSHAH 1.3) On track Project Responsible Officer Rebecca Hewitt**

Date	Progress Review
31/12/2018	The group has also negotiated with the Dementia Friends Organisation and arranged a Dementia Friends Training Session on the 30 <sup>th</sup> November in the Long Room at Old Forde House which will ensure we have more volunteers trained to enable further sessions. Rebecca Hewitt and Rob Kingdon are being trained so will be delivering sessions for Teignbridge staff and members.

**Preparation And Adoption Of Residential Design Guide\* (CSGP 1.3) On track Project Responsible Officer Maureen Pearce**

Date	Progress Review
12/10/2018	The first chapter of the Design Guide and a schedule of representations was presented to the Executive Committee on 17th July 2018. The committee accepted the approach and resolved to adopt, with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes will be made during the remainder of the year.
31/12/2018	

**Removing Barriers To Participation In Sport And Activity\* (CSOAA 6.3) On track Project Responsible Officer Nikki Taylor, James Teed**

Date	Progress Review
12/10/2018	Improvements have included the completion of a wheelchair and pushchair accessible fishing platform at Decoy Country Park which is also suitable for schools viewing dragonflies and other pond life. At Dawlish Countryside Park easy open gate handles have been designed and fitted by the Ranger to enable easy access for wheelchair users. Planning has begun on short, flexible pop up events for next year to meet people where they are and enable Rangers to react and respond to weather and seasonal wildlife. The Leisure centres have supported the 'couch to 5k' initiative acting as a hub for a local group in Newton Abbot, this week saw our first participant reach the 5k goal.
31/12/2018	

**Partnership activity - Health & Wellbeing initiatives delivered by the Voluntary & Community sector (CSHAH 1.8) On track Project Responsible Officer Kay OFlaherty**

Date	Progress Review
04/10/2018	<p><b>Mental Health User Engagement</b> Council for Voluntary Services (CVS) are supporting Devon and South Devon and Torbay Clinical Commissioning Groups (CCG) to engage with mental health service users to better inform public sector service development.</p> <p><b>Teignmouth Hospital</b> CVS have supported the VCSE to engage with CCG in development of health and wellbeing centre for Teignmouth and use of Teignmouth Hospital building; we brought sector together to meet with CCG planning team.</p>

**Partnership activity - Health & Wellbeing initiatives delivered by the Voluntary & Community sector (CSHAH 1.8)**

**On track**

**Project Responsible Officer Kay OFlaherty**

<b>Date</b>	<b>Progress Review</b>
31/12/2018	<b>Supporting Older People with Dementia and those facing End of Life</b> CVS has been able to draw down £150,000 for 18 months to support people with Dementia/Memory loss and people with an end of life diagnosis - and their families/carers.

# Council Strategy 2016-2025

25 October 2018

**Goal** 06 Investing in prosperity

**Lead Contact:** Donna Best, Timothy Golder

**RAG Status:**

On track

## Summary Statement

Overall the project is on track.

### Promptly grant regulatory decisions

The Council is on target for dealing with planning applications within statutory timescales of 8 weeks for minor planning applications and well ahead of the target for dealing with major planning applications within 13 weeks.

### Investing money into new commercial estates and buildings

Following the approval of the Aldi planning permission at Forde Road, Newton Abbot the land to the rear of the site that has outline consent for employment uses has now been acquired by the Council as part of a covenant negotiation relating to land. The land will be used during the construction of the Aldi site, during which time feasibility and viability testing will be undertaken.

Land at Decoy in the Council's ownership is part of on-going discussions with the two main landowners, as part of the wider delivery of the Wolborough (NA3) 10 hectare employment allocation.

Bradley Lane, Newton Abbot - Land assembly work continues with the recent acquisition of a building at Minerva Way to relocate Benbow Group Plc.

### Giving commercial advice and support to businesses

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Businesses in Teignbridge are able to access free advice from the Growth Hub service run on behalf of the Heart of the South West Local Enterprise Partnership. Since the service started in March 2016 507 Teignbridge based businesses have interacted with the Growth Hub. The Economic Development team continues to support businesses seeking to grow, through assistance with finding new sites, accessing funding and making connections with others who can help.

#### **Working with the Greater Exeter councils**

The Councils in the Greater Exeter area continue to work closely on projects and opportunities, in line with the Shared Economic Strategy. The Economic Development officers from each authority continue to meet monthly to develop the objectives of the Strategy, including data and intelligence gathering of the local markets and economy, access to business advice and economic input into the emerging Greater Exeter Strategic Plan.

#### **Work with local businesses and education providers**

The Economic Development team continue to link businesses with the South Devon University Technical College, South Devon College and Exeter College. The team also meet with contacts within those organisations to discuss opportunities available, and continues to develop relations with the secondary schools within the district, to create links and identify opportunities for future projects. In the schools the predominant engagement is with Business Studies and Design & Technology departments. All schools have been offered the opportunity to take a market stall at Newton Abbot Market where there is an element of their projects that require selling or testing a product. We are developing new relationships with officers and academics at the University of Exeter in an effort to create 'Innovation Networks'. TDC will use these networks to sign-post businesses and academics to one another when new opportunities arise for collaboration, testing new innovations and getting new technologies to market.

#### **Ensure Local Plan continues to prioritise economic development**

The Economic Development officers from the Greater Exeter area are continuing to jointly feed into the Greater Exeter Strategic Plan process. East Devon are the nominated lead on behalf of the Economic Development teams and are fully engaged with the drafting of policies and appraisal of options.

At the Teignbridge level, there are on-going internal discussions between the Local Plan and Economic Development team to ensure that policies and allocations in the Local Plan enable the delivery of economic development.

#### **Grasp all reasonable opportunities to improve the area's economic base**

In 2017/18 around £12.2m has been secured towards funding bids for growth across Teignbridge. This has included through the LEADER programme (Greater Dartmoor Local Enterprise Action Fund and the South Devon Coastal Local Action Group), the Housing Infrastructure Fund, the Land Release Fund and the Local Government Association Housing Adviser Programme.

#### **Scrutinise the Connecting Devon and Somerset (CDS) broadband programme**



The background to this programme is that there are approximately 67,800 premises (homes or businesses) in Teignbridge, of which around 62,600 have either been delivered or planned for superfast broadband. This leaves around 5,200 premises still without access to superfast broadband. Current superfast coverage in Teignbridge is 86% and is set to reach 92% by 2020. Gigaclear, responsible for the roll out of the superfast broadband, have recently (8th Oct 2018) announced significant delays in delivery. Gigaclear are now preparing a revised rollout programme for Connecting Devon and Somerset (CDS). CDS will consider the revised plans and whether the extent of the delays expected are acceptable. In the meantime, Gigaclear have assured stakeholders that they will absorb any additional costs incurred and have committed that there will not be any increases to the level of public subsidy.

A request has been made to the CDS team to present an update to a future Overview and Scrutiny meeting.

**Key to Performance Status:**

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

**Key to +/- Column:**

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSIIP 1.1	<u>Processing of major planning applications</u>	+	82.14%	60.00%	60.00% (2/4)	Well ahead of target	80.00%	91.67%			91.67% (2/4)	
CSIIP 1.2	<u>Processing of minor planning applications</u>	+	68.75%	65.00%	65.00% (2/4)	Well ahead of	63.44%	73.85%			73.85% (2/4)	

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
						target						
CSIIP 5.1	<b><u>Total number of days of work placement provided to young people</u></b>	+	142 days	60 days	30 days (2/4)	Well ahead of target	22 days	62 days			62 days (2/4)	
CSIIP 3.5	<b><u>Total rateable value £000 of business premises in Teignbridge</u></b>	+	£85,101	£85,611	£85,611 (2/4)	Caution	£85,129	£85,085			£85,085 (2/4)	(Quarter 2) The rateable value has reduced as a result of reductions following appeal to the Valuation Office rather than any reduction in number of business premises. (AS)
CSIIP 1.3	<b><u>Planning Appeals Allowed</u></b>	-	36.5%	30.0%	30.0% (2/4)	Concern	36.4%	39.1%			39.1% (2/4)	(Quarter 2) This figure is derived from the number of appeals allowed as a % of all appeals made. 9 appeals were allowed out of a total of 23 appeals. If 2 fewer appeals (one each quarter) had been allowed the 30% target would have been met. This figure is not completely within the Council's control as it is

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Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												dependent on the Inspector's decisions and many decisions are quite finely balanced. The national average is around 35%, so the final figure is not a cause for great concern. (TC)

**Key to Performance Status:**

Projects: No status set Milestone Missed Will not be achieved Caution On track Ahead of schedule Project completed Data not due

Projects	
<b>Improved broadband provision (CSIIIP 8.1)</b>	
<span style="background-color: orange; padding: 2px;">Caution</span> <span style="float: right;">Project Responsible Officer Neil Blaney</span>	
Date	Progress Review
25/10/2018	<p>The project is still progressing but has been flagged as a caution as there has been a delay to the rollout programme. Work is ongoing to put the project back on track and approval is sought to amend the milestones for the project once the revised rollout programme has been confirmed. A representative from Connecting Devon and Somerset has agreed to present an update to a future meeting of the Overview and Scrutiny Committee.</p> <p>Connecting Devon and Somerset (CDS) awarded the contract to deliver the Phase 2 rollout of superfast broadband to Gigaclear in 2017. The rollout programme started in 2018, with premises in East Devon now covered as part of the project. On the 8th Oct 2018 Gigaclear announced significant delays in delivery due to issues related to ensuring the right number and type of staff were in place. In</p>

<b>Improved broadband provision (CSIP 8.1)</b>	<b>Caution</b>	<b>Project Responsible Officer Neil Blaney</b>
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<b>Date</b>	<b>Progress Review</b>
	<p>addition to this, issues related to local roads had more impact than Gigaclear expected. Gigaclear are now preparing a revised rollout programme for CDS with immediate measures including:</p> <ul style="list-style-type: none"> <li>• A significant number of new regionally based staff in a variety of roles such as network planners and community liaison personnel have been appointed and trained to provide more on-the-ground support for residents. We are continually reviewing the requirement and will act quickly to add more where needed.</li> <li>• Restructuring the roll-out to incorporate a range of new construction techniques that are focused on reducing delays, whilst continuing to deliver full fibre to the home.</li> <li>• Changing their plans to minimise disruption on key transport routes, without impacting speed of delivery.</li> </ul> <p>In addition to the above, Gigaclear are presenting a new plan to Connecting Devon and Somerset (CDS) to re-energise this rollout programme. They will now contact Parish Councils regarding the impact of these delays, and thereafter there will be ongoing communications with the communities to keep them informed.</p> <p>Gigaclear have also stated that they will absorb any additional costs incurred and commit that there will not be any increases to the level of public subsidy.</p> <p>CDS will consider the revised plans and proposals once received, to determine whether the extent of the delays expected are acceptable. From the Teignbridge perspective the revised rollout programme will be published once Remedial Plans are agreed and signed off. While the Council has committed to financially contribute to the programme, an agreement was previously reached where payment would not be made until the 2019/20 financial year.</p>
31/12/2018	

<b>Facilitating links between businesses and education providers (CSIP 5.2)</b>	<b>On track</b>	<b>Project Responsible Officer Neil Blaney</b>
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<b>Date</b>	<b>Progress Review</b>
17/07/2018	Contact has been made with all secondary schools active in Teignbridge to meet with careers advisers and discuss the role Teignbridge can play in supporting the schools and their pupils. To date 4 schools have responded and conversations have taken place on what the support could look like. This has included creating a shared database of work placement opportunities, attendance at School Careers Fairs, making links between the schools and businesses, and finding inspirational local business people to speak to pupils.

<b>Facilitating links between businesses and education providers (CSIP 5.2)</b>		<b>On track</b>	<b>Project Responsible Officer Neil Blaney</b>
<b>Date</b>	<b>Progress Review</b>		
31/12/2018	<p>On the statistical side Devon County Council are finalising their annual Devon Workforce Skills Survey, based on a representative survey of the businesses across the County. The purpose is to better understand the patterns of vacancies, recruitment, skills demands and needs, and training provision. These reports are found at <a href="https://new.devon.gov.uk/economy/employment-inward-investment/workforce-skills-in-devon/">https://new.devon.gov.uk/economy/employment-inward-investment/workforce-skills-in-devon/</a>. There is evidence that the skills landscape across Devon is indicative of (a) the predominance of the visitor economy and (b) smaller and more localised markets being served.</p> <p>As part of the ongoing work for the Economic Development team businesses are asked about any issues relating to skills and recruitment. Responses are largely consistent in highlighting skills deficits in all sectors and at all levels. Also as part of the meetings, connections are made between the businesses and education providers at the South Devon UTC, South Devon College and Exeter College, who are active in Teignbridge.</p>		
<b>Update Economic Development Plan (CSIP 7.1)</b>		<b>On track</b>	<b>Project Responsible Officer Neil Blaney</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	The Economic Development Plan was endorsed by the Executive Committee at the meeting on 2nd November 2018. The team are now developing project plans for the more detailed initiatives and prioritising workloads to meeting the Plan's commitments.		
30/09/2019			
<b>Bringing forward new employment land (CSIP 2.2)</b>		<b>On track</b>	<b>Project Responsible Officer Donna Best</b>
<b>Date</b>	<b>Progress Review</b>		
09/10/2018	<p><b>Land at Forde Road, Newton Abbot.</b> There has been significant delay to the commencement of build works due to Network Rail permissions. However, Aldi hope to start on site in December and open 2019 and in a position to end the license on the Council's site shortly after. By this time, it is envisaged that if the Council looks to take forward the employment scheme itself, planning permission will be in place and construction tender documents drafted.</p> <p><b>Land at Decoy Industrial Estate</b> . Ongoing discussion with the two main land owners looking to deliver the mixed use scheme as set out in the major application (17/01542/MAJ) in relation to the small area of land owned by the Council at Decoy.</p>		
31/12/2018			

Date	Progress Review
12/10/2018	<p>The Councils in the Greater Exeter area continue to work closely on projects and opportunities, in line with the Shared Economic Strategy. Discussions are now underway regarding a review of that Strategy, to take account of the emerging work of the Greater Exeter Strategic Plan, to review how effective the strategy has been and ensure that the collective focus are still the right ones.</p> <p>The Economic Development officers from each authority continue to meet monthly to develop the objectives of the Strategy, including data and intelligence gathering of the local markets and economy, access to business advice and provide an Economic Development focused input into the emerging Greater Exeter Strategic Plan policies.</p> <p>The authorities are currently investigating the opportunity to purchase data that would enable an in-depth understanding of economic clusters across the Greater Exeter area. This data would allow us to identify not only the strong clusters, particularly those linked to the Local Enterprise Partnership priorities, but also where they are located geographically to ensure there are equitable investments and engagement with businesses across the area.</p>
31/12/2018	

# Council Strategy 2016-2025

15 October 2018

**Goal** 07 Moving up a gear

**Lead Contact:** Humphrey Clemens, Fergus Pate

**RAG Status:**

On track

## Summary Statement

### Improving the A382 into Newton Abbot and a Forches Cross A383 link

The entire length of the A382 scheme benefits from planning permission. A compulsory Purchase Order (CPO) for phase I between Forches Cross and Newton Abbot has been published and a CPO inquiry is expected in Spring 2019. The link between the Ashburton Road and Forches Cross on the Bovey Tracey Road has been designed and work needed for Devon County Council to submit a planning application to Teignbridge is being finalised. The application is due to be submitted during Winter 2018/19.

### Bus improvements and park and ride services

An updated scheme for an A30 park and ride is not anticipated in the short term. Examination of the Ide neighbourhood plan has recognised some potential for a P5R at 'Round Field' in the future. At Houghton Barton, a park and change is expected to come forward alongside future development proposals at Forches Cross. Park and change and cycle links are expected to accompany the new link through Houghton Barton but will not form part of the initial planning application for that road. They will need to be brought forward as part of the wider allocated developments at Houghton Barton. Opportunities for a bus only route between Ashburton Road and Newton Abbot town centre are being investigated.

### Supporting new railway stations

Devon County Council bid to Network Rail's industry risk fund for support with delivering Marsh Barton Station and is also in the process identifying lower cost options for the scheme. The Heath Rail Link group has agreed a lease of the Heathfield Line with Network Rail, and will be considering what actions they need to take to bring forward rail operation on that line. The Council will need to look at the detail of any business case. There is no identified budget for an Exminster Station feasibility study.

### Encourage a cycling revolution

Cycle scheme delivery remains strong. 35km of new cycleway have been delivered in the past 5 years. Work on the 1.2km share use path parallel to Ashburton Road is progressing. The scheme also includes works to improve crossings facilities along Exeter/Jetty Marsh Road, all of which are due to be completed by 2019. Extending the coastal route between Exeter and Newton Abbot remains a key priority and opportunities to fund future phases of the programme are being considered. A bid for Coastal Communities Fund support for the next cycle route phase between Dawlish and Holcombe has recently been submitted and the outcome of round 1 was expected in October 2018. E Bikes opportunities at Dawlish Warren and

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Teignmouth are also being explored as is scope for funding the Teign Estuary Trail.

### Innovative transport schemes

Development frameworks for development allocations propose electric car charge point facilities in key public areas. In addition to the recently opened cycle hire business, work is progressing towards installing electric bicycles at Dawlish Warren, as well as Teignmouth.

### Development supported by sustainable transport facilities

Individual new developments continue to be supported by improved transport facilities. The existing and emerging Development Frameworks for development allocations across the district incorporate sustainable transport facilities (including walking and cycle routes) as a centrepiece of their proposals. Houghton Barton's Framework is the latest to have been approved by the Council and Wolborough's has undertaken public consultation.

The Infrastructure Delivery Plan and capital programme also continue to prioritise sustainable transport, including through funding commitments towards Marsh Barton station and more than £600,000 being identified as a contribution towards pedestrian and cycle facilities by 2020. Work is ongoing to ensure that sustainable transport remains at the forefront of future Local Plans, including through the Greater Exeter Strategic Plan.

Bids were submitted to the Government's Housing Infrastructure Fund for funding to support delivery of key transport infrastructure at Dawlish and South West Exeter. Funding totalling £4.9 million has been approved for the Dawlish link road scheme. The £55 million South West Exeter bid is currently being considered by Government.

#### Key to Performance Status:

Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due
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### Projects

<b>Rail improvements (CSMUG 3.2)</b>	<b>Caution</b>	<b>Project Responsible Officer Fergus Pate</b>
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Date	Progress Review
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15/10/2018	<p>There are continued discussions concerning increased costs of the proposed station at Marsh Barton, and the County are pursuing additional funding opportunities. Feedback on the prospects of these opportunities is anticipated shortly.</p> <p>The Heath Rail Link group has agreed a lease of the Heathfield Line with Network Rail, and will be considering what actions they need to take to bring forward rail operation on that line. The Council will need to look at the detail of any business case but consider this a positive step in the right direction.</p> <p>There is currently no budget available to appoint consultants to consider potential for station opening at Exminster.</p>
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<b>Rail improvements (CSMUG 3.2)</b>	<b>Caution</b>	<b>Project Responsible Officer Fergus Pate</b>
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<b>Date</b>	<b>Progress Review</b>
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31/12/2018	
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<b>A382 widening (CSMUG 1.1)</b>	<b>On track</b>	<b>Project Responsible Officer Fergus Pate</b>
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<b>Date</b>	<b>Progress Review</b>
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15/10/2018	The entire length of the scheme benefits from planning permission. A compulsory Purchase Order (CPO) for phase I between Forches Cross and Newton Abbot has been published and there have been a limited number of objections. A CPO Inquiry is therefore being arranged, with hearings expected in Spring 2019.
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	Devon County Council have been considering options to deliver improvements to Exeter Road between Jetty Marsh Road and Whitehill Road early and in advance of the Jetty Marsh II scheme connecting the A382 with Newton Abbot Hospital. A public consultation by Devon County Council on this matter is anticipated shortly.
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31/12/2018	
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<b>Providing a new Avenue linking the A383 to Forches Cross, A382 (CSMUG 1.2)</b>	<b>On track</b>	<b>Project Responsible Officer Fergus Pate</b>
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<b>Date</b>	<b>Progress Review</b>
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15/10/2018	Growth Deal 3 contribution of £3m secured for the route. Design work completed ready for a planning application to be submitted by DCC in Winter 2018/19. Delays against initial programme are due to coordination with emerging housing development proposals at Houghton Barton, where planning applications are now expected at the same time.
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	Mineral rights may also need to be secured for the road and associated development.
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01/12/2018	
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<b>Transport provision in future plans (CSMUG 6.2)</b>	<b>On track</b>	<b>Project Responsible Officer Fergus Pate</b>
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<b>Date</b>	<b>Progress Review</b>
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15/10/2018	Progressing in line with overall Greater Exeter Strategic Plan timescales.
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	DCC are progressing access strategies and infrastructure investigation for the draft Greater Exeter Strategic Plan, including detailed transport modelling of the GESP area to help further develop these strategies. These transport models will also provide the technical basis to support any bids for any future government funding opportunities.
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29/03/2019	
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<b>Cycle provision (CSMUG 6.3)</b>	<b>On track</b>	<b>Project Responsible Officer Fergus Pate, Estelle Skinner</b>
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<b>Date</b>	<b>Progress Review</b>
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<b>Cycle provision (CSMUG 6.3)</b>		<b>On track</b>	<b>Project Responsible Officer Fergus Pate, Estelle Skinner</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	<p>TDC continues to facilitate DCC on delivery of the Ogwell - Town Centre route, including liasing with Estates staff and Green spaces staff regarding the route through Baker's Park, supporting negotiations with National Trust, and liasing with in-house staff on a related planning application at Beverley Way, which would allow for the route to avoid the busy Totnes Road and link with Baker's Park. Anticipated delivery timing is 2020. TDC is also supporting DCC efforts to see delivery of the Teign Estuary Trail and Teignmouth - Dawlish route. TDC worked in partnership with DDC on a recent Coastal Communities Fund bid for the cycling route between Dawlish and Holcombe, both Councils and the Town Council have pledged match funding. The outcome of Round 1 is expected this month. TDC have collected letters of support ready for Round 2 evidence. TDC are also leading on delivery of a project for E-Bikes at Dawlish Warren as well as submission of an E-Bikes bid for GwR Customer &amp; Communities Fund for delivery at Teignmouth Railway Station. TDC is also liasing with DCC to enable delivery of new conventional bicycle parking throughout Teignmouth, via the Access Fund of Travel Devon. TDC are exploring opportunities for funding the Teign Estuary Trail, with Big Lottery as the main contender at present. This is with a view to being prepared for action once permission for land use is agreed and once planning permission has been secured.</p>		
19/10/2018	<p>Currently, 1km of East-West Cycle Route along Ashburton Road is being delivered by DCC. TDC continues to facilitate DCC on delivery of the Ogwell - Town Centre route, including liasing with Estates staff and Green spaces staff regarding the route through Baker's Park, supporting negotiations with National Trust, and liasing with in-house staff on a related planning application at Beverley Way, which would allow for the route to avoid the busy Totnes Road and link with Baker's Park. Anticipated delivery timing is 2020. TDC is also supporting DCC efforts to see delivery of the Teign Estuary Trail and the Teignmouth - Dawlish route. TDC worked in partnership with DDC on a recent Coastal Communities Fund bid for the cycling route between Dawlish and Holcombe, both Councils and the Town Council have pledged match funding. The outcome of Round 1 is expected this month. TDC have collected letters of support ready for Round 2 evidence. TDC are also leading on delivery of a project for E-Bikes at Dawlish Warren as well as submission of an E-Bikes bid for GwR Customer &amp; Communities Fund for delivery at Teignmouth Railway Station. TDC is also liasing with DCC to enable delivery of new conventional bicycle parking throughout Teignmouth, via the Access Fund of Travel Devon. TDC are exploring opportunities for funding the Teign Estuary Trail, with Big Lottery as the main contender at present. This is with a view to being prepared for action once permission for land use is agreed and once planning permission has been secured.</p>		

<b>Bus and Park and Ride services (CSMUG 2.1)</b>		<b>On track</b>	<b>Project Responsible Officer Fergus Pate</b>
<b>Date</b>	<b>Progress Review</b>		
15/10/2018	<p>Growth Deal funding of £3m for the Forches Cross to Ashburton Road (A382-383) expects a park and change facility to be provided at Forches Cross. This is likely to be incorporated into future development proposals at Houghton Barton where the first planning applicaitons are expected in Winter 2018/19. Connections between the site and Newton Abbot will be easier to achieve and more reliable once the (now consented) enhancements to the A382 Bovey Tracey Road have been implemented.</p> <p>There remains a good prospect of delivering an A30 Park and Ride at a future date. Ide's Neighbourhood Plan Examiner indicated some scope for a facility at 'Round Field'. With an appropriate landscape led approach, and having undertaken a site search, it is reasonable to assume that providing a facility will be feasible.</p> <p>Work to investigate the feasibility of a bus only route from Ashburton Road to Newton Abbot town centre is also underway.</p>		
31/12/2018			

# Council Strategy 2016-2025

12 October 2018

<b>Goal</b>	08 Out and about and active
<b>Lead Contact:</b>	Phil Bullivant, Lorraine Montgomery, James Teed
<b>RAG Status:</b>	<b>On track</b>

## Summary Statement

### Y3 Q2 Programme Summary

Projects are all ongoing and progress on the actions is summarised below;

#### **Preparation of a residential design guide**

The first chapter of the Design Guide and a schedule of representations was presented to the Executive Committee on 17<sup>th</sup> July 2018. The committee accepted the approach and resolved to adopt with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes will be made during the remainder of the year.

#### **Healthy Lifestyles Campaign**

Dawlish Leisure Centre hosted the South West Youth Games event on 7<sup>th</sup> July. The event was a real success and its primary aim was to get children and young adults to try new activities. The day was made possible by volunteers many of whom were new to this activity.

#### **Improvement Plans for local Sport Facilities**

A number of projects are being worked up on the back of the recently adopted Playing Field Strategy. Officers are also working with Dawlish Town Council to advise on improved skatepark provision for Sandy Lane Dawlish.

#### **Improvement plans for open spaces**

Improvements took place at Eastcliff Park, works are planned to take place at Coombe Valley Local Nature reserve before next spring and works are being planned for Baker Park next year.

#### **Open Space events for Schools and Communities**

School visits have continued at Dawlish Warren National Nature Reserve, Decoy Country Park, other events took place at Ideford Common, Eastcliff Park, Dawlish Countryside Park, Courtenay Park and Homeyards Botanical Garden.

#### **Activities to promote cycling**

Cyclo Cross and Junior Triathlon events were held as part of the South West Youth Games, hosted by Teignbridge at Dawlish Leisure Centre.

#### **Removing Barriers to Participation in Sport and Activities**

Improvements to wheelchair and pushchair accessible fishing platform at Decoy Country Park took place and planning has begun on short, flexible pop up events for next year to enable Rangers to react and respond to weather and seasonal wildlife.

**Strategic review of Leisure**

The Playing Pitch Strategy was adopted in July and work has continued to develop some of the priority projects in the action plan.

**Provision of Volunteer Task Days in Open Spaces**

Volunteer events took place at Decoy's Secret orchard, Orley Common and at Dawlish Countryside Park. Dawlish Warren volunteers contributed 100 days over 70 dates, including practical work, staffing the visitor centre and assisting with events.

**Key to Performance Status:**

Performance Indicators:

No data

Concern

Caution

On target

Ahead of target

Well ahead of target

**Key to +/- Column:**

+

Higher figures are better

-

Lower figures are better

OFF

Direction cannot be determined

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSOAA 6.1	<u>Number of young people (under 18) who participate in activities we organise</u>	+	69,635	32,500	16,250 (2/4)	Well ahead of target	14,383	35,603			35,603 (2/4)	(Quarter 2) Total includes activities in Leisure Centres, SW Youth Games hosted at Dawlish LC. School visits and other greenspaces activities (LM)
CSOAA 6.2	<u>Number of older (over 60) people participating in events we organise</u>	+	99,656	75,000	37,500 (2/4)	Well ahead of target	28,715	54,198			54,198 (2/4)	(Quarter 2) Total of Leisure Centre and greenspace and active leisure activities (LM)
CSOAA 8.1	<u>Number Of Participants Attending Cycle Events &amp; Activities That We Organise</u>	+	534	525	263 (2/4)	Concern	76	162			162 (2/4)	(Quarter 2) A new volunteer has been found for the active mums rides, but taking time to build up numbers. Having reviewed this indicator

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Performance Indicators													
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes	
													with PH it suggested that this indicator is not reported on going forward as it is out of our control. (LM)

**Key to Performance Status:**

Projects: No status set Milestone Missed Will not be achieved Caution On track Ahead of schedule Project completed Data not due

### Projects

**Healthy Lifestyles Campaign\* (CSOAA 7.2)** On track **Project Responsible Officer Nikki Taylor, James Teed**

Date	Progress Review
12/10/2018	Dawlish Leisure Centre hosted the South West Youth Games event on 7 <sup>th</sup> July. The event was a real success and was delivered on the back of planning and collaboration with local organisations and volunteers to stage the games. Hundreds of youth participants were able to enjoy a sun-baked day of sports and activities. Plenty of activities were available to families and non-participants, with the day ending with the successful England quarter-final World Cup match versus Sweden played on the big screen. It was a really great advert for delivering a successful and popular event from a Teignbridge venue. The Teignbridge team were successful across many of the activities in addition to the volunteer recruitment drive to make the event happen. The Games Village promoted healthy living through health watch Devon, and South West Water's drink well campaigns and the Youth Games event at Dawlish attracted around 2000 people to become more active and healthy in the District. More junior activities have been introduced across all 3 centres these include basketball, football, 'mini movers' this has been reflected in the numbers of u18's participation in the P.I's.
31/12/2018	

**Develop Improvement Plans For Local Sports Facilities & Skateparks (CSOAA 2.2)** On track **Project Responsible Officer Nikki Taylor**

Date	Progress Review
12/10/2018	A number of projects are ongoing in relation to Sport and Playing Pitch provision improvements, eg. Stover School hockey pitch and athletics provision, DCFA all weather pitch, improvements/ relocation of Newton Abbot Rugby Club etc. Work has also been done to quantify drainage improvements works across Teignbridge's own playing pitch sites. Discussions are ongoing with Dawlish Town Council regarding to a new skatepark at Sandy Lane Dawlish. Advice has been provided on how to proceed with the project, including tendering, planning and consultation. Some consultation took place at the South West Youth Games.

<b>Develop Improvement Plans For Local Sports Facilities &amp; Skateparks (CSOAA 2.2)</b>		<b>On track</b>	<b>Project Responsible Officer Nikki Taylor</b>
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Date	Progress Review
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31/12/2018	
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<b>Preparation And Adoption Of Residential Design Guide* (CSGP 1.3)</b>		<b>On track</b>	<b>Project Responsible Officer Maureen Pearce</b>
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Date	Progress Review
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12/10/2018	The first chapter of the Design Guide and a schedule of representations was presented to the Executive Committee on 17th July 2018. The committee accepted the approach and resolved to adopt, with further amendments to other sections being delegated to the Planning and Housing Portfolio Holder in consultation with the Business Manager Strategic Place. The remaining changes will be made during the remainder of the year.
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<b>Develop A Strategy For Leisure Provision (CSOAA 1.4)</b>		<b>On track</b>	<b>Project Responsible Officer Lorraine Montgomery</b>
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Date	Progress Review
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12/10/2018	The Playing Pitch Strategy was adopted in July and work has continued to develop some of the priority projects in the action plan. The results of the activities survey are being analysed and will be used to inform the strategic work recently carried out as well as the future activity programmes for greenspaces, Active Leisure and the Leisure Centres.
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<b>Develop Improvement Plans For Open Spaces (CSOAA 2.3)</b>		<b>On track</b>	<b>Project Responsible Officer Chrissie Drew</b>
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Date	Progress Review
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12/10/2018	Green space rangers have been working with the Town Council and Friends of Eastcliff Park to improve a key viewpoint seating area. Improvement works to Coombe Valley Local Nature Reserve will take place over the autumn/ winter, this will include improved play facilities such as a natural play trail, sculptures and Kick-a-Bout area. Improvement plans for Bakers park are also progressing.
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31/12/2018	
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<b>Programme Of Events For Schools And Communities (CSOAA 4.1)</b>		<b>On track</b>	<b>Project Responsible Officer Chrissie Drew</b>
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Date	Progress Review
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12/10/2018	Ranger events included a Nightjar dusk walk at Ideford Common, woodland crafts at Eastcliff Park and a one year anniversary event at Dawlish Countryside Park to celebrate traditions associated with arable farming as well as the habits of associated wildlife such as Harvest Mice and Cirl Buntings. In addition there were 3 Decoy Junior Rangers events and a Bushcraft Skills event at Dawlish Countryside Park. The Dawlish Warren Rangers lead visits from 12 schools with 386 students. They also held 4 events including 2 Junior Ranger, 1 childrens and 1 family event with 24 attendees. Events were also held for two external organisations to carry out beach cleans, one with Keep Britain Tidy and one with the Environment Agency. National Play Day was attended by 1800 in this quarter. The Courtenay park Air Raid Shelter Association attended and provided a guided talk in the newly refurbished air raid shelter. Two community groups have enjoyed talk & tours at Homeyards Botanical Gardens hosted by the friends of the gardens and the Heritage Lottery Funded Gardener. External funding is also being sought for a 'Poetry Project' to be held in the gardens. The South West Rotary Youth Games was hosted at Dawlish Leisure Centre joining a range of partners, to deliver the largest multisport event in the South West. The event attracted around 3000 people to the site and promoted the site as a venue for sporting events in the SW.
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<b>Programme Of Events For Schools And Communities (CSOAA 4.1)</b>		<b>On track</b>	<b>Project Responsible Officer Chrissie Drew</b>
<b>Date</b>	<b>Progress Review</b>		
31/12/2018			
<b>Develop A Plan Of Activities To Promote Cycling In Teignbridge (CSOAA 8.2)</b>		<b>On track</b>	<b>Project Responsible Officer Nikki Taylor</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	The South West Youth Games hosted a junior triathlon and a cyclocross event as part of the overall event. Teams from across Devon attended and took part in both elements of the event, with participants, coaches and officials highlighting how much they enjoyed the events and it highlighted the suitability of the site for such events. Further collaboration has taken place with British Cycling and Active Devon to find additional volunteers for the Active Mums Programme. In addition officers are exploring possibilities of working closer with Sustrans to achieve collective goals.		
31/12/2018			
<b>Removing Barriers To Participation In Sport And Activity* (CSOAA 6.3)</b>		<b>On track</b>	<b>Project Responsible Officer Nikki Taylor, James Teed</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	Improvements have included the completion of a wheelchair and pushchair accessible fishing platform at Decoy Country Park which is also suitable for schools viewing dragonflies and other pond life. At Dawlish Countryside Park easy open gate handles have been designed and fitted by the Ranger to enable easy access for wheelchair users. Planning has begun on short, flexible pop up events for next year to meet people where they are and enable Rangers to react and respond to weather and seasonal wildlife. The Leisure centres have supported the 'couch to 5k' initiative acting as a hub for a local group in Newton Abbot, this week saw our first participant reach the 5k goal.		
31/12/2018			
<b>Volunteer Task Days (CSOAA 5.1)</b>		<b>On track</b>	<b>Project Responsible Officer Sian Avon, Philip Chambers</b>
<b>Date</b>	<b>Progress Review</b>		
12/10/2018	Volunteer events took place at Decoy's Secret orchard, Orley Common and at Dawlish Countryside Park. The main task of the summer saw 22 volunteers from Dawlish Gardens Trust help the Rangers strew quantities of green hay on selected large areas at Dawlish Countryside Park. This very physical and time sensitive task was made possible with their help and should help establish colourful wildflower drifts in years to come. In addition Dawlish Warren volunteers contributed 100 days over 70 dates, including practical work, staffing the visitor centre and assisting with events.		
31/12/2018			

# Council Strategy 2016-2025

22 October 2018

**Goal** 09 Strong communities

**Lead Contact:** John Goodey, Kay O'Flaherty

**RAG Status:**

On track

## Summary Statement

Progress is being made with all the actions within the Strong Communities programme.

### **Encourage Councillors to help develop and deliver local ideas**

Councillors have supported over 50 community projects with small grants from the Councillors Community Fund. A diverse range of projects have been championed from encouraging snow wardens and supplying a new snow clearing machine to remembrance projects for the anniversary of World War One.

### **Help with community-led planning to shape the future**

There are 16 designated areas in the District with six 'Made' Plans:

Abbotskerswell (Oct 2017)

Bishopsteignton (Oct 2017)

Exminster (March 2015)

Newton Abbot (June 2016)

Ogwell (April 2018)

Ide (July 2018)

Other Plans continue to progress well in Bovey Tracey, Teignmouth and Dawlish.

North Bovey are finalising their Parish Plan and Hennock are writing questions for a community survey. Exminster are still working on refreshing their Parish Plan.

### **Provide grant funding to support community activities and growth**

Rural Aid 2018 has delivered £40k for community projects. The Communities Together fund (formally the Elector Fund) will open in November 2018. The new Crowd funding project has made its first pledge of £1,500 to a project in Ide.

### **Encourage networking between the voluntary, business and community sectors**

A new Advice Network event was held on 5 July. The first network meeting for Teignbridge and South Hams Advice providers.

Merging Newton Abbot Foodbanks - CVS are supporting HiTS and THAT foodbanks to merge. A new chair and committee have been identified, a



new structure agreed and progressing now to the process of merger.

**With others, help communities become more resilient, resourceful, and sustainable to provide safer places to live**

Teignmouth Hospital: Council for Voluntary Services (CVS) have supported the VCSE to engage with Clinical Commissioning Group (CCG) in development of health and wellbeing centre for Teignmouth and use of Teignmouth Hospital building; we brought sector together to meet with CCG planning team.

Supporting Older People with Dementia and those facing End of Life:

CVS has been able to draw down £150,000 for 18 months to support people with dementia/memory loss and people with an end of life diagnosis and their families/carers.

**Key to Performance Status:**

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

**Key to +/- Column:**

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSSC 3.1	<u>£1,000's grant income sourced by Teignbridge CVS and accessed by community group</u>	+	£936	TPI	TPI	No Target	£25	£70			£70 (2/4)	
CSSC 4.1	<u>Number of people using community transport services we give grants to</u>	+	4,179	TPI	TPI	No Target	1,198	1,293			1,293 (2/4)	
CSSC 2.1	<u>% of the Teignbridge residents residing within a designated Neighbourhood Plan area</u>	+	64%	TPI	TPI	No Target	71%	71%			71% (2/4)	
CSSC 2.2	<u>Number of Assets of Community Value</u>	+	25	TPI	TPI	No Target	23	22			22 (2/4)	(Quarter 2) one successfully nominated asset has been

Performance Indicators												
Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
	<u>currently on the successful nominated list</u>											removed as its 5 year designation period has ended and the asset removed. (DK)

Key to Performance Status:								
Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due

Projects	
<b>Encouraging networking (CSSC 5.1)</b>	<b>On track</b> Project Responsible Officer Gary Powell
<b>Date</b>	<b>Progress Review</b>
04/10/2018	Less activity this quarter during the Summer as many workers and volunteers are away on holiday breaks.  <b>New Advice Network</b> event was held on 5 July - We held the first network meeting for Teignbridge and South Hams Advice providers. This was a 'test and learn' to understand the appetite for a network and what content would be requested. Attendance was multi-agency but did not attract the smaller advice providers within our sector which was disappointing.  <b>Merger Foodbanks</b> - CVS are supporting HITS and THAT foodbanks to merge. A new Chair and Committee have been identified, a new structure agreed and we now move onto the process of merger.
31/12/2018	
<b>Encourage Councillors to help develop and deliver local ideas (CSSC 1.1)</b>	<b>On track</b> Project Responsible Officer Gary Powell
<b>Date</b>	<b>Progress Review</b>
28/09/2018	Councillors have supported over 50 community projects with small grants from the Councilors Community Fund
31/12/2018	

Date	Progress Review
28/09/2018	<p>Teignbridge staff have been involved in the development of an Exploitation Prevention Guide. This is currently being tested with front line staff and there will be a role out over the winter. This guide will notify staff what the signs are to look out for and how to report. We will have training delivered in Teignbridge.</p> <p>We will also be hosting bitesize awareness sessions for Suicide Prevention Toolkits for front line staff across agencies and the voluntary sector.</p> <p>The safeguarding at events project is in development and the first draft of the guide has been produced. This will be consulted on throughout October with training planned in the New Year.</p> <p>Teignbridge is linked in to delivering the Devon and Torbay Prevent Action Plan. Work continues to develop focused responses to anti-social behaviour.</p> <p>11 Gang Injunctions have been gained on young people impacting on Newton Abbot working in partnership with the Police and other agencies</p>
31/12/2018	

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# Council Strategy 2016-2025

22 October 2018

<b>Goal</b>	10 Zero Heroes
<b>Lead Contact:</b>	David Eaton, Timothy Golder
<b>RAG Status:</b>	<b>On track</b>
<b>Review:</b>	Q2 2018-19 Programme Review

## Summary Statement

The Zero Heroes Project Team met on the 12<sup>th</sup> September 2018 to review the programme and progress of projects. Update meetings have also been held between the Programme Manager and the Portfolio Holder for Zero Heroes.

The overall programme is on track with a number of new projects being started during this quarter.

### **Monitor energy consumption from council buildings and estates and develop projects to further reduce our consumption and spend on utilities**

There has been a slight increase compared to the previous year in electricity consumption, which is small enough it cannot be attributed to one factor or site. There has been a slight decrease in water consumption and again this is small enough that it cannot be attributed to one factor or site. For gas the figures show a significant decrease, likely due to very warm weather compared to last year for the same period, reducing gas used for heating.

For renewables the % of renewables to energy use is poorer this year compared to previous. This is due to significantly reduced solar panel energy generation from Newton Abbot Leisure Centre Dry Side compared to previous years. This has been reported and is currently under investigation.

Our expenditures on utilities has reduced by working with other local authorities, including Devon County Council, to procure an electricity and gas contract that has saved us an estimated £23,000 per year on gas and electricity compared to other suppliers.

Due to the nature of the requirements of the sites we own, the consumption of gas, electricity and water at those sites is highly dependent on a variety of uncontrollable external factors including weather and tourism. In a hot summer, we will consume a larger than usual quantity of water from our sites. When we have a large number of tourists present, our public toilets will consume more water and electricity. When we have cold weather, our gas and electricity consumption will increase. In addition, any sites that the Council owns which it leases out to tenants may, without significant warning, return to our responsibility; this will inevitably increase our total consumption of water, gas and electricity.

Due to the unpredictability of gas, electricity and water consumption, and the fact that the majority of our consumption comes from few sites, it was judged that the best option for reducing our consumption would be to undertake projects where they would have the greatest impact. We intend to visit the 10 highest consuming sites for each utility to assess what additional options we have available to further reduce our consumption or our costs.

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### Use renewable energy and more energy efficient equipment in our buildings

The Council continues to benefit from the renewable energy production at Forde House, Newton Abbot Leisure Centre and Dawlish Leisure Centre. An accurate business case for the installation of Pool Covers at Teignmouth Lido is being produced for discussion with the Leisure Manager and Interim Head of Operations.

Projects are due to start next quarter to investigate a boiler replacement scheme for Forde house and the investigation of PV Panels at Heathfield Business Centre.

### Reduce waste and recycle more from our own operations and buildings

Branded reusable cups were ordered and are now for sale to staff and councillors at a low cost to discourage the use of disposable coffee cups. The reusable cups are being sold from the Seasoned Kitchen cafe in Forde House and Forde Road offices reception.

Work has also been done by the Resorts Manager working with event organisers in Teignmouth over the summer to look into and source alternatives to single use plastic cups for events and instead use either reusable plastic cups or steel cups. This work will be built on going forward with other organisers.

Balloons and lanterns are now banned on TDC owned land due to the environmental damage they cause. This will be clear on event booking forms as well as communications going out in media and website.

### Use technology to reduce the miles travelled by our workforce

The workplace travel survey took place between 13th and the 31st July 2018. We had 254 responses from staff based at Forde House, Forde Road, Newton Abbot, Broadmeadow and Dawlish Leisure Centres which is really encouraging compared to under 100 when the survey was last carried out in 2014.

Video camera and telephone conferencing facilities are installed and operating in Committee Room 2, Forde House. Publicising these facilities is one of a number of actions that are as a result of the Workplace Travel Survey. The test of the mobile app by Strata is due for completion during the next quarter which will allow officers to assess its effectiveness.

### Promote work on reducing our environmental impact to encourage others to do the same

Officers have publicised the work of Zero Heroes via staff newsletter and Members Newsletter. During the last quarter there have been articles about the Workplace Travel survey, Reusable cups available from the Seasoned Kitchen and the reduced in the use of plastic cups within Forde House.

#### Key to Performance Status:

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

#### Key to +/- Column:

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

### Performance Indicators

Code	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes

Performance Indicators												
Code	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSZH 1.1	<u>Gas consumption</u>	-	3,822,986kWh	TPI	TPI	No Target	2,370,680kWh	149,009kWh			149,009kWh (2/4)	(Quarter 2) Figures show significant decrease, likely due to very warm weather compared to last year for the same period, reducing gas used for heating. (DE)
CSZH 1.2	<u>Electricity consumption</u>	-	223,301kWh	TPI	TPI	No Target	158,270kWh	164,473kWh			164,473kWh (2/4)	(Quarter 2) Figures show a slight increase compared to the previous year, which is small enough it cannot be attributed to one factor or site. (DE)
CSZH 1.3	<u>Water consumption</u>	-	10,599m3	TPI	TPI	No Target	16,426m3	16,260m3			16,260m3 (2/4)	(Quarter 2) Figures show a slight decrease compared to the previous year, which is small enough it cannot be attributed to one factor or site. (DE)
CSZH 2.1	<u>Renewable energy as a % of the total energy used in buildings that have renewable source</u>	+	207%	TPI	TPI	No Target	378%	274%			274% (2/4)	(Quarter 2) % of renewables to energy use is poorer this year compared to previous. This is due to significantly reduced solar panel energy generation from Newton Abbot Leisure Centre Dry Side compared to previous years. This has been reported and is currently under investigation. (DE)

**Key to Performance Status:**

Projects: No status set Milestone Missed Will not be achieved Caution On track Ahead of schedule Project completed Data not due

## Projects

<b>Tracking project for mobile workers (CSZH 4.3)</b>		<b>On track</b>	<b>Project Responsible Officer David Eaton</b>
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Date	Progress Review
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12/10/2018	No significant update as officers are currently awaiting the results of the Beta testing of the mobile app developed by Strata Service Solutions to assess its business benefits. This trial is due to be completed by quarter 3 of this financial year.
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<b>Examine the potential for electric car charging points (CSZH 5.2)</b>		<b>On track</b>	<b>Project Responsible Officer Colin Bignall</b>
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Date	Progress Review
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12/10/2018	The DELETTI (Devon and Exeter Low Carbon Energy and Transport Technology Innovator) consortium is still waiting to hear whether the bid has been successful.
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This project has increased its scope to include two new pieces of work. Officers have had discussions with Devon County Council and Highways England about supporting electric car charging points within our car parks near to the strategic road network.

Officers are developing an Electric and Low Emission Vehicle Policy which will be taken to Overview and Scrutiny Committee for consideration during the next quarter.

31/12/2018	
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<b>Investigate A Business Case For A Pool Cover For Teignmouth Lido (CSZH 2.5)</b>		<b>On track</b>	<b>Project Responsible Officer Daron Hand</b>
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Date	Progress Review
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12/10/2018	The project team met on the 13 <sup>th</sup> August to consider the business case for the installing the pool covers. Further information was required to inform the final decision around overall costs to run and maintain the facility. This is to ensure that an accurate business case is produced. The final business case will be discussed with the Leisure Manager and Interim Head of Operations.
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31/12/2018	
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<b>Review use of Single Use Plastics in Teignbridge (CSZH 3.4)</b>		<b>On track</b>	<b>Project Responsible Officer Elizabeth Burston</b>
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Date	Progress Review
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15/10/2018	<p>Branded reusable cups were ordered and are now for sale to staff and councillors at a low cost to discourage the use of disposable coffee cups. The reusable cups are being sold from the Seasoned Kitchen cafe in Forde House and Forde Road offices reception. Where disposable cups are still in use such as the market, paper cup recycling bins funded by an external provider are being look into. Recycling Officer is working with Economy and Assets team to organise the bins.</p>
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Plastic cups are no longer being provided by water fountains. Instead glasses and jugs have been bought for the Council Chamber and Old Forde House as well as Forde Road offices. Communications have gone around via internal newsletters to remind staff of this so they can bring their own glasses or cups in and managers have been advised to get team sets of glasses if required for meetings.

Work has also been done by the Resorts Manager working with event organisers in Teignmouth over the summer to look into and source alternatives to single use plastic cups for events and instead use either reusable plastic cups or steel cups. This work will be built on going forward with other organisers.

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<b>Review use of Single Use Plastics in Teignbridge (CSZH 3.4)</b>		<b>On track</b>	<b>Project Responsible Officer Elizabeth Burston</b>
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Date	Progress Review
	Balloons and lanterns are now banned on TDC owned land due to the environmental damage they cause. This will be clear on event booking forms as well as communications going out in the media and website.
31/03/2019	

<b>Workplace Travel Group (CSZH 4.5)</b>		<b>On track</b>	<b>Project Responsible Officer David Eaton</b>
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Date	Progress Review
12/10/2018	The workplace travel survey took place between 13th and 31st July 2018. We had 254 responses from staff based at Forde House, Forde Road, Newton Abbot, Broadmeadow and Dawlish Leisure Centres which is really encouraging compared to under 100 when the survey was last carried out in 2014.
	The Workplace Travel Group met on the 24th September 2018 to analyse the results and decide on what actions could be pursued.
	A report will be taken to the Strategic Leadership Team to consider the recommendations of the group.
31/03/2019	

<b>Install Video Conferencing Facilities (CSZH 4.4)</b>		<b>Project completed</b>	<b>Project Responsible Officer David Eaton</b>
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Date	Progress Review
11/10/2018	The system is now installed and operating. During the Workplace travel survey it was clear that the availability of the facility was not known by all staff. This has been picked up within the actions from the Workplace Travel group and will now be reported within that project.
12/10/2018	The project has been completed. Ongoing training and awareness is included in the Workplace Travel Group actions.

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# Council Strategy 2016-2025

31 October 2018

**Goal** What else we will do - our supporting actions

**Lead Contact:** Stuart Barker, John Goodey, Kay OFlaherty, Steve Wotton

**RAG Status:** On track

## Summary Statement

All workstreams within this programme are currently on track.

### Cost & efficiency

The business planning process for 2019/20 is now underway and all services are being challenged to ensure they are delivering value for money in the most efficient way . Possible savings are being suggested that can help inform the budget planning process.

### Customers & innovation

The One Teignbridge programme is progressing well and the first phase of new processes are now live. Initial data indicates that the majority of enquiries within these newly designed processes are being completed by customers through self-serve channels. The average time that a case is open has reduced dramatically, this is a reflection of the new technology that is enabling officers to deliver their service quicker.

### Key to Performance Status:

Performance Indicators: No data Concern Caution On target Ahead of target Well ahead of target

### Key to +/- Column:

+ Higher figures are better - Lower figures are better OFF Direction cannot be determined

## Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
CSWE 6.3	<u>£ cost per head of population on all Services</u>	-	£100.38	£127.93	£63.97 (2/4)	Well ahead of target	£31.65	£39.75			£39.75 (2/4)	(Quarter 1 - 2) Some large grant income received in full but

## Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
												associated costs only part year spend (SW)
CSWE 2.1	<u>£ Income generated</u>	+	£53,107,082	£50,027,770	£25,013,885 (2/4)	Well ahead of target	£13,388,791	£41,551,418			£41,551,418 (2/4)	(Quarter 1) Note some income for year received in full, some yet to be received, so actual will fluctuate compared to estimate which is based on equal amount per quarter year. (SW)
CSWE 8.2	<u>% customer complaints dealt with within 20 days</u>	+	89%	85%	85% (2/4)	Ahead of target	91%	91%			91% (2/4)	
CSWE 3.2	<u>% of telephone enquiries dealt with at first point of contact</u>	+	36%	60%	60% (6/12)	Concern	43%	35%			35% (2/4)	(September) Switchboard calls in September represented 56% of total calls completed (compared to 60% in August) which has reduced the overall FPOC resolution for this month. (switchboard calls 6660 / 11833 Calls completed = 56%)  It is important to note that this indicator measures the percentage of calls resolved at first point of

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**Performance Indicators**

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
199												<p>contact including switchboard. The majority of calls are received via switchboard which, by its very design, offers no opportunity to resolve at first point of contact. If calls to switchboard are disregarded the first point of contact resolution figure is much higher. For September the figure is 81% (FPOC excluding switchboard 4182 / calls completed excluding switchboard 5173 = 81%)</p> <p>The One Teignbridge and Digital First agenda will include a review of the way calls are handled across the Council and will identify actions to reduce the demand on the switchboard thereby providing better opportunity to resolve at first contact. (CA)</p>

## Performance Indicators

Code 2	Title	+/-	Prev Year End	Annual Target	Current Target	Status	Q1 Act	Q2 Act	Q3 Act	Q4 Act	Actual to Date	Officer Notes
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### Key to Performance Status:

Projects:	No status set	Milestone Missed	Will not be achieved	Caution	On track	Ahead of schedule	Project completed	Data not due
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## Projects

**Digital First @ Teignbridge (CSWE 3.4)** On track Project Responsible Officer Kay O'Flaherty, Amanda Pujol

Date	Progress Review
15/10/2018	The One Teignbridge programme is moving forward and the first phase of new processes are now live. Initial data indicates that the majority of these enquiries are being completed by customers online rather than through traditional contact methods. Evidence also demonstrates that the time cases are open has reduced, this is due to the new technology that is enabling officers to deliver service requests much quicker. The project team are now focused on developing the technology for the next phase of processes that are due to be implemented by the end of this year.
31/12/2018	

**BEST2020 programme (CSWE 3.5)** On track Project Responsible Officer Kay O'Flaherty

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Date	Progress Review
15/10/2018	The business planning processes is now underway for the year 19/20, all services have to submit their proposed business plans by the end of October. Savings and ideas for income generation will be submitted with the business plans and these will then help to inform the budget setting process. This year the business plan template has been reviewed to ensure it is fit for the future.
31/12/2018	

**Complaints Review Board – improvement and change projects (CSWE 8.4)** On track Project Responsible Officer Tracey Hooper

Date	Progress Review
15/10/2018	Quarterly meetings of the group continue and include standing items such as a review of complaint handling times. An action plan for initiatives to be delivered throughout the year is also worked on, this includes quality checking specific areas, delivering training or focusing on any complex complaints that may have arisen. The lessons learned log is now being updated by managers so they are able to ensure that processes change where necessary as a result of complaints received.
31/12/2018	

# OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN: Cllr Mike Haines

**DATE:** 19 November 2018

**REPORT OF:** Business Improvement and Development

**SUBJECT:** Quarter 2 2018-19 Council Strategy Performance

## PART I

### RECOMMENDATION

That Members note this report and the actions being taken to rectify performance issues detailed in the report.

#### 1. PURPOSE

To update Members on progress with the Teignbridge Ten programmes.

#### 2. BACKGROUND

The Teignbridge Ten programmes (T10) are the 'super projects' that will have a high impact or bring major benefits to the district and shape the future of the Teignbridge area. Each T10 has seven or more actions with performance indicator(s) and/or project(s) to monitor their progress against a series of targets and milestones set and agreed at the beginning of each year by both managers and Members.

Every quarter an update on the progress of each T10 is compiled by the T10 managers leading each T10 programme and reported to Overview & Scrutiny Committee. This T10 report covers the period from 1 July to 30 September 2018 and includes quarterly reported PIs and reviews of the projects that are in progress. Reports are based on financial year quarters.

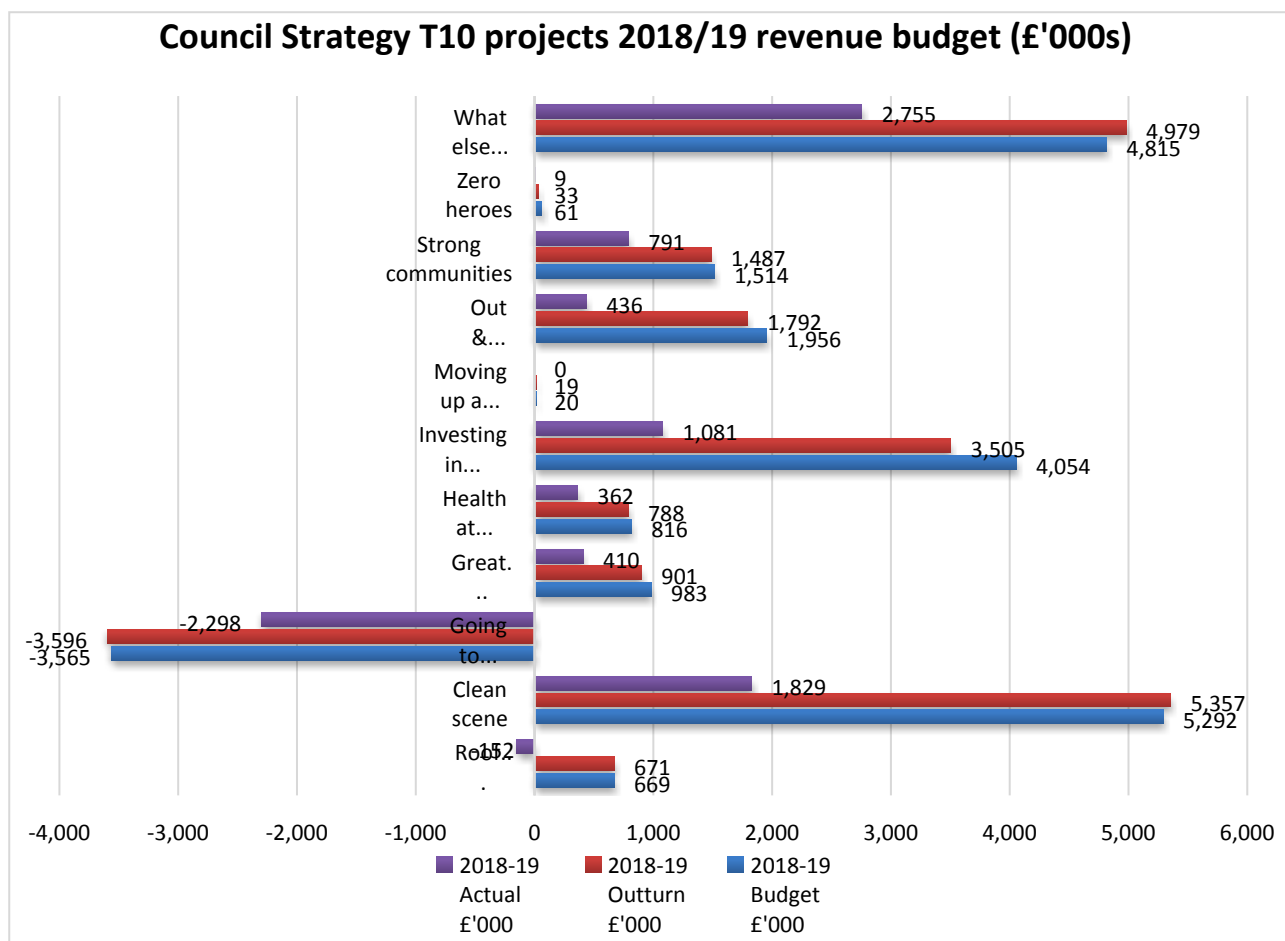
Attached to this report as Appendix A report is a detailed review of each T10 programme and its associated PIs and Projects.

#### 3. Q2 REPORT OVERVIEW 2018-19

- All T10 programmes are reported as being on target
- A total of 46 PIs are reported
- 21 of the 46 PIs with targets are performing on, above or well above target
- 8 of the 46 PIs with targets are underperforming
- A total of 61 projects are reported this quarter
- 6 projects have a caution status
- This quarter we have completed 3 projects

### a) Finance overview

The 2018-19 revenue and capital budgets have been split between T10 programmes, and the charts below show actual spend against our year end estimate (outturn) and the base budget for the financial year 2018-19.

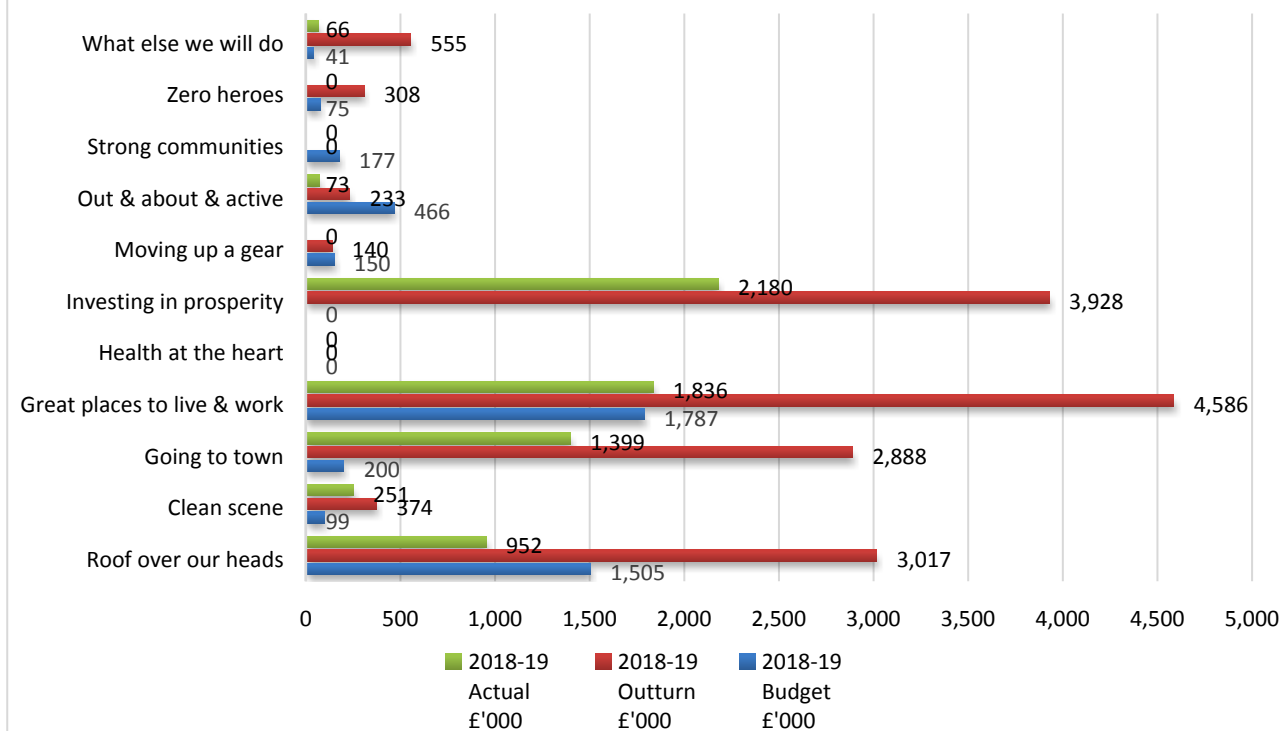


### Revenue budget notes

The table below provides an indication of the main/type of service costs in each of the T10 project areas - it does not show everything.

What else we will do	Support and sundry expenses
Zero heroes	Climate change and energy efficiency, etc
Strong communities	Member and committee services, electoral services, community grants, etc.
Out & about & active	Leisure services and open spaces
Moving up a gear	Mainly capital expenses
Investing in prosperity	Development management, economic development, revenues & benefits, etc.
Health at the heart	Health & food safety, environmental protection, etc.
Great places to live & work	Local Plan, Building Control, Resorts, museums, TICs, etc.
Going to town	Town centres, markets, parking etc.
Clean scene	Refuse collection, recycling, street & toilet cleansing etc.
Roof over our heads	Housing assistance, homelessness prevention, private sector enforcement, etc.

## Council Strategy T10 projects capital budget



### Capital budget notes

2018-19 budget excludes provisional figures for capital programme bids. More detail available in the [capital programme](#) .

What else we will do	Budget for ongoing IT projects, Outturn includes balance of projects started last year
Zero heroes	Budget for energy saving schemes, Outturn has rescheduled schemes/projects
Strong communities	Energy company
Out & about & active	Budget for sports centres, Outturn includes new projects and play areas, Actual is play areas.
Moving up a gear	Cycle schemes rescheduled from last year - dependant on partners input
Investing in prosperity	No base budget, Outturn is purchase of building and costs, Actual not all costs paid at time of report
Health at the heart	Most schemes within out & about project
Great places to live & work	Budget includes provision for SANGS, and Env Agency funded coastal works, Outturn has increases to both
Going to town	Outturn includes town centre development projects that have been rescheduled from last year
Clean scene	Budget is for new bins, Outturn and Actual has rescheduled bulking station works
Roof over our heads	Outturn includes new/rescheduled schemes and added plots at Haldon. Actual - Some schemes and grant payments complete later in the year

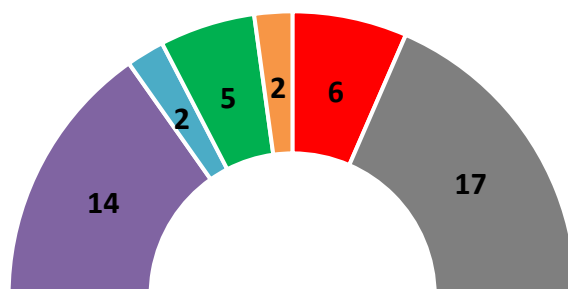
**b) Performance overview**

**T10 Programmes**

All of the T10 Programmes are reported as 'On track'.

**T10 Performance Indicators**

A total of 46 PI results are included in the Q2 report. In total 21 PIs are either on, ahead or well ahead of target while 8 PIs are underperforming. The remaining 17 PIs are either tracking PIs or new PIs where baseline data is being collected.



**Q2 Status of all Performance Indicators**

- Well ahead of target   ■ Ahead of target   ■ On target
- Caution   ■ Concern   ■ No target/Not calculable

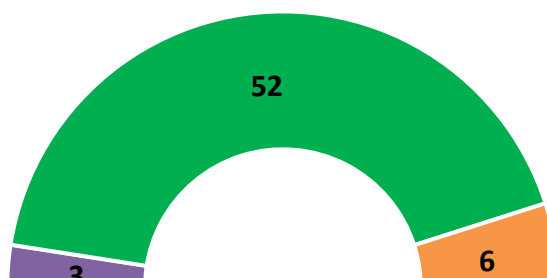
The 8 PI's with a **caution** or **concern** status are:

<b>ROH 5.2</b>	Homelessness prevented by client remaining in existing home	
<b>ROH 5.3</b>	Homelessness prevented by assisting client with alternative accommodation	
<b>HAH 1.10</b>	Number of households whose housing conditions have been improved through financial assistance	
<b>HAH 5.9</b>	Working days lost due to sickness absence – average/all employees	
<b>IIP 3.5</b>	Total rateable value £000 of business premises in Teignbridge	
<b>IIP 1.3</b>	Planning appeals allowed	
<b>OOA 8.1</b>	Number of participants attending cycle events that we organise	
<b>WE 3.2</b>	% of telephone enquiries dealt with at first point of contact	



## T10 Projects

A total of 61 projects are included in the report. Three have been completed this quarter, 52 are on track and 6 of these are reported as a caution where there has been a delay against the anticipated progress of the project.



Q2 Status of projects

■ Completed    ■ On track    ■ Caution

The 6 projects with a **caution** status are:

CLS 3.3	New IT system to manage street cleansing	
GTT 4.2	Peripatetic Town Centre Manager	
GTT 7.3	Best Bar none	
GP 4.6	Adopt a Greater Horseshoe Bat SPD	
IIP 8.1	Improved broadband provision	
MUG 3.2	Rail improvements	

The **completed** projects are:

CLS 5.9	Automate recycling compliance process	
GP 3.3	Prepare & adopt a landscape / renewable energy policy document	
ZH 4.4	Install video conferencing facilities	

#### 4. MAIN IMPLICATIONS

There are no implications to consider on this matter.

#### 5. GROUPS TO BE CONSULTED

None

#### 6. WITNESSES TO BE CALLED

None

**7. TIME-SCALE**

The Council Strategy runs from April 2016 to 2025

**8. CONCLUSION**

The quarterly Council Strategy performance reports provide Members with an overview of performance for the Teignbridge Ten Programmes including achievements and details of any areas of poor performance.

**Kay O’Flaherty/Eve Bates, Business Improvement and Development**

<b>Wards affected</b>	All
<b>Contact for any more information</b>	Kay O’Flaherty, Eve Bates
<b>Background Papers (For Part I reports only)</b>	Appendix A Q2 2018-19 Council Strategy Performance Report
<b>Key Decision</b>	No
<b>In Forward Plan</b>	Yes
<b>In O &amp; S Work Programme</b>	Yes

**OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME 2018 – 2019****Standing Items**

Strata Joint Executive Minutes  
South East Devon Habitat Regulations Minutes

<b>19 November 2018</b>	<b>(CL meeting beforehand)</b>	<b>Lead Officer / Next Steps</b>
<b>Overview</b>		
T10 programme overviews: -Going to town -Investing in prosperity -Moving up a gear	Presentations	Neil Blaney Donna Best Fergus Pate
Travellers on unauthorised land	Report	Request from Cllr G Hook (Marie Downey (Graham Davey))
Homeless Reduction Act Update	Presentation	Tony Mansour
Homelessness Strategy – Action Plan update	Presentation	Tony Mansour
Teignbridge Asset Strategy	Report	Donna Best
<b>Scrutiny</b>		
Performance Monitoring – Q2 data	Report	Eve Bates
Call in PH decision 11-2018 - RSPB site	Confidential Report PH Cllr Clemens in attendance	Rosalyn Eastman
Call in Executive 30 October 2018	Executive Report	David Eaton

<b>14 January 2019</b>	<b>(CL meeting afterwards)</b>	<b>Lead Officer / Next Steps</b>
<b>Overview</b>		
The Community Safety Partnership	Report	Rebecca Hewitt
Budget consultation	Report	Martin Flitcroft
Connecting Devon and Cornwall	Presentation from the CDS Cllr Bullivant arranging	Request of Cllr Bullivant
Electric and low emission vehicle policy	Report	David Eaton Request of Cllr Golder

<b>4 February 2019</b>		<b>Lead Officer / Next Steps</b>
Budget	Report	Martin Flitcroft

<b>4 March 2019</b>		<b>Lead Officer / Next Steps</b>
<b>Overview</b>		
T10 programme overviews: -Clean scene -Zero heroes	Presentations	Chris Braines David Eaton
<b>Scrutiny</b>		
Council Strategy Performance Monitoring Reports Q3	Report	Eve Bates

<b>8 April 2019</b>	<b>Report</b>	<b>Lead Officer / Next Steps</b>

### Outstanding Items

Update on Universal Credit	of the DWP Partnership Manager, Lee Tozer (Presentation) to to report on how things are progressing after the roll out?	Tracey Hooper/Lee Tozer <b>(no date set)</b>
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### Past Meeting items

<b>8 May 2018</b>	<b>Report</b>	<b>Lead Officer / Next Steps</b>
Joint Chair of the Devon Learning Disability Partnership Board and Senior Commissioning Officer Disabilities	Presentation on Citizenship	Robert Hawken and Sophie Holmes

<b>4 June 2018</b>	<b>Report</b>	<b>Lead Officer / Next Steps</b>
Update on the Council's Response to Single Use Plastics	Presentation	David Eaton and Elizabeth Burston

<b>2 July 2018</b>	<b>Report</b>	<b>Lead Officer / Next Steps</b>
T10 – Out and about and active. Health at the heart. Strong communities.	PH's in attendance: Cllrs Bullivant, Goodey and Russell	Lorraine Montgomery - Paul Nicholls and James Teed
Performance Monitoring – Year End 2017-18		Liz Gingell

<b>10 September 2018</b>		<b>Lead Officer / Next Steps</b>
<b>Overview</b>		
T10 programme overviews: -A roof over our heads -Great places to live and work	Presentations	Amanda Pujol Nick Davies
CAB Teignbridge	Presentation	Request from Cllr Ford Vincent Wilson from CAB
Council's Lotteries	Presentation	Aylesbury Vale District Council (Nigel Ashton) Phil and Martin's request (Gary Powell)
Teignbridge Economic Development Plan	Report Referral to Executive 2/10/18	Neil Blaney
<b>Scrutiny</b>		
Call in PH decision 12- 2018 - Site Inspection Procedure	Report PH Cllr Clemens in attendance	Justin Price-Jones Nick Davies Trish Corns
Call in PH decision 11-2018 - RSPB site	Confidential Report PH Cllr Clemens in attendance	Nick Davies

<b>15 October 2018</b>	<b>(CL meeting beforehand)</b>	<b>Lead Officer / Next Steps</b>
<b>Overview</b>		
Update on changes in Housing Enforcement <ul style="list-style-type: none"> <li>• Introduction of Minimum Energy Standards</li> <li>• Banning orders and rogue landlords database</li> <li>• Extension of HMO licensing</li> </ul>	Report	Alison Dolley
<b>Scrutiny</b>		
Performance Monitoring – Q1 data (include the update on HR)	Report	Performance Monitoring – Q1 data (Tim Slater - HR)

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**PROPOSAL FORM  
FOR ITEMS FOR CONSIDERATION BY  
OVERVIEW & SCRUTINY**

Submitted by:

Item for Consideration:

**Expected outcome ie. new policy, new action, new partnership, review and/or scrutinise the performance of other public bodies or of the Council in relation to its policy objectives, performance targets and/or particular service areas:**

**Priority for matter to be considered:**  
 High (up to 3 months)       Medium (3-9 months)       Low (over 9 months)

Basis on which priority has been set .....

**The suggested item should be included in future programme(s) because: (please tick as appropriate)**

- (a) It is a district level function over which the district has some control
- (b) It is a recently introduced policy, service area of activity which would be timely to review
- (c) It is a policy which has been running for sometime and is due for review
- (d) It is a major proposal for change
- (e) It is an issue raised via complaints received
- (f) It is an area of public concern
- (g) It is an area of poor performance
- (h) It would be of benefit to residents of the district
- (i) Which of the Council's objectives does the issue address:  
.....

(j) Is there a deadline for the Council to make a decision? (If so, when and why?) .....

**Members are requested to provide information on the following:-**

(k) What do you wish to achieve from the review?  
.....

(l) Are the desired outcomes likely to be achievable?  
.....

(m) Will it change/increase efficiency and cost effectiveness?

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**Additional information** – an explanatory sentence or paragraph to be provided below to support each box which has been ticked.