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22 February 2021

## EXECUTIVE

A meeting of the **Executive** will be held on **Tuesday, 2nd March, 2021 at 10.00 am.**  
This will be a virtual meeting and you can observe the meeting [via our Youtube Page.](#)

PHIL SHEARS  
Managing Director

### Membership:

Councillors Connett (Leader), Dewhirst (Deputy Leader), J Hook, Keeling, Jeffries, MacGregor, Purser, Taylor and Wrigley

**Please Note:** The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

## AGENDA

1. **Apologies for absence**

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting held on 11 February 2020.

3. **Declarations of Interest (if any)**

4. **Public Questions (if any)**

Members of the Public may ask questions of the Leader or an Executive Member. A maximum period of 15 minutes will be allowed with a maximum of period of three minutes per questioner.

The deadline for questions is no later than 12 noon two working days before the date of the meeting.

5. **Executive Forward Plan**

To note forthcoming decisions anticipated [on the Executive Forward Plan](#)

6. **Striving to 60% Recycling for Teignbridge**

To follow

7. **Revocation of Air Quality Management Areas**

(Pages 9 - 24)

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## **EXECUTIVE**

### **11 FEBRUARY 2021**

#### **Present:**

Cllrs Connett (Leader), Dewhirst (Deputy Leader), J Hook, Keeling, Jeffries, MacGregor, Purser, Taylor and Wrigley

#### **Members in Attendance:**

Cllrs D Cox and Nutley

#### **Officers in Attendance:**

Christopher Morgan, Trainee Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
David Eaton, Environmental Protection Manager  
Martin Flitcroft, Chief Finance Officer & Head of Corporate Services  
Rebecca Hewitt, Community Safety and Safeguarding Manager  
Karen Howe, Estates Surveyor  
Phil Shears, Managing Director  
Chris Braines, Waste & Cleansing Manager

*These decisions will take effect from 10.00 a.m. on 16 February 2021 unless called-in or identified as urgent in the minute.*

#### **10. MINUTES**

The minutes of the meeting held on 5 January 2021 were approved as a correct record and will be signed at the earliest convenience.

#### **11. DECLARATIONS OF INTEREST**

None.

#### **12. EXECUTIVE FORWARD PLAN**

**RESOLVED** that the Forward Plan be noted.

#### **13. FINAL FINANCIAL PLAN PROPOSALS 2021/22 TO 2023/24**

The Executive Member for Corporate Resources presented the report to consider the final financial plan proposals 2021/22 to 2023/24 for recommendation to Council on 22 February. These proposals included recommended revenue and capital budgets for 2021/22 and planned in outline for 2022/23 and 2023/24. He advised of the budget gap for 2022/23 of £1.2 m and 23/24 of £2.6m and thanked all staff for their work in reaching a balanced budget.

The Chief Finance Officer advised that the final settlement for 2021/22 was the same as the provisional settlement which the Council had been notified of in December. He reported on the medium term financial position and the significant budget gaps for 2022/23 and 2023/24 amounting to £3.8m.

The Leader thanked the Overview and Scrutiny Committees and the Town and Parish Councils for their contributions in the budget setting process. The Council had no choice but to increase council tax by £5 to ensure a balanced budget and to continue to provide services to the residents of Teignbridge.

**RECOMMENDED** that Council:-

- (1) Approve the final budget for 2021/22 and the outline plan for the subsequent years 2022/23 and 2023/24;
- (2) Note the mid-year review of Treasury Management shown at appendix 8.

The vote was unanimous.

#### **14. TEIGNMOUTH PUBLIC SPACES PROTECTION ORDER (PSPO)**

The Executive for Homes and Communities presented the report to determine whether to make a Public Spaces Protection Order (PSPO) for prescribed parts of Teignmouth. The PSPO had been asked for by local police and was deemed necessary to prevent anti-social behaviour in certain areas of Teignmouth. The Town Council was in support of this proposal.

Members welcomed this PSPO that would help to prevent anti-social behaviour and agreed an amendment to recommendation (2) (b) to add *in consultation with the Executive Member for Homes and Communities*.

**RECOMMENDED** to Council that:-

- (1) On being satisfied that the statutory grounds for making the Order have been established as detailed in the Report, the Public Protection Spaces Order be made; and
- (2) Delegated authority is given to the Head of Community Services and Improvement to:
  - (a) appoint authorised persons for the purpose of giving direction under the Order; and
  - (b) (in consultation with the Solicitor to the Council and the Executive Member for Homes and Communities) make such minor amendments to the draft Order as they considers appropriate, before the Order is sealed.

The vote was unanimous.

## **15. NOTICE OF MOTION - EQUALITY OF REPRESENTATION**

The Executive Member for Economy and Jobs presented the report to agree the recommendations of the Audit Scrutiny Committee and Overview and Scrutiny Committees in relation to the Equality of Representation Notice of Motion and recommend those are put forward to Full Council for approval. She thanked all those involved in bringing this recommendation forward which would support the Councils commitment for change in the district.

Members welcomed and supported this Notice of Motion to go forward to Full Council.

**RECOMMENDED** to Council that:-

### **Motion No (1)**

- (1) Equalities training for members is arranged through Democratic Services and members are encouraged to attend by Group Leaders;
- (2) That the Committee report template is amended to include "Equalities Considerations" and whether a Business Impact Assessment is required; and
- (3) The Council's Equalities Policy, which expires in 2020, is reviewed and considered by O&S and Executive and included in 2021 Forward Plan

### **Motion Nos (2) and (4)**

The Leader of the Council write to the Secretary of State for Education urging him to:

- (4) Review the primary school, GCSE and A Level national curriculum with a view to ensuring that the historical record of the British Empire is treated in a way which fully takes account of slavery, the actions and views of historical figures and other oppressive experiences of BAME people, many of whose descendants are now part of our community.
- (5) Show compassion and understanding by starting a national debate led by the BAME community, which seeks to define racism, the impacts of it in today's society - and demonstrate how we can all help people of colour feel fully included and welcomed in the UK (this could be part of the current government review)
- (6) Identify a Cabinet minister champion for the BAME community.

### **Motion No (3)**

- (7) Councillors to promote the pilot educational project being undertaken in partnership with Teignmouth Community School by raising awareness of the project through their formal and informal networks and encouraging other schools in the District to utilise the curriculum resources developed through the project and/or undertake similar projects in local schools.

### **Motion No (5)**

- (8) Following completion of the Equalities Impact assessment on the recovery plan, members of Audit Scrutiny Committee to review and determine if there are any

areas of weakness. Comments to then be sought from external registered groups representing the interests of that group.

**Motion No (6)**

- (9) Recommend that the Council encourages local historic societies to identify street names of particular historic significance and develop signage to explain the history behind the street's name.
- (10) Review the street naming and numbering procedure to reflect the recent LGA advice note relating to requests from the public to change the public realm.

**Motion No (7)**

- (11) An additional 2 questions should be included in the Councillors Community Fund form:

*1. How does your organisation or project meet the needs of (tick all or any that apply)*

- *Older people (over 65yrs)*
- *Young people (under 18yrs)*
- *People with disabilities*
- *Members of the LGBT community*
- *Pregnant Women*
- *Black, Asian and Minority Ethnic (BAME) people*

*Please add any further comments here (Text box)*

*2. Do you have an Equalities Policy Yes / No  
If Yes please upload a copy*

The vote was unanimous.

**16. PROPOSED LONG LETTINGS AND A FREEHOLD TRANSFER OF PUBLIC WC'S TO TEIGNMOUTH TOWN COUNCIL**

The Executive Member for Corporate Resources presented the report for the future proposals for the public WC's in Teignmouth and to obtain approval for their disposal to the Town Council. He advised of the proposed long lettings and freehold transfer of the public WC's.

The Leader acknowledged that this proposal was a good example of joint working with the District and Town and Parish Councils and he thanked Teignmouth Town Council for working with the council to ensure the retention of public WC's in Teignmouth.

**RESOLVED** that the course of action set out in the proposal of this report be approved.

The vote was unanimous.

## **17. PUBLIC SPACES PROTECTION ORDER (CONTROL OF DOGS) REVIEW GROUP REPORT**

The Executive Member for Recycling, Household Waste and Environmental Health updated Executive on the Public Spaces Protection Order (PSPO) for responsible dog ownership came into force on the 1 April 2019 and the work of the Review Group.

The Executive Member for Recycling, Household Waste and Environmental Health supported the controls of the PSPO and to help support officers to focus on robust action. He proposed an amendment to recommendation (2) as follows:-

*A-boards, or similar for dog fouling hot spot areas being financed through Town and Parish Councils and District Councillors Community Fund scheme where required. Town and Parish Councils can advise so that A-boards can be located when and where necessary. Other preventative methods of display such as pavement stencilling and lamppost signs also to be explored.*

*As part of this initiative, the Environment Protection Manager, and Cllrs D Cox and Phipps have discussions with Teignmouth Town Council to support them in a publicity campaign.*

The Chair of the PSPO (Control of Dogs) Review Group presented the recommendation of the review group. He outlined the work that the group had undertaken and that he was in support of the revised recommendation (2).

Members acknowledged that the recommendation would cover all parts of the PSPO including when dogs were off the lead.

**RESOLVED** that the following be approved to promote the existing Public Spaces Protection Order (PSPO) (Control of Dogs) within the District:

- (1) The Environmental Protection Manager request Town and Parish Councils to publicise the PSPO in their residents' newsletters, and circulate a guidance publicity tool kit to assist with this; and
- (2) A-boards, or similar for dog fouling hot spot areas being financed through Town and Parish Councils and District Councillors Community Fund scheme where required. Town and Parish Councils can advise so that A-boards can be located when and where necessary. Other preventative methods of display such as pavement stencilling and lamppost signs also to be explored. As part of this initiative, the Environment Protection Manager, and Cllrs D Cox and Phipps have discussions with Teignmouth Town Council to support them in a publicity campaign and for them to arrange for appropriate signage for the Den in order to address concerns raised in relation this area.

The vote was unanimous.

**18. DEVON JOINT WASTE STRATEGY PUBLIC CONSULTATION**

The Executive Member for Recycling, Household Waste and Environmental Health presented the Resource and Waste Management Strategy for Devon and Torbay which would go out for public consultation.

**RESOLVED** that the content of the draft Resource and Waste Management Strategy for Devon and Torbay be approved for public consultation.

The vote was unanimous.

**19. NOTICE OF MOTION - RETENTION OF THE £20 UNIVERSAL CREDIT UPLIFT**

Cllr D Cox presented his Notice of Motion submitted to [Full Council 14 January 2021](#) to urge the Government to make the £20 uplift to Universal Credit permanent and extend this same support to those on legacy benefits.

He commented that by doing this, it would help keep families afloat and strengthen the social security system so it provided the public service that residents could all turn to when they hit hard times. In retaining the £20 Universal Credit uplift it would support the wider economic recovery and cutting support for those on the lowest incomes would reduce demand in the economy at a time when the county was trying to secure a recovery.

Members supported the Notice of Motion.

**RECOMMENDED** to Council the Leader of the Council is instructed to write to the Chancellor of the Exchequer and the Members of Parliament serving Teignbridge to call for the retention of the £20 Universal credit uplift.

The vote was unanimous.

The meeting started at 10.00 am and finished at 10.55 am.

Chair



**TEIGNBRIDGE DISTRICT COUNCIL  
EXECUTIVE  
2<sup>ND</sup> MARCH 2021**

<b>Report Title</b>	<b>REVOCATION OF THE AIR QUALITY MANAGEMENT AREAS IN DAWLISH AND KINGSKERSWELL</b>
<b>Purpose of the Report</b>	To revoke the Air Quality Management Areas in Dawlish and Kingskerswell as the monitored levels are consistently below the national objectives
<b>Recommendation</b>	<p><b>It be RESOLVED:</b></p> <p><b>1. On being satisfied that the air quality standards and objectives are being achieved and are likely to continue within the area of Kingskerswell and Dawlish:</b></p> <p style="padding-left: 40px;"><b>a. That the AQMA Iddesleigh Terrace, Dawlish Air Quality Management Area No.1 31<sup>st</sup> October 2005 and the A380 Kingskerswell Air Quality Management Area No.2 31<sup>st</sup> October 2005 , be revoked; and</b></p> <p style="padding-left: 40px;"><b>b. Delegated authority be given to the Environmental Protection Manager to take such action as he considers appropriate in connection with the revocation.</b></p>
<b>Financial Implications</b>	The financial impacts are not material – see section 3 Chief Finance Officer <a href="mailto:martin.flitcroft@teignbridge.gov.uk">martin.flitcroft@teignbridge.gov.uk</a>
<b>Legal Implications</b>	No legal implications beyond those covered in the report. Monitoring Officer <a href="mailto:karen.trickey@teignbridge.gov.uk">karen.trickey@teignbridge.gov.uk</a>
<b>Risk Assessment</b>	The main risks associated with this decision are considered in the legal, financial and environmental sections. Environmental Protection Manager <a href="mailto:david.eaton@teignbridge.gov.uk">david.eaton@teignbridge.gov.uk</a>
<b>Environmental / Climate Change Implications</b>	The environmental and climate change implications are considered in the report. Climate Change Officer <a href="mailto:william.elliott@teignbridge.gov.uk">william.elliott@teignbridge.gov.uk</a>
<b>Report Author</b>	Colin Bignall Principal Environmental Health Officer <a href="mailto:colin.bignall@teignbridge.gov.uk">colin.bignall@teignbridge.gov.uk</a>
<b>Executive Member</b>	Cllr Alistair Dewhirst Deputy Leader and & Executive Member for Recycling, Household Waste & Environmental Health
<b>Appendix 1 Appendix 2</b>	Minute 260 of Executive 31 <sup>st</sup> October 2005 Monitoring data

## **1 BACKGROUND**

- 1.1 The Council has carried out monitoring and modelling over a number of years at various locations in the district.
- 1.2 In 2003 the Council carried out an assessment of local air quality in Kingskerswell. Sampling for Nitrogen Dioxide (NO<sub>2</sub>) was conducted at three locations along the A380 main road through the village. The levels recorded for this traffic pollutant exceeded government guidelines set by Department for Environment Food and Rural Affairs (Defra), resulting in the declaration of an Air Quality Management Area in 2005.
- 1.3 The Council carried out a screening exercise in Dawlish involving a combination of monitoring and modelled data gathered over several months. This identified within the Dawlish town centre that there was an exceedance of the National objective for Nitrogen Dioxide (NO<sub>2</sub>). As a result an Air Quality Management Area was declared for Dawlish.
- 1.4 As a result of the declarations of Air Quality Management Areas (AQMA), and an Air Quality Action Plan (AQAP) was approved in 2008.

## **2 REPORT DETAIL**

- 2.1 Officers review the local air quality monitoring data on an annual basis and this is reported in the Annual Status Report which is published on the Council's website.
- 2.2 In 2019 a review of monitoring data was carried out by officers which identified that traffic pollution levels in Dawlish and Kingskerswell are such that they are now consistently year on year well below government guidelines, and therefore satisfy the criteria necessary for these AQMA's to be revoked.
- 2.3 The current Local Air Quality Management (LAQM) guidance Policy Guidance (16) and the Technical Guidance (16) requires the authority to demonstrate the following;
  - the air quality objectives are being met and will continue to do so.
  - that over the last 3 years there has been consistent compliance well below the current air quality objectives for Nitrogen Dioxide (NO<sub>2</sub>). Well below to mean at least more than 10% below the current objectives.

In making the decision officers should consider national trends in emissions from national monitoring on high and low pollution years and the local factors that may impact the Air Quality Management Area.

- 2.4 The data for Dawlish Air Quality Management Area, see Appendix 2 table 1, shows that in the three consecutive years of ratified data (2016 to 2018) the levels have been well below the national objective, that to mean a minimum of 10% below the threshold of 40 micrograms per metre cubed. This trend has continued unchanged into 2019.
- 2.5 Officers met with Dawlish Town Council at their Full Council meeting on 4th March 2020 to present the monitoring evidence gathered, the conclusions that

have been drawn and of the authority's intent to issue an Order to revoke the Air Quality Management Area in Dawlish.

- 2.6 The data for the Kingskerswell Air Quality Management Area, see Appendix 2 Table 2, shows levels prior to the South Devon Link Road being constructed and post construction.
- 2.7 In 2014 following approval for central government funding, works commenced on a new dual carriageway to by-pass the village of Kingskerswell altogether. As a result the Council decided at the beginning of 2015 to add seven additional monitoring locations for NO<sub>2</sub> along the old A380 road. The data is in Appendix 2 Table 3
- 2.8 Following consultations with the Highways Engineers at Devon County Council an additional three monitoring locations for NO<sub>2</sub> were added to observe what impact the new A380 bypass had on existing houses near the new route. This data is in Appendix 2 Table 4. In Dec 2015 the new by-pass was completed and opened.
- 2.9 Since its completion at the end of 2015, traffic pollution levels within the Kingskerswell AQMA have dropped significantly and now meet the criteria to revoke the Air Quality Management Area.
- 2.10 Officers met with Kingskerswell Parish Council on the 27<sup>th</sup> January 2020 to present the monitoring evidence gathered, the conclusions that have been drawn and of the authority's intent to issue an Order to revoke the Air Quality Management Area.
- 2.11 Officers continue to support actions to further reduce air quality levels across the district including Electric Vehicle Charging schemes, mitigating the impact of new development and working with the climate change officer on projects that improve both population exposure to air quality and reduce carbon

### **3 FINANCIAL, LEGAL OR OTHER IMPLICATIONS**

- 3.1 This report and executive decision ensures that the authority follows the correct legal process to revoke an Air Quality Management Area in accordance with The Environment Act 1995 and the relevant technical guidance.
- 3.2 There is an annual £794 reduction in the revenue budget as a result of stopping the monitoring in the two air quality management areas. This will be used to support other air quality work in the district.

### **4 CONCLUSION**

The air quality objectives are being met and will continue to do so in and around the Dawlish and Kingskerswell Air Quality Management Area, and satisfies the criteria in

- 4.9 Policy Guidance Note (PG16) and
- 3.47 Technical Guidance Note (TG16).

Therefore in accordance with section 4.10 of Policy Guidance Note (PG16) the process of revocation should be undertaken by the authority.

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## **EXECUTIVE**

### **31 OCTOBER 2005**

#### **Present:**

Councillor Connett (Leader)

Councillors Archer, Berman, Cox, Grimble, Hook and Howe

#### **Members in Attendance:**

Councillors Austen, Christophers, Clatworthy, Comey, Haines, Mugford and Walters

#### **Apologies:**

Councillor Frost

### **255. MINUTES**

The minutes of the meeting held on 3 October 2005 were approved and signed as a correct record.

### **256. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Minute No. 260 - Air Quality Management Areas – Personal interests but not prejudicial – Councillors Haines, Hook, Howe and Clatworthy.

### **257. ACTION TAKEN SINCE THE PREVIOUS MEETING**

The Executive noted the action taken under delegated powers since the last meeting.

- (a) Waiver of Financial Rules – Approval to explore a trial partnering contract with DEFRA and the Environment Agency, to achieve savings in time and cost in procuring construction in relation to the Ashburton (Balland Stream) Flood Management Scheme.
- (b) Waiver of Financial Rules – Approval to extend the current contract for Temporary Agency Refuse and Cleansing Operatives with Job Shop Recruitment Services (SW) Ltd for a period of one year.
- (c) Authority to book the Welsh National Opera to perform at the Dawlish Leisure Centre on 21 January 2006 at a cost of £4,500 plus VAT.
- (d) (i) Approval for the payment of Grant Aid for Arts and Museums activities to the following:
  - South Devon Choir - £90

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- Moor Poets - £100
  - Moretonhampstead Development - £50
  - Dawlish Reparatory Company - £500
  - Doddiscombsleigh Art Show - £100
  - The Bovey Tracey Players - £300
  - Teignbridge Museums Group - £50
- (ii) Approval for the payment of regular annual funding from the Arts budget.
- Villages in Action - £8,500
  - 55+ Positive Lifestyle - £5,000 p.a. (for a further 18 months)
- (iii) Approval to enter into a three-year funding agreement with the following:
- Devon Guild of Craftsmen - £2,500 p.a.
  - Teignmouth Jazz Festival - £5,000 p.a.
  - New Dance Initiative - £250 p.a.
- (iv) Approval to allocate £3,500 from the Arts budget to pay for additional time from the Community Art and Design Advisor to develop awareness raising campaign in relation to projects emerging through planning applications.
- (e) Approval of loan to 4<sup>th</sup> Teignmouth Scouts for the sum of £3,000 interest-free for 2 years towards the replacement and refurbishment of Scout HQ building roof and gutters.
- (f) List of Private Sector Grants approved since the last meeting:
- |                 |                           |        |
|-----------------|---------------------------|--------|
| 05/00152/TENHA  | Revised – Decreased By    | £80    |
| 05/00090/TENHA  | Revised – Decreased By    | £655   |
| 05/00114/TENHA  | Revised – Decreased By    | £208   |
| 04/90239/TENREP | Revised – Decreased By    | £10    |
| 04/90083/OOC    | Disabled Facilities Grant | £5770  |
| 05/00075/OOC    | Disabled Facilities Grant | £3679  |
| 04/90339/TENHA  | Disabled Facilities Grant | £9132  |
| 05/00146/OOC    | Disabled Facilities Grant | £6013  |
| 05/00189/OOC    | Disabled Facilities Grant | £2898  |
| 04/90090/OOC    | Disabled Facilities Grant | £11785 |
| 05/00151/OOC    | Disabled Facilities Grant | £3762  |
| 05/00172/TENHA  | Disabled Facilities Grant | £2445  |
| 05/00167/OOC    | Disabled Facilities Grant | £9843  |
| 01/00474/TENREP | Renovation Grant          | £7985  |

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04/90337/OOC	Revised – Increased By	£1355
05/00081/OOC	Revised – Increased By	£405
04/90352/TENHA	Revised – Increased By	£25
05/00037/OOC	Revised – Increased By	£911
05/00119/TENHA	Revised – Increased By	£30
02/00026/OOC	Revised – Increased By	£810
05/00127/OOC	Revised – Increased By	£2056
05/00065/OOC	Revised – Increased By	£1664
05/00101/TENHA	Revised – Increased By	£254

00/00458/TENHA      Approval is sought for extension due to delay in completion of paperwork

### **258. EQUALITY SCHEME**

The Executive considered a draft Equality Scheme which had been endorsed by the Council's Overview and Scrutiny Committee.

The Portfolio Holder for Youth and Partnerships advised that the scheme was to promote equality across Teignbridge as a whole and that individual service departments had a responsibility to support their respective elements of the scheme.

The Leader was advised that there had been no additional resources required to implement the scheme nor were there any particularly significant implications for the Executive to consider in approving it.

Councillor Corney raised concern that the consultants used to undertake the public consultation had been unable to engage with anyone from the gay and lesbian community and made reference to regional groups which could have assisted. The Community Initiatives Manager advised that rather than commission further research, the Council sought independent consultation with the hard-to-reach groups. Councillor Corney was satisfied with the answer although doubted whether the Council had obtained value for money for the work undertaken.

Resolved

That the Equality Scheme 2005/2008 and Action Plan be adopted.

### **259. ESTABLISHING A TEIGNBRIDGE-WIDE DISCOUNT CARD**

Councillor Austen, who had chaired the Overview and Scrutiny review group which investigated this proposal advised that the final conclusions were unexpected. After nine meetings the review group had favoured a smartcard and not a discount card as originally envisaged. Unfortunately, there was insufficient interest from the business and commercial sectors to progress a discount card proposal but there were opportunities for the Council to work

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with Devon County Council. The Portfolio Holder for Community Services advised that the Devon County Council Transport Unit was keen to work with the Council on a smartcard for accessing free concessionary travel and it was noted that smartcards were already being used by some schools.

The Leader personally thanked the review group for the work undertaken and noted that the smartcard could be used for discounts at some stage in the future. He felt it best to progress the development of a smartcard scheme and then look at any specific benefits which could be introduced. Any budgetary considerations which would be part of specific benefits would be addressed by the Executive at that time.

Resolved

That the recommendations contained within the report be approved.

### **260. DESIGNATION OF AIR QUALITY MANAGEMENT AREAS**

The Portfolio Holder for Environment and Environmental Health referred to the need for the Council to designate Air Quality Management Areas. This was a statutory requirement, although no additional Government Funding had been given to complete the task. Four areas had been identified in the District with high nitrogen dioxide levels which were above Government set maximum levels. The Council had a responsibility to designate the areas and to develop remedial plans working in consultation with the County Council to reduce the pollution. He advised there were three other areas in Newton Abbot which were likely to become designated at Balls Corner, East Street and Queen Street. It was for these reasons that the proposed designation for Newton Abbot was larger than for the other areas. The Environmental Control Officer advised that the Council needed to have twelve months data to support a designation. At the moment only nine months data was available for the three extra areas mentioned although it was anticipated that they would need to be designated.

The Portfolio Holder advised that some consultation had already taken place with local residents and there would be more. It was likely to take 12 to 18 months before remedial measures addressed the issues.

Reference was made to other parts of the District and the Environmental Control Officer advised that there had been a desktop survey of the whole District which had taken into account traffic data from the County Council to identify particular problem areas. These would then be assessed through detailed monitoring.

There would be a three-year rolling programme to identify new areas as traffic patterns and pollutants changed.



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Councillor Howe spoke against the larger designation for the Newton Abbot area. The Environmental Control Officer reported that DEFRA had advised designation within the basis of existing boundaries. Newton Abbot had specific problems due to the traffic-flows through and around it and it was highly likely that other areas would be coming forward for designation. There were good technical reasons to adopt the larger designation for the Newton Abbot area.

Resolved

That the following areas designated as Air Quality Management Areas in accordance with Section 83(1) of the Environment Act 1995:

- (i) The area of Newton Abbot town edged red on Plan 2 in the Council minute book.
- (ii) The A380 between Penn Inn and Kerswell Gardens roundabouts and adjacent properties shown edged red on Plan 6 in the Council minute book.
- (iii) The A379 known as Bitton Park Road between Shaldon Bridge junction and the Exeter Road junction in Teignmouth and adjacent properties shown edged red on Plan 7 as detailed in the Council minute book.
- (iv) The A379 known as Iddesleigh Terrace and adjacent properties in Dawlish edged red on Plan 8 in the Council minute book.

### **261. CONCESSIONARY FARES**

The Portfolio Holder for Economy and Tourism advised that the Government intended to expand the current concessionary half-fare bus scheme to a free fare scheme from 1 April 2006. The current Devon-wide partnership, to which the Council belonged, provided half-price fares for off-peak periods. It was likely that the extra costs for the Council would be somewhere in the region of £1.11 million. The Council was expecting funding from the Government but there would be a shortfall somewhere in the region of £40,000 depending on the level of grant and the final costs of the scheme which were being negotiated with local bus companies. The Leader noted that the costs could add 1% to the Council's element of the Council Tax if sufficient government grant was not forthcoming.

Resolved

That the local Members of Parliament be asked to support the Council's case for reimbursement of the full costs of introducing the new concessionary fares scheme.

**262. DAWLISH REGENERATION PROJECT – STRATEGIC PLAN 2005-2015**

The Executive received a report from the Portfolio Holder for Economy and Tourism detailing a request from Dawlish for assistance in delivering the Regeneration Project's Strategic Plan 2005-2015. A similar plan had been prepared for Teignmouth and the Executive was keen to provide the same level of support to Dawlish. The Executive noted the support from Councillors Protheroe and Clatworthy for the Regeneration Group's request.

Resolved

(a) That the Council assist the Dawlish Regeneration Group in its delivery of its Community Strategic Plan and, where appropriate, it consider using Council assets and 'in kind support', where possible, as its contribution towards any project.

(b) That the request for funding of £2,500 per year for three years to progress both the Teignmouth and Dawlish Plans be deferred to the next meeting of the Executive to ascertain the funding streams to be used.

**263. TOBY JUG INN, BICKINGTON**

The Leader presented a Position Statement regarding the Toby Jug Inn, Bickington, and the positions of the owner of the buildings, Heavitree Brewery and STAG, the local action group.

The Leader reported that there was insufficient information from either party to progress the question of a possible Compulsory Purchase Order and reminded the meeting of the need for STAG to clearly identify the community benefits and funding for the purchase of the pub and the provision of the social and community objectives.

The local Ward Member, Councillor Christophers, spoke in support of the scheme and reminded the Executive it was an opportunity for the Council to meet its corporate aims and objectives. There was already funding in the region of £11,000 and the likelihood of significant grants from lottery funding.

Resolved

(a) That the Council seek a further meeting with Heavitree Brewery.

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(b) That STAG be invited to submit a report setting out its position in relation to the objectives set out on 1 November 2004 in relation to a purchaser of the pub and the availability of necessary funding to meet the social and community objectives.

(c) That the support that could be provided by the Community Initiatives team in providing this information be noted.

(d) That a further report be brought to the Executive in six months including all submissions received to update the Executive at which time a decision will be made as to whether to continue with the Compulsory Purchase Order process or whether other avenues of support are available.

### **264. LAND AT TREMLETT'S CLOSE, TEDBURN ST MARY**

Further to the report, the Head of Legal and Administrative Services advised that solicitors acting for the Hastoe Housing Association had advised they were not in support of the proposal to use Section 237 of the Town and Country Planning Act 1990 to permit the use of the site for general needs housing. They were, however, happy for the Council to continue with the application to the Lands Tribunal but had also requested that the Council consider taking compulsory purchase action under Section 226 of the Town and Country Planning Act 1990.

It would take in the region of four to five months to pursue a Lands Tribunal case and the compulsory purchase suggested by Hastoe Housing Association was likely to take somewhere in the region of 12 months. There was no clear answer on how long the Housing Association funding would be available although the Leader reminded the Executive that there was a need to remove the covenant to provide general needs housing on the site at some stage.

The Executive favoured a negotiated settlement which would assist with the early delivery of a housing scheme and ensure the scheme could benefit from Housing Corporation funding.

Resolved

That in the event that a negotiated settlement cannot be reached, the officers be authorised to proceed to seek to have the covenant discharged by the Lands Tribunal and/or to secure the removal of the covenant by using powers of compulsory purchase under Section 226(1)(a) of the Town and Country Planning Act 1990.

### **265. REFURBISHMENT OF NEWTON ABBOT PANNIER MARKET AND FOOD HALL, CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER**

The Executive was advised that the Council had failed to reach agreement with the lessees of the Chicken Café, regarding compensation and relocation

arising from the Council's desire to refurbish the retail market in Newton Abbot.

The Executive noted that the delay to reach agreement was preventing the refurbishment and redevelopment which was necessary to promote the vitality and viability of the Pannier Market and the Food Hall.

The meeting moved into private session.

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

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 9 of Part I of Schedule 12A of the Act.

**267. CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER**

The Executive received information on the possible compensation package for the current lessees of the Chicken Café, Newton Abbot and the current offer.

**268. REFURBISHMENT OF NEWTON ABBOT PANNIER MARKET AND FOOD HALL, CHICKEN CAFÉ – COMPULSORY PURCHASE ORDER**

The meeting resumed and agreed the need to pursue a Compulsory Purchase Order to enable the refurbishment programme and

Resolved

That the Council makes a Compulsory Purchase Order using its powers under Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire the leasehold interest in the Chicken Café.

**269. BUDGET MONITORING – GENERAL FUND AND CAPITAL**

The Executive received and noted a report from the Head of Financial Services on Budget Monitoring – General Fund and Capital.

Resolved

(a) That the budget variations as shown at Appendix 2 to be previously circulated report be approved.

(b) That the updated Capital Programme as shown at Appendix 3 to the previously circulated report be approved.

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- (c) That the Financial Planning items discussed in paragraph 5 be fed into the Initial Financial Plan proposals for 2006/07 to 2008/09.

ALAN CONNETT  
Chairman

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## Appendix 2 – Monitoring Data

**Table 1 Dawlish Air Quality Management Area monitoring locations and data**

Tube	Dawlish	2012	2013	2014	2015	2016	2017	2018	2019
17	Whitecourt, Iddesleigh Terrace	38.5	38.4	40.7	36.0	32.8	33.6	31.9	33.03
30	1A Piermont Place	35.7	35.6	29.6	34.3	33.5	35.7	33.6	33.88
45	4 Commercial Rd	28.9	28.6	27.6	26.4	25.3	24.9	23.8	24.22
46	3 Iddesleigh Terrace	30.2	33	41.8	32.3	26.8	28.5	24.5	25.5

**Table 2 Kingskerswell Air Quality Management Area monitoring locations and data**

Tube	Kingskerswell	2012	2013	2014	2015	2016	2017	2018	2019
56	Wywurre Bungalow, Addison Rd	26.9	27.7	26.35	25.45	24.22	27.03	23.86	23.9
36	Westhill House	43.0	39.0	37.78	34.17	15.88	15.39	12.66	12.61
41	Aller Farmhouse	40.5	40.6	45.9	24.56	14.14	15.31	12.31	11.26

**Table 3 Additional Kingskerswell Air Quality Management Area monitoring locations and data**

Tube	Kingskerswell	2015	2016	2017	2018	2019
1	Aller Brake Rd	27.65	24.1	32.72	28.46	28.2
14	Westcombe Caravan Pk Tqy Rd	31.38	16.67	16.97	13.71	14.98
12	Datal Office Tqy Rd	37.64	21.86	20.87	17.31	17.31
50	Newton Rd (opposite Priory Ave)	44.72	21.46	21.25	18.4	17.84
66	Halfway House Tqy Rd	39.03	21.2	20.5	18.84	18.17
67	Coventry Cottage Tqy Rd	41.43	20.87	23.63	19.67	21.38
58	Tqy Rd (opposite 28 Water Lane)	42.35	17.41	19.71	16.25	16.96

**Table 4 Devon County Council Kingskerswell Air Quality Management Area monitoring locations and data**

Tube	Kingskerswell	2016	2017	2018	2019
39 DCC	Rock House 1 Maddicombe Rd	17.58	19.68	18.32	16.91
28 DCC	Western Cottages 1 Greenhill Rd.	11.44	12.27	12	10.62
29 DCC	Junction of Huxnor Rd and Edginswell lane	11.82	11.62	11.91	10.47

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