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17 May 2019

OVERVIEW & SCRUTINY COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 28th May, 2019** 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 to be confirmed.

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

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

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Public Access Statement

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AGENDA

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 - 8)
To approve the minutes of the meeting held on 4 March 2019.
3. Agreement of the agenda between Parts I and II
4. Declarations of interest
5. Matters of urgency or report especially brought forward with the permission of the Chairman
6. Public questions (if any) under Council Procedure Rule 5.8(h)
7. Councillor Questions (if any) under Council Procedure Rule 5.8(i)
8. Community Action Group (CAG) Devon - Presentation by Ben Bryant Devon Community Engagement Project Officer
To hear what CAG is offering communities across the District, and the kinds of projects already happening.
9. Provision of pitches for Gypsy and Travellers (Pages 9 - 24)
To consider the report of the Housing Enabling and Development Manager attached. Sabrina Thomas, Devon County Council's Gypsy and Travellers Liaison Officer will be in attendance

10. 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 two 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.

Chris Braines and David Eaton will present the work of the programmes *Clean Scene* and *Zero Heroes*

11. South East Devon Habitat Regulations Partnership (SEDHRP) (Pages 25 - 30)

To receive the minutes of the SEDHRP Executive Committee held on 29 April, 2019.

12. Call-ins (Pages 31 - 56)

To consider the following call-in by Councillors Wrigley and supported by Councillors Foden, L Petherick, J Petherick and Taylor

"I request that decisions made at the meeting of the South East Devon Habitat regulatory partnership executive committee meeting of the 29th April 2019 be reviewed.

Specifically item 7 (relating to the annual business plan and the 5 year delivery plan) items:

"3. that the adjustment of the Habitat Mitigation Officers contracts to permanent status to align with the funding allocated in the mitigation strategy be approved."

"4. that the retention of the Devon Loves Dogs project Coordinator for 5 years from November 2019 and funding for a used vehicle from May 2019 as outlined in Section 2 be approved.

5. that redirecting the funds outlined in section 3 to cover the associated costs of 4. Above be approved."

Item 3 on the grounds that no performance reviews or job evaluation changes have been evidenced, and that ongoing funding has not been secured or agreed.

Item 4 (and 5) on the basis that the need of a car (at £18K) has not been evidenced, nor the evaluation of other potential solutions. In addition the role is intended to encourage people to walk dogs locally, rather than travel by car to areas in need of habitat preservation, and as such could be seen to be counter-productive to the task in hand."

13. Safeguarding (Pages 57 - 60)

To consider the report of the Senior Community Safety Officer attached.

Future Programming

14. Executive Forward Plan (Pages 61 - 66)

15. Work Programme (Pages 67 - 68)

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.

Nil

OVERVIEW & SCRUTINY COMMITTEE

4 MARCH 2019

Present:

Councillors Haines (Chairman), Prowse (Vice-Chairman), Clarence, Colclough, Dennis, Dewhirst, Eden, Hockin, G Hook, J Hook, Jeffery, Jones, Kerswell, Mayne, Nutley, Orme, Parker, Peart, Smith, Thorne and Wrigley

Members in Attendance:

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

Apologies:

Councillors Connett, Cox, Evans, Gribble, Hocking, Matthews, Morgan and Winsor

Officers in Attendance:

Martin Flitcroft, Chief Finance Officer
Amanda Pujol, Interim Head of Service Delivery and Improvement
David Eaton, Environmental Protection Manager
Graham Davey, Housing Enabling Manager
James Toler, Housing Strategy Officer
Trish Corns, Democratic Services Officer

25. MINUTES

The Minutes of the meetings held on 28 January and 4 February 2019 were approved as a correct record and signed by the Chairman.

26. DECLARATIONS OF INTEREST

Councillor Thorne declared an Appendix A interest in relation to Minutes 33 and 34 by virtue of his employment at Exeter City Council.

27. PUBLIC QUESTIONS (IF ANY) UNDER COUNCIL PROCEDURE RULE 5.8(H)

There were no public questions.

28. COUNCILLOR QUESTIONS (IF ANY) UNDER COUNCIL PROCEDURE RULE 5.8(I)

There were no Councillor questions.

29. SOUTH WEST MUTUAL BANK

The Committee welcomed Tony Greenham from the South West Mutual.

Overview & Scrutiny Committee (4.3.2019)

The Chairman, referred to the report and appendix circulated with the agenda. The appendix consisted of information Mr Greenham presented to Members on 8 January 2019.

The purpose of the formation of a South West Mutual Bank was to provide cost effective banking for local residents and businesses, in a period of bank closures. It would provide opportunity for greater banking provision in the South West, economic growth, business investment and employment, potential for an investment return and share price growth over the medium term.

South Hams, West Devon and East Devon District Councils have signed up to contributing £49,995 each. It was anticipated the investment into the Mutual would provide investor confidence for private and institutional investors to also invest and provide a substantial proportion of the remaining funding required to allow the bank to launch and start trading.

In response to concerns and questions regarding the risk factor, the Chief Finance Officer advised that the figures had been substantially analysed. The funding would not be drawn down unless sufficient funds were pledged to meet the Mutual's requirements for initial stages. Whilst the investment is risky, the potential benefits may not be realised to the local economy if the investment funding is not approved. Mr Greenham added that South West Mutual had been meeting with Government Ministers, the Economic Secretary and The Rt Hon Baroness Kramer to progress the formation of the Mutual Bank.

Resolved

The Executive be advised that the Committee supports:

- (a) The approval of a grant of £49,995 funded from capital receipts to support the formation of South West Mutual Bank.
- (b) The Chief Finance Officer being delegated responsibility to conclude the acquisition of 3,333 shares in South West Mutual.

30. CALL-INS

There were no call-ins.

31. STRATA JOINT EXECUTIVE COMMITTEE 28 JANUARY 2019

The Minutes of the Strata Joint Executive Committee held on 28 January 2019 were received and noted.

32. ELECTRIC AND LOW EMISSION VEHICLE POLICY

The Portfolio Holder for Economy, Assets and Tourism presented the report circulated with the agenda, which sought committee endorsement for the progression of a Council policy for electric vehicles, infrastructure and ultra low emission vehicles. The publication of the governments "Road to Zero" would help increase the number of low emission vehicles nationally which currently was 150,000, and accounted for 2% vehicle sales, with 14,000 charge points.

In response to questions on funding, the Environmental Protection Manager advised that some projects would be 100% grant funded.

The proposed vision and actions for a policy were set out in the report. The Policy would go out to consultation for some 6-8 weeks. The policy would be brought back to the Committee on 2 July for further consideration following the consultation period.

Resolved

The progression of an Electric Vehicles, Infrastructure and Ultra Low Emission Vehicles Policy be approved for consultation as set out in the report.

33. COUNCILLORS COMMUNITY FUND

Consideration was given to recommended amendments to the Councillors Community fund scheme following the completion of a Councillor survey.

Resolved.

The Executive be advised that the Committee supports the following amendments to the Councillor Community fund Scheme:

- That carry forward of funds into the next financial year in Election years cease with immediate effect.
- That any underspend on grants within the current financial year 2018-2019 could be allocated to the Crowdfunding initiative; this would allow community groups to access any residual funds.
- Fund administration: a more streamlined method of submitting requests be sought. For example, an application could be submitted automatically to the grant co-ordinator, with a copy to the ward councillor, who could then sanction the application by email. This will reduce paperwork and speed up response.
- An up to date spreadsheet of allowances remaining be available on the website.

34. HOUSING AFFORDABILITY IN TEIGNBRIDGE

The Chairman referred to the report circulated with the agenda, which provided a brief summary, including statistical information, of the appended report Housing Services – Housing Affordability Report. It also listed strategic and operational actions being undertaken by officers to address affordability.

The Housing Enabling and Development Manager advised on the broad range of housing offered by the Council in partnership with housing organisations to meet local need, including an ageing population, and Government policies. The number of affordable housing developed in Teignbridge over the last nine years had exceeded targets of the Local Plan by 31%.

Overview & Scrutiny Committee (4.3.2019)

Teignbridge's rising affordability ratios had been recognised by Homes England, the Government housing body, in its June 2018 published addendum to the Affordable Housing Grant bidding guidance. Teignbridge was listed as an Authority with high affordability ratios. This enables Registered Providers within Teignbridge to bid for higher levels of grant to deliver homes as social rather than affordable rents. The Council aimed to keep affordable rents as low as possible.

A review published in January 2019 by housing charity Shelter states an additional three million one hundred thousand social homes are needed to solve the housing crises over the next 20 years. This would equate to 150,000 houses per year nationally and 285 additional homes for Teignbridge. Locally these houses could only be developed with government subsidy or by more open market homes to cross subsidise and make the delivery viable.

Concern was raised regarding the affordability of 'affordable' homes. Members were advised that Teignbridge was delivering affordable homes in accordance with the Government's definition of 'affordable.'

The Leader of the Council, Cllr Christophers advised that he would be attending a Local Government Association meeting and would have access to the Housing Minister to discuss this issue with him, and the positive solutions that can be taken.

Resolved

That the contents of the report be noted.

35. TEIGNBRIDGE TENANCY STRATEGY

Consideration was given to the report circulated with the agenda.

The Housing Strategy Officer advised that under Section 150 of the Localism Act 2011 Councils have a duty to prepare and publish a tenancy strategy. The updated strategy of consideration reflects changes in housing legislation and welfare reform, and increased affordability issues across the area. The strategy sets out the matters to which registered providers of social housing are to have regard in formulating policies.

The aims of the strategy were set out in the report and included: encourage a wide range of housing options; promote affordability; make the best use of the available social housing stock; ensure that vulnerable households are able to access appropriate accommodation and promote mobility within social housing and other housing tenures.

In response to questions from Councillors, the Housing Strategy Officer advised that social rents were cheaper than affordable rents; and the Council was working with the Department of Works and Pensions to align rent due dates with Universal Credit payments.

Resolved

The Executive be advised that the Overview and Scrutiny Committee supports the endorsement of the Teignbridge Housing Services Tenancy Strategy as circulated with the report and agenda for the meeting.

36. COMMUNITY INFRASTRUCTURE LEVY MONITORING REPORT

The Principle Delivery Officer referred to the report circulated with the agenda. The report outlined the background to the Community Infrastructure Levy (CIL), which was introduced by the Planning Act 2008. The process of reporting funding received and future income and expenditure forecasts, was governed by the 2010 Community Infrastructure Levy regulations.

The Council introduced CIL in October 2014 and is a fixed charge on new development floor space, with available exemptions. Town and parish councils receive a neighbourhood funding element of 15%, and 25% with the establishment of a neighbourhood Plan. By March 2018, £722,255 had been passed to town and parish councils, and a further £248,891 was due.

Having recognised £4,933,944; sent £722,255 to town and parish councils; and spent £1,596,151 on infrastructure, Teignbridge's recognised CIL income retained amounted to £2,366,697 by March 2018. A recently published Government consultation document on proposed amendments to future CIL monitoring reports advocates that three year CIL forecasts are prepared on an annual basis.

In response to questions the Principle Delivery Officer advised that the funds did not have to be allocated immediately and could be used within a ten mile radius.

Resolved

That the summary of the Community Infrastructure Levy, financial reporting and funding forecasts be noted.

37. SOUTH EAST DEVON HABITAT REGULATIONS EXECUTIVE COMMITTEE

The Committee welcomed South East Devon Habitat Regulations Executive Committee (HREC) officers involved in the management of the Exe Estuary, a nationally important wildlife area, and compliance with the South East Habitats Regulations. Members also referred to the report circulated with the agenda which provided the background and reasons for forming the joint HREC, as well as associated governance arrangements. The report explained that the Habitat Regulations require that councils must only approve plans or projects if they will not adversely impact on designated European Sites.

In 2010 Natural England, the responsible Government body for advising councils on how to apply the Habitat Regulations, advised the Council, and Exeter and

Overview & Scrutiny Committee (4.3.2019)

East Devon's councils that they should consider the potential impacts of development growth on the protected habitats and species. Failure to meet the requirements of the Habitat Regulations can lead to an embargo on development until matters are resolved.

The Partnership Executive Committee across the three authorities and the officers involved arrange for the mitigation measures in line with the Habitat Regulations to be delivered through the implementation of the joint South East Devon European Site Mitigation Strategy. Other organisations and user groups assist with this, and the process maintains the finely balanced situation where human disturbance does not result in mortal consequences for the protected species. As a result the councils are able to continue granting housing planning permissions, and tourists and residence are able to enjoy the area.

The HREC officers presented further information about the European Sites, the evidence gathered, the Mitigation Strategy, Habitat Mitigation Officers' day-to-day role, engagement with the public, and user groups, and how the HREC operates. The Principal Delivery Officer and the HREC officers also responded to Members questions in relation to the work of the Executive Committee since its last meeting.

In response to questions from the committee regarding possible additional byelaws to restrict use, the Portfolio Holder for Planning and Housing advised that the HRCE officers were successfully controlling and monitoring use through communication and engagement with users, and a voluntary code of conduct and exclusion zones.

The next meeting of the HRCE would be April 2019. Members of the public could attend. Notice of the meeting would be available on the HRCE website.

38. PERFORMANCE MONITORING REPORTS Q3

The Committee received the Council's quarter 3 2018-19 strategy performance report, which updated members on the progress of the Teignbridge Ten programmes. The Teignbridge Ten programmes (T10) were the 'super projects' that would bring major benefits to the district. Each T10 had seven or more actions with performance indicators to monitor progress against a series of agreed targets.

In response to comments and questions from Members, the Committee was advised:

- PI CSROH 5.1 - there would always be some rough sleepers and every effort was made to keep this number to a minimum.
- Fly tipping - the fly tipping problem between Ideford and Haldon was of particular concern .
- PI CSHAH 5.9 - the current sickness monitoring was being reviewed due to long term sick of a few employees substantially influencing the overall figures.
- PIs CSZH 1.1, 1.2 and 1.3 – gas, electric and water consumption. This was being reviewed by an officer working group.

Resolved

The report be noted.

39. EXECUTIVE FORWARD PLAN

The Committee noted the Executive Forward Plan circulated with the agenda.

40. WORK PROGRAMME

The Committee received and noted the Overview and Scrutiny Work Programme circulated with the agenda. It was noted that it would be updated by: the T10 programme overviews Clean Scene and Zero Heroes being deferred until the meeting on 28 May, 2019; and the Electric Vehicles, Infrastructure and Ultra Low Emission Vehicle policy being included for the meeting on 25 June to consider the policy for approval following consultation.

CLLR MIKE HAINES
Chairman

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OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN:

DATE: 28th May 2019
REPORT OF: Housing Enabling and Development Manager
SUBJECT: Gypsy and Traveller Provision in Teignbridge
PART I

RECOMMENDATIONS

- 1. To note the progress made in respect of the delivery of permanent gypsy and traveller pitches in Teignbridge.**
- 2. To endorse the actions being taken to meet the need for transit pitches in Teignbridge**
- 3. To note the work taking place with Devon County Council and the Police in addressing unauthorised use of land by gypsies and travellers in a coordinated way across the County of Devon**

1. PURPOSE

1.1 To update Members of the Overview and Scrutiny Committee in respect of progress made in meeting the Councils Gypsy and Traveller pitch provision.

2. BACKGROUND

2.1 The Teignbridge Local Plan 2013 -2033 adopted on 6th May 2014 details within Policy WE6 Homes for the Travelling Community, the Councils policies and targets to meet its statutory requirements in accordance with National Planning Policy. Policy WE6A further emphasised this desire by allocating land at Middletree Park, Haldon in the parish of Kenn for a publicly run traveller site.

2.2 Further reference is made to Gypsies and Travellers within Policies SWE1 and NA1 where the developments are required to make provision for the travelling community. The policies go on to state that consideration will be given to off-site provision if a suitable alternative is proposed.

3. CURRENT PROVISION

3.1 The Council are required to carry out a bi annual Gypsy and Traveller Count across the district. The last published counts were carried out in January 2018 and July 2018 with the counts identified as 106 and 79 caravans / living vehicles distributed across 12 Parishes. The variation shows the seasonal nature of the travelling and non-travelling times of year.

4. CURRENT PROGRESS IN RESPECT OF LOCAL PLAN TARGET

Site Name	Pitches	Total
Haldon Traveller Site. Manly funded by HCA, now Homes England Grant Funding	Pitches 15 Completed	
Haldon Traveller Site Extension.(Developer funded by way of an off-site affordable housing contribution linked to SWE1)	Pitches 3 Completed	Total 18
Planning Consent at Private Site in Chudleigh	Pitches 11 Completed	Total 11
Various smaller private sites or additional pitches on existing private sites in Bickington (8) Teigngrace (4) Ideford (1) Tedburn St Mary (2) Woodland (1)	Pitches 16 Completed	Total 16
Total Completed		45
Planning application at Teigngrace, Newton Abbot	Pitches 9 Consented	
Consented but not built		9
Planning application at Horsemills, Kingsteignton	Pitches 15 Pending	Total 15
Planning Application at Bovey Straights, Bovey Tracey	Pitches 9 Pending	Total 9
Application Pending		24

Original Local Plan Target	70	
Target Less Completed	70 - 45	25
Target Less Completed and Consented	70 - 54	16

4.1. Should the two current planning applications presented before the Council be approved then Teignbridge are exceeding our delivery targets and can evidence a five year land supply of permanent pitches.

4.2 There is a current review of the Teignbridge Local Plan including the provision for the travelling community. It is anticipated from work carried out so far by the Strategic Planning Team that the future demand for Gypsy and Traveller pitches remains fairly constant and therefore the current target of 3.5 pitches per year will be projected forward. (70 pitches over 20 years 70 divided by 20 equals 3.5 pitches annually)

4.3. However, in consultation with the Gypsy and Traveller community via the Teignbridge Gypsy and Traveller Forum and beyond it is recognised that there is a need but no current policy to deliver transit provision. This matter is currently being considered by the Strategic planning Team.

5. TRANSIT PROVISION

5.1. Housing Officers have held discussions with Devon County Council to highlight that the current practice of travellers who pass through the County stopping on unauthorised parcels of land due to the lack of authorised stopping places needs to be addressed.

5.2. Devon County Council (DCC) have accepted this to be the case and are coordinating on an Authority by Authority basis an assessment of potential DCC land which could potentially provide a network of coordinated stopping places across the County. This work is well advanced in South and East Devon and is just starting in Teignbridge.

5.3. The argument for this provision is well rehearsed as a network of authorised stopping places negates the need for unauthorised use of land thus reducing potential animosity with the travelling community and Officer time and expense in taking eviction proceedings. This has been the subject of a recent report to the Overview and Scrutiny Committee on 19 November 2019 (Appendix A)

This issue has also been recognised by the Police who have put time and effort into setting up the Gypsy, Roma and Traveller Peninsula Meeting. The terms of reference being “to work together to establish joined up working practices to ensure a consistent approach to traveller related issues across Devon, Cornwall, Plymouth and Torbay” The inaugural meeting was held in January to which Teignbridge were invited to attend and contribute.

5.4 The Devon County Council Gypsy and Traveller Liaison team are currently collating data on the instances of unauthorised encampments across the County together with details of the Officer time and expense in dealing with the legal process and site clear up costs where necessary. Latest data indicates that Teignbridge dealt with 6 cases of unauthorised encampments on our land during 2018/2019. Although not formally recorded it is estimated that each incident cost in the region of £2,000 to cover legal and clean-up costs. This excludes officer time and ancillary costs such as loss of car parking income.

6. DEVON COUNTY COUNCIL PROPOSALS

The following text is an extract from a document circulated by Devon County Council to all Councils in Devon.

There are groups of more mobile Gypsies and Travellers that we see in the travelling months (April-October) for weeks at a time. We have no transit sites across the county. Unauthorised Encampments can often turn up at locations which are deemed high profile – these are locations which are unsuitable, they can include locations such as Park and Rides and school fields. In these circumstances the County Council takes the decision to apply for a possession through the court ASAP, at a cost to the County Council in terms of officer time and court orders and a drain on partner agency resource – the legal cost alone is £2000 to go through that court process.

Gypsies and Travellers do not understand district/county boundaries and responsibilities; what these groups experience when travelling through the county of

Devon differs according to what area and land they occupy. This creates a gap in their experience and it highlights a need for a more coordinated, consistent approach across authorities in Devon and neighbouring authorities.

Proposal

We have a gap in what is provided for Gypsies and Travellers; we know that with no formal transit sites, collectively, we must find other ways of working to lighten the load in those travelling months for mobile Gypsies and Travellers in high profile locations across the county, both on County and District land.

District colleagues have been approached to seek a more coordinated way to deal with this gap, and the willingness to explore negotiated stopping has been agreed:

Negotiated Stopping very simply means that the local authority no longer resorts immediately to legal means to shift unauthorised encampments in high profile locations; instead using dialogue and negotiation, directing travelling families to stay, for limited periods of time, on land already identified and agreed where it isn't causing great inconvenience to anyone.

The families make an agreement with the relevant authority (County or District) about acceptable behaviour, use of waste disposal, when the camp will leave; the lead authority then monitors the encampment until the site is clear.

No authority should have to shoulder the burden of UEs by themselves. Devon County Council is seeking to widen this offer to other district areas to find out if we could create a 'network' of pieces of land across Devon (1-2 in each district area) in which Gypsies and Travellers can be directed to if they turn up in those unsuitable locations. It also means that there can be more coordination when finding out where Gypsies and Travellers are moving next in Devon and start to link together so that services such as rubbish collections and Portalooos can be installed with little time delay which can further reduce potential clean-up costs at the end.

What would that look like?

The process would need to be explored and agreed. The initial proposal could be that where ever the group land first, the authority who is responsible for that land is then the authority responsible for the UE at the negotiated location.

It is understood that locations identified would need to have some sort of hard standing and level access as money to make areas accessible will be very little. Portaloo provision and rubbish collection would happen the same way it does now. The idea is to make this a low-cost alternative to big clear up costs at unsuitable locations and the bad press that often is reported.

What about Gypsies and Travellers who do not want to engage?

There will always be the minority within the community that do not want to liaise and negotiate. We would still offer the negotiated stopping, if this was not taken up by

them, it would then be another factor which would aid the court process when seeking a possession order to remove them from the high profile, unsuitable location.

6. MAIN IMPLICATIONS

6.1 The implications that Members need to be aware of are as follows:

6.2 The working up of proposals would necessitate Officer time across the Council. However the successful implication of a network of authorised negotiated stopping places could reduce cost to the Council in respect of Legal and Clean-up costs.

7. GROUPS TO BE CONSULTED

None

8. WITNESSES TO BE CALLED

Sabrina Thomas Gypsy Traveller Liaison Officer, Devon County Council

9. TIME-SCALE

Immediate

Graham Davey
Housing Enabling and Development Manager

Wards affected	<i>All</i>
Contact for any more information	<i>Graham Davey 01626 215412 graham.davey@teignbridge.gov.uk</i>
Background Papers (For Part I reports only)	<i>None</i>
Key Decision	<i>No</i>
In Forward Plan	<i>Yes</i>
In O & S Work Programme	<i>Yes</i>

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OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN: Cllr Mike Haines

EXECUTIVE PORTFOLIO-HOLDER: Cllr Clemens

DATE: 19 November 2018

REPORT OF: Marie Downey- Solicitor
at the request of Cllr Hook

SUBJECT: **Unauthorised traveller encampments**

PART I

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 16th 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

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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 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

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circumstances were different, in that it had been allowed to become a tolerated site by Devon County 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,

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- 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.

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.

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4. THE USE OF CERTIFIED ENFORCEMENT AGENTS

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.

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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 re-enforcing that TDC are fortunate to have a good relationship with our local court.

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.'

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The Advice continues:

“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 a 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

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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 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 5th 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

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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 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.

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

Cllr
Portfolio-Holder for ...

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

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

APPENDIX

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of South and East Devon Habitat Regulations Executive Committee held at King Charles room, Forde House, Teignbridge District Council, Brunel Road, Newton Abbot, TQ12 4XX. on 29 April 2019

Attendance list at end of document

The meeting started at 2.00 pm and ended at 3.10pm.

1 Public speaking

The Chairman, Cllr Humphrey Clemens, welcomed everyone present to the meeting and explained that there had not been a recent meeting of the Executive Committee as this had been a year of implementation of previous decisions made.

Cllr Martin Wrigley, Teignbridge District Council asked the following questions:

- Since Teignbridge District Council had passed a motion to deal with climate change issues. What was the Habitats team doing to reduce their carbon footprint?
Neil Harris, Habitat Regulations Delivery Manager responded that Teignbridge District Council had only declared on the climate change issue in the last couple of weeks, but he agreed that this was an issue that demanded attention in the future. The environment was at the core of what the group did.
- Was very impressed with the Habitat teams working patterns. The SUV was seen driving around Dawlish at 8.00pm one evening and asked what were they doing at this time in the evening?
Neil Harris, Habitats Regulations Delivery Manager responded that the Habitat Mitigation Officers sometimes worked outside normal office hours. There was a particular issue in Dawlish at present that some walkers were waiting until staff had finished their shift and walking in restricted areas. Staff had become aware of this and had changed their shift to a later one to try to prevent this activity and would have been driving home in the SUV at 8.00pm.
- In reading the reports there were a number of elements to the various projects. What was the monitoring and measurement of how well the projects have been going? There seemed to be no feedback given on targets and no progress monitoring. Where can this information be found?
Neil Harris, Habitat Regulations Delivery Manager responded that there was on going monitoring of wildlife and a number of the reports presented to the Executive Committee contained feedback on things like visitor numbers, number of people spoken to and number of events provided. Changes in populations of species and visitor behaviour is evidenced over the long term and relies on a number of surveys to draw reliable conclusions. Species monitoring was also going on at Dawlish Warren. A further report on wildlife monitoring would be given at the next meeting.

2 Minutes of the previous meeting

Minutes of the South East Devon Habitat Regulations Executive Committee meeting held on 20 April 2018 were agreed as a true record.

3 **Declarations of interest**

Cllr Paul Diviani – Personal Interest as Chairman of Blackdown Hills AOB.

Cllr Ollie Pearson – Personal interest as partner worked for National Trust.

4 **Matters of urgency**

There were no matters of urgency.

5 **Financial Report 2019**

The Executive Committee considered the Habitats Regulations Delivery Manager's report which sought to update members of the Executive Committee on the overall financial position of the developer contributions received by the partner authorities as mitigation payments towards measures identified in the South East Devon European Mitigation Strategy.

The report set out details of the contributions received from inception to date and anticipated income from contributions where planning permission had been granted but the contribution had not yet been paid. Details of expenditure against 2017/18 and 2018/19 Annual Business plans, as well as total expenditure to date were also provided. Updated housing forecasts had been made available from each partner authority and were reported in Table 3. These projections had also been used to assist in outlining the indicative 5 year Delivery Plan.

- RESOLVED**
1. that the Executive Committee notes the update on the overall financial position including contributions received, expenditure and anticipated contributions (from signed S106).
 2. that the Executive Committee notes the expenditure against budget for the 2018-19 Annual Business Plan and reasons given for any variance.

6 **2018/19 Annual Business Plan - Annual Report**

The Executive Committee considered the Habitats Regulations Delivery Manager's report, which was an update on the progress made in delivery of new mitigation measures set out in the 2017-18 and 2018-19 Annual Business Plans and ongoing measures from the 2016-17 Plan. It was important that progress continued to be made, or this would put the delivery of partner Authorities Local Plans at risk due to the continued legal duties under the Habitat Regulations.

The measures outlined in the plan had been debated and endorsed by the Officer Working Group. The plan outlined the delivery of ongoing measures established in the 2016/17 and 2017/18 ABPs, as well as a range of additional measures. In total, the plan earmarked expenditure of an estimated £192,170.

Fergus Pate, Principal Growth Point Officer, Teignbridge District Council, reported on the changes to the car park at Dawlish Warren. The Parking Order had been made and there had been further discussions with the traders which had caused the District Council to look again at its bylaws powers. There was the need to report back to the Executive Committee at the next meeting and make recommendations on changes to the car park

at Dawlish Warren as the legal process had been very complex. There would also be a report necessary to be made to Teignbridge District Council's Executive Committee.

- RESOLVED**
1. that the progress made in delivering the 2017-18 and 2018-19 Annual Business Plans be noted.
 2. that the status of mitigation measures from each of the plans, as well as explanations given for measures subject to delay and revised completion dates be noted.

7 **2019/20 Annual Business Plan and Five Year Delivery Plan**

The Executive Committee considered the EDDC Growth Point Principal Project Officer's report, which set out the principles for the on-site projects, which had been recommended as a priority by the Habitat Regulations Delivery Manager, in conjunction with the Officer Working Group. Following the request for a rolling 5 year Delivery Plan from Natural England, this has been incorporated into an updated 5 year plan.

- RESOLVED**
1. that the 2019-20 Annual Business Plan and the commitments and actions set out therein be approved.
 2. that the updated 5 year Delivery Plan be noted.
 3. that the adjustment of the Habitat Mitigation Officers contracts to permanent status to align with the funding allocated in the mitigation strategy be approved.
 4. that the retention of the Devon Loves Dogs project Coordinator for 5 years from November 2019 and funding for a used vehicle from May 2019 as outlined in Section 2 be approved.
 5. that redirecting the funds outlined in section 3 to cover the associated costs of 4. Above be approved.
 6. that a further report be received on funding the Delivery Manager role and specific accountancy/monitoring officer resource at the next meeting.

8 **Risk Register Report 2019**

The Executive Committee considered the Habitat Regulations Delivery Managers report which sought to update members of the Executive committee on the Risk Register 2019. As part of the project development of the South-Est Devon European Site Mitigation Strategy a detailed risk register is used to take account of the various categories of risk that exist or emerge in all elements of the Strategy.

It was noted that although none of the risks on the register were noted as severe, there remained a number of risks which had the potential for high strategic and operational impact, if not carefully addressed. Continued partnership working and keeping updated on changes in the operational environment would assist in mitigating these risks. Continued and effective delivery of the Strategy and the development this enabled remained of very high importance to all partners.

Amanda Newsome, Natural England, questioned whether developers should be listed as joint risk owners and whether it was appropriate for a third party to be considered responsible for a risk.

- RESOLVED**
1. that the identification, categorisation and prioritisation of risks as recorded in the accompanying Risk Register, associated with the delivery of the South-East Devon European Site Mitigation Strategy be noted.
 2. that the control measures in place to mitigate the risks identified be noted.
 3. that an updated Risk Register report be received in 6 months.

9 **SANGS Delivery at Dawlish and SWE**

The Executive Committee considered the Teignbridge District Council's Green Infrastructure Officer's report, which highlighted that significant progress had been made on SANGS land agreements with developers at South West Exeter (SWE) with 17 hectares now agreed. This was expected to transfer to Teignbridge District Council in July 2019 and agreement for a further 4.5 hectares was underway. The Delivery Strategy for the site had been updated prior to procurement and establishment, which would be led by TDC Green Spaces, following the same approach as at Dawlish SANGS. TDC were negotiating head of terms with Land Trust for a long-lease of both Dawlish and South-West Exeter to ensure effective management in-perpetuity. The intention was to work towards finalising the lease and funding agreement this summer (2019).

Cllr Humphrey Clemens, Chairman, reported on how successful the SANGS sites at Dawlish had been and how popular they were with walkers. He asked whether it would be possible to have a hot drink facility on site. Estelle Skinner, TDC Green Infrastructure Officer reported that it would not be appropriate and against the principles of the SANGS.

- RESOLVED**
1. that the progress made by Teignbridge District Council towards the delivery of Suitable Alternative Natural Green Space (SANGS) at South West Exeter (SWE) be noted.
 2. that the progress made by TDC in developing and securing long lease funding agreements for management in perpetuity at Dawlish and SWE SANGS be noted.
 3. that Devon County Council's success in securing the Housing Infrastructure (HIF) award for development at SWE, including SANGS, be noted.
 4. that a report be received at the next meeting on the specific funding arrangements of the HIF and consideration of the implications on current SANGS funding arrangements.

10 **Dates of future meetings**

Tuesdays 16 July 2019, 29 October 2019, 28 January 2020 and 28 April 2020 at 2.00pm. All dates are subject to the existing terms of reference that meetings will be held according to workload. Meetings will be held in the Council Chamber, East Devon District Council, Blackdown House, Border Road, Honiton EX14 1EJ.

Attendance List

Councillors present:

Cllr Humphrey Clemens, Teignbridge District Council (Chairman)

Cllr Paul Diviani, East Devon District Council

Cllr Ollie Pearson, Exeter City Council (Sub for Cllr Rachel Sutton)

Officers in attendance:

Neil Harris, Habitats Regulations Delivery Manager (ECC)

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer) (EDDC)

Chris Lane, Democratic Services (EDDC)

Amanda Newsome, Natural England

Fergus Pate, Principal Growth Point Officer (TDC)

Estelle Skinner, (TDC)

Peter Hearn, Strategic Infrastructure Planning (ECC)

Andy Wood, East of Exeter Projects Director (EDDC)

Naomi Harnett, (EDDC)

Ed Freeman, Service Lead –Planning Strategy and Development Management (EDDC)

Apologies:

Cllr Rachel Sutton, Exeter City Council

Henry Gordon Lennox, Strategic Lead – Governance and Licensing (EDDC)

Chairman

Date:

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OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN:

DATE: 28 May 2019
REPORT OF: Principal Delivery Officer
SUBJECT: Called in decisions of the South East Devon Habitat Regulations Executive Committee.

PART I

RECOMMENDATION

That the following decisions of the South East Devon Habitat Regulations Executive Committee are reviewed and agreed:

- 1) Adjustment of the Habitat Mitigation Officers contracts to permanent status to align with the funding allocated in the mitigation strategy be approved;
- 2) Retention of the Devon Loves Dogs project Coordinator for 5 years from November 2019;
- 3) Funding for a used vehicle from May 2019 as outlined in Section 2 be approved.

1. PURPOSE

- 1.1 To consider specific decisions made by the South East Devon Habitat Regulations Executive Committee on 29 April 2019, which have been called in.
- 1.2 Sections 2 to 4 of this report revisit the background to the Habitat Regulations and the joint Executive Committee. The subsequent sections address the called in decisions of 29 April.

2. THE HABITAT REGULATIONS

- 2.1 The European Habitats Directive has been transposed into UK law through the Conservation of Habitats and Species Regulations (the 'Habitat Regulations').
- 2.2 The Habitat Regulations protect European Sites of the highest level of international importance. Councils are required to ensure no adverse impact on Sites, including their habitats and wildlife. This includes managing pressures of a growing population and, therefore, housing development projects within the vicinity of the Sites.
- 2.3 Exiting the European Union is not expected to alter the relevance of the Habitat Regulations and the provisions of the Habitats Directive will continue to be reflected in UK law.

3. THE EUROPEAN SITES

- 3.1 The relevant European Sites are shown at Appendix 1 and comprise:
- Dawlish Warren Special Area of Conservation
 - Exe Estuary Special Protection Area
 - East Devon Pebblebed Heaths Special Area of Conservation
- 3.2 In the case of the Exe, for example, the area qualifies as a European Site for regularly supporting at least 20,000 waterfowl, including Avocet and Brent Goose, that rely on being able to rest and feed over winter in order that they have the energy to migrate and breed in Spring. This is a finely balanced situation where human disturbance can result in mortal consequences for the protected species. If the frequency of disturbance might increase as a result of new development, the Habitat Regulations require that the associated implications for the protected wildlife must be mitigated.

4. A JOINT STRATEGY AND JOINT COMMITTEE

- 4.1 Natural England are the Government's statutory nature conservation body. They are responsible for advising councils on how to apply the Habitat Regulations. Local authorities must have regard to their advice.
- 4.2 The consistent advice of Natural England has been that Teignbridge, Exeter and East Devon's councils should respond to the combined impacts of their development growth on the European Sites together and through a single strategy.
- 4.3 In 2014 a joint South East Devon European Site Mitigation Strategy (SEDESMS) was finalised for Teignbridge, Exeter and East Devon. This drew together the scientific evidence that had already been prepared. At the same time it harnessed international expertise and real-world examples in order to arrive at a suite of mitigation measures whose implementation would prevent the condition of the European Sites from worsening as new development came forward. The Mitigation Strategy and associated evidence are available at the following web link:

<https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/evidence-base/>

- 4.4 By 2015 the three Councils had joint evidence and a joint strategy. Each was collecting funds from development in order to meet the entire costs of projects identified in the Mitigation Strategy. A structure for implementing the joint approach was required. Building on the experiences of other local authorities managing similar cross-boundary issues, the three authorities delegated authority to form a new South East Devon Habitat Regulations Executive Committee (HREC) but local scrutiny has been retained by the individual councils.

- 4.5 Across the three European Sites the Mitigation Strategy identified 60 measures (See Table 26 from p218). HREC decisions on how to deploy the funds that are being collected from new development are guided by the Mitigation Strategy and confirmed through five year Delivery Plans and annual Business Plans.
- 4.6 The South East Devon Habitat Regulations Partnership is the operational arm of the HREC and responsible for implementing decisions of the Committee. Further information about the European Sites and the work of the partnership is available from a new website at: <https://www.southeastdevonwildlife.org.uk/>

5. CALLED IN DECISIONS

- 5.1 The latest HREC meeting was held on 28 April 2019 and each of the decisions that have been called in are addressed below. The relevant officer report is at Appendix 2 and draft minutes from the meeting are available elsewhere within the Overview and Scrutiny Committee agenda.

Two Habitat Mitigation Officer Permanent Positions

- 5.2 The HREC approved making the two current temporary Habitat Mitigation Officer (HMO) posts permanent. These positions are currently fixed term and due to end during October 2019.
- 5.3 The call in of this decision was on the grounds that no performance reviews or job evaluation changes had been evidenced, and ongoing funding may not have been secured or agreed.
- 5.4 The HMOs help to promote the importance of the European Sites working to educate and inform members of the public on a daily basis. The partnership approach of the HMOs also includes close work with the Wetland Bird Survey (WeBS) team, the Exe Estuary Management Partnership, the Royal Yachting Association Green Blue, and liaison with conservation/land management teams across the region (EDDC, TDC, RSPB, DWT and Pebblebed Heaths Conservation Trust).
- 5.5 The two HMO roles are identified in the Mitigation Strategy, which refers to the positions as 'two wardens' and identifies a need for the roles to continue on a permanent and ongoing basis. On the basis of that evidence developer contributions continue to be collected in order to fund the roles on a permanent basis. Sufficient funding is available.
- 5.6 East Devon District Council is the host authority responsible for employing all South East Devon Habitat Regulations Partnership Officers. In the first instance temporary positions were created in order to trial the effectiveness of the roles. This has been successful, hence the decision to make the HMO positions permanent. The roles have not changed however and no job evaluation is required.

- 5.7 The extract from another item on the April 2019 HREC agenda at Appendix 3 provides data on the extent to which the HMOs and the Dog Project Coordinator interact with members of the public.
- 5.8 Standard East Devon District Council human resources policy where a fixed term contract over two years is extended, is to make the contract permanent. This is because after two years the employee has the same statutory rights as a permanent member of staff anyway. There is no difference in the fundamental terms or conditions of the contracts and no difference to the employees' rights as they relate to redundancy.
- 5.9 All South East Devon Habitat Regulations Partnership Officers participate in annual 'performance excellence reviews' and have done so since their employment started. They also meet with their line manager on a monthly basis in order to review ongoing performance.

Devon Loves Dogs Project Coordinator – 5 Year Contract Extension

- 5.10 Call in of the decision to extend the Devon Loves Dogs Project Coordinator role principally related to the purchase of a new vehicle but it is sensible to review both aspects, which are closely linked.
- 5.11 The Devon Loves Dogs Project Coordinator position is about communicating positive messages to dog owners; highlighting the breadth of dog walking alternatives to the European Sites and promoting responsible dog walking.
- 5.12 The HREC Report at Appendix 2 explains at Section 3 that duplicate visitor survey monitoring funding is available and can be redirected to an extension of the post for a further five years from November 2019.
- 5.13 The Mitigation Strategy anticipated that this work would continue indefinitely but sought to assign it to the Habitat Regulations Delivery Manager in the longer term. Practical experience since the Mitigation Strategy was prepared has shown that the time and resource implications of this arrangement would not be manageable. Best practice observed through the Habitat Regulations Partnership's national networks and the Dorset Dogs programme has highlighted the importance of employing a dedicated Dog Project Coordinator.
- 5.14 Funding of the Project Coordinator post for five years will leave time for a review of the Mitigation Strategy as part of Greater Exeter Strategic Plan process. The updated Strategy will be able to take into account whether to collect developer funding for the Devon Loves Dogs Project Coordinator position beyond 2024.

Funding for a used vehicle

- 5.15 The duplicate visitor survey funding from new development would also cover the estimated £18,000 cost of purchasing, running and maintaining a vehicle that would be used to transport the Devon Loves Dogs Project Coordinator to the European Sites as well as to community engagement events across the

area over a five year period. It would also be used to store and transport the large branded gazebo which is used at events along with other display material.

5.16 Call in of the decision to purchase and maintain the vehicle was on the basis that the need for it had not been evidenced and other potential solutions had not been evaluated. Section 2 of the HREC report at Appendix 2 considers the alternative options and need for the vehicle to some extent but an expanded explanation is set out below.

5.17 The current position is that:

- The officer is an essential car user.
- Loading and unloading the officer's own vehicle takes around 1 hour each day there is an event
- There is an implicit expectation that the officer needs to make storage available at home.

5.18 This approach places a strong reliance on the good will of the Devon Loves Dogs Project Coordinator in making a lot of storage space at home available. The combined cost of the current approach, as well as travel to appropriate alternative storage facilities, is estimated at around £4,500 per annum.

5.19 The proposed budget for running and operating a new vehicle over five years is less at £3,000 per annum. This arrangement would also free up Project Coordinator time to spend with the community rather than loading vehicles. This is because the vehicle would also provide storage and would not require loading and unloading at each end of the day. The calculated cost of the vehicle excludes the residual value that it might attract at the end of the five year period.

5.20 The working area of the Devon Loves Dogs Project Coordinator extends across and beyond the 'zone of influence' shown at Appendix 1. Besides the current arrangement and the proposed purchase of a used van, three other alternatives have been considered.

- 1) Public transport to travel to the various Devon Loves Dogs events would not be feasible owing to the weight and bulk of the equipment carried by the officer.
- 2) Because of the distance and range of apparatus involved it would not be possible for the officer's duties to be undertaken on foot or by bike.
- 3) Hiring a vehicle over five years would cost approximately £20,000, excluding fuel and insurance and would not address storage requirements.

6. NEXT STEPS

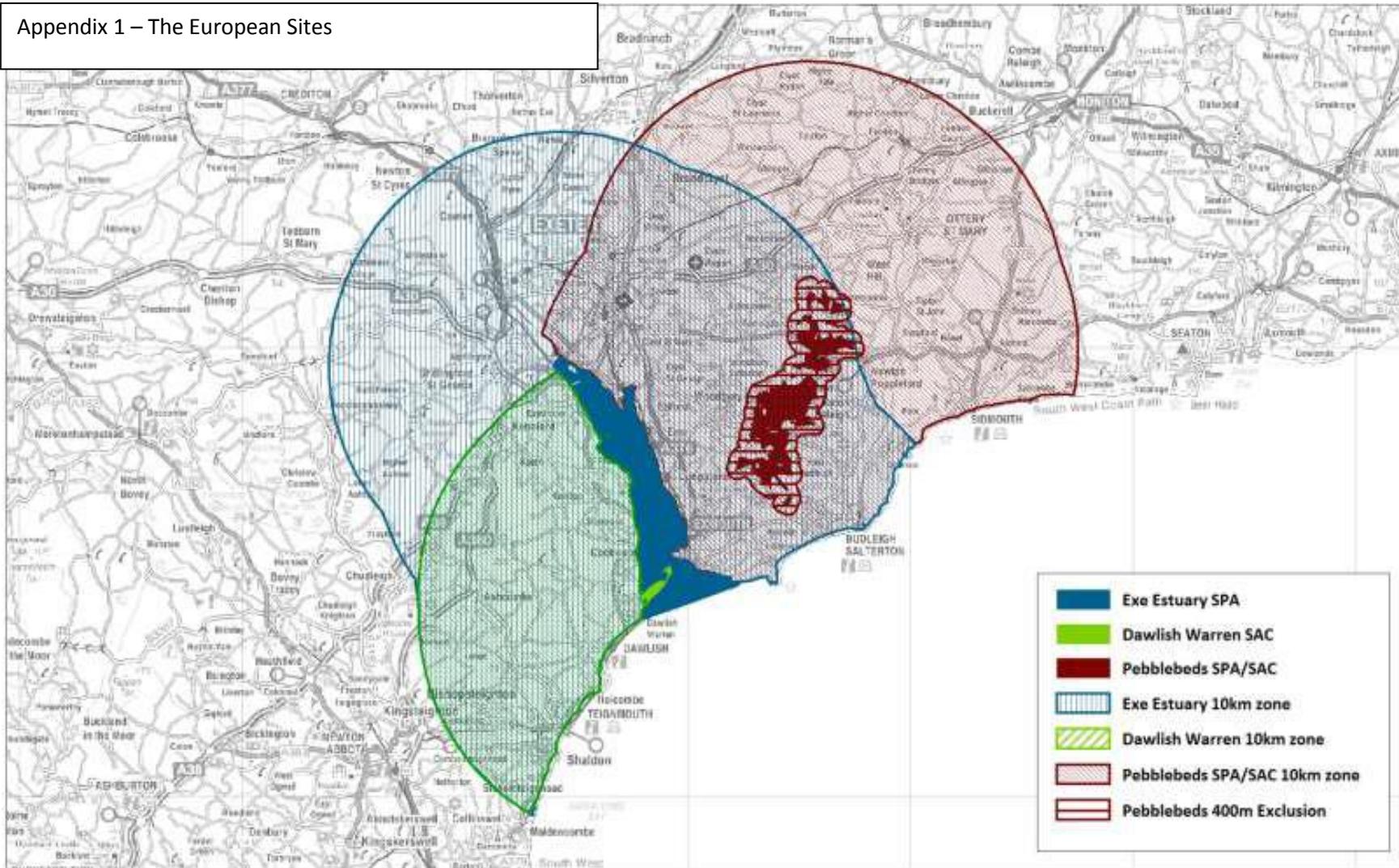
6.1 Overview and Scrutiny Committee is recommended to agree the three decisions that are described in this report.

6.2 If the Committee disagrees it should make and justify alternative recommendations to the HREC. The next HREC meeting is due on 16 July 2019.

Fergus Pate
Principal Delivery Officer

Wards affected	<i>All outside Dartmoor</i>
Contact for any more information	<i>Fergus Pate</i>
Background Papers (For Part I reports only)	<i>Described in report</i>
Key Decision	<i>No</i>
In Forward Plan	<i>No</i>
In O & S Work Programme	<i>Yes</i>

Appendix 1 – The European Sites



Map 19: Suggested Zoning for Developer Contributions

Contains Ordnance Survey data. © Crown copyright and database right 2013.

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SOUTH EAST DEVON
HABITAT REGULATIONS
PARTNERSHIP

South East Devon Habitat Regulations Executive Committee

2019-20 Annual Business Plan and 5Yr Delivery Plan

*Naomi Harnett,
Principal Projects Manager,
Growth Point, East Devon District Council
April 2019*

Legal comment/advice:

There is no direct legal comment to be made at this time, each and any individual issue will need to be considered as it arises.

Finance comment/advice:

The financial implications are set out in the report.

Public Document:	Yes
Exemption:	None
Review date for release	None

Recommendations

It is proposed that the Executive Committee:

1. Approves the 2019-20 Annual Business Plan (Appendix A) and the commitments and actions set out therein.
2. Notes the updated 5 Year Delivery Plan also shown in Appendix A.
3. Approves adjustment of the Habitat Mitigation Officers contracts to permanent status to align with the funding allocated in the mitigation Strategy.
4. Approves the retention of the Devon Loves Dogs Project Coordinator for 5 years from November 2019 and funding for a used vehicle from May 2019 as outlined in section 2.
5. Approves redirecting the funds outlined in section 3 to cover the associated costs of (4) above.
6. Receives a further report on funding the Delivery Manager role and specific accountancy / monitoring officer resource at the next meeting.

Equalities impact: Low

Risk: High.

If the 2019-20 Annual Business Plan is not approved there is a high risk that the delivery of the South East Devon European Site Mitigation Strategy would be significantly compromised or delayed. This would put the delivery of the partner Authorities' Local Plans at risk due to their continued legal duties under the Habitat Regulations.

1. Summary.

1.1 This paper sets out the principles for the projects which have been recommended as a priority by the Habitat Regulations Delivery Manager, in conjunction with the Officer Working Group. These projects are contained within the attached Appendix A as the Annual Business Plan (ABP).

1.2 Following the request for a rolling 5 year Delivery Plan from Natural England, this has been incorporated into an updated 5 year plan, also contained within the attached Appendix A. This sets out an indicative programme for the medium term.

1.3 It is important to note that a number of measures included in the 5 year plan are dependent on the success (or otherwise) of established measures, such as the Exe Estuary wildlife refuges. The 5 year plan should be read in this context, as an indicative guide, rather than a prescription.

1.4 As with preceding plans, using the balance of receipts and income forecast from signed planning permissions, measures from the mitigation Strategy ("the Strategy") are allocated according to the available budget, logical progression of related projects and, where still appropriate, delivery timescales as recommended in the Strategy.

1.5 Measures recommended in the 2019/20 ABP seek to maintain and build on the projects delivered in the preceding plans. The timing of delivery of these projects is guided by the updated 5 year Delivery Plan and where there is logic or merit in the sequential, co-ordinated delivery of mitigation projects, seeks to build on work already completed (or due for completion).

2. Devon Loves Dogs.

2.1 Continued funding towards maintaining the role of the DLD Project Coordinator is considered by the OWG to be more straightforward. The scheme is nearing its second year of operation and is enjoying growing success, in terms of new members, additional followers on social media and increased partnership working. The Strategy clearly identifies a long-term vision for the scheme, allocating funding for running costs of £2K per year over the full 80 year period. The benefit of communicating key messages directly and positively to a key user group is reflected in a growing membership base and requests for help from other organisations across the region.

2.4 In order to undertake a comprehensive appraisal of the available options and review the scale and scope of DLD, we have asked The Fruit Tree (a business consultancy based in Exeter, specialising in social enterprise) to assess whether and how expansion of the project might be achievable. This could include the opportunity for development of a commercial model to be offered to like-minded organisations outside of the core Habitat Regulations areas.

2.5 The results of the work by The Fruit Tree will be reported to a future meeting of the Executive. However, it is clear that it will take time and resource to pursue any kind of sustainable commercial model and therefore it is recommended that the DLD Project Coordinator role is also extended for at least another 5 years, at an estimated cost of £95,650 (including salary, pension/NI and additional overheads).

2.6 The large gazebo used at events attended by the DLD coordinator is currently transported in the potholders' car, along with all the other display material and literature. The DLD equipment is stored in two locations, and this inevitably leads to time lost at the start and end of each day when moving these items to and from the car, as well as the inconvenience caused by this arrangement. Various options, including hiring a storage unit, have been considered but discounted due to cost.

2.7 For the reasons given above, it is recommended that sufficient funding is made available for the purchase, maintenance and running costs of a quality, used van (Citroen Berlingo or similar) over the next 5 years. Soft market research has indicated this would be achievable at an estimated cost of £18,000 across the period, including purchase, tax, fuel, insurance and maintenance.

2.8 The work of the DLD Project Coordinator is necessitated by the obligation to mitigate development. Resourcing this role for the next 5 years at an estimated cost of £113,650 should therefore be considered as an ongoing cost of Strategy delivery as a "Cross site" (non-infrastructure) measure.

3. Reviewing specific measures.

3.1 In considering the additional costs of extending the DLD role, it is also possible to identify savings to cover them by amending measures within the mitigation Strategy. These are:

- Achieving £120K by reallocating the visitor survey monitoring allocated in the Pebblebed Heaths Visitor Management Plan (PBH VMP), which was a duplication of the same monitoring allocated in the Strategy.¹

3.2 By redirecting the funds as outlined above, it is possible to realise £113,650 towards the additional funding recommended over the next 5 years. It is further recommended that the remaining £6,350 is retained as contingency, to cover any unforeseen expenditure such as major repairs to the vehicle.

4.0 New measures for 2019/20

4.1 As delivery approaches a fourth year of operation, it is recommended that the next ABP includes a focus on visitor survey monitoring across the sites. This enables early understanding of the effect of measures implemented in the first three years on visitor access and behaviours. The results of this monitoring can be used to inform future delivery and whether any amendments to the current approach are necessary.

4.2 As well as new counts of visitor numbers and collation of existing data such as car park counts across the Pebblebed Heaths, detailed visitor questionnaires would establish where visitors are coming from. Importantly, we could also establish whether they are aware of the sensitivity of the protected sites, Dawlish Countryside Park, Devon Loves Dogs, the Habitat Mitigation Officers, various codes of conduct etc.

4.3 The 2019/20 ABP also recommends that funding is approved for new signage on the Pebblebed Heaths to direct people around promoted routes and reinforce positive messages about behaviour on the heaths. Given the work in progress to deliver a holistic car parking strategy to manage visitor access on the heaths (expected to complete summer 2019), the next ABP is an appropriate time to bring forward these measures.

¹ Note that £180K is allocated in the PBH VMP. This would see the retention of £60K of that funding to contribute to region-wide visitor survey monitoring. This is to balance the rebasing exercise in July 2017, which discounted the monitoring allocated in the original Strategy by £60K to partially address this issue of double funding between the Strategy and PBH VMP.

5. Further Considerations.

5.1 In the 2019/20 financial year there will be further decisions for the Executive Committee to make regarding the retention of staff, as the initial fixed term contract for the Delivery Manager expires during this period.

5.2 There has been some debate at the officer working group as to whether the funding for the Delivery Manager role, as well as proposed accountancy and housing monitoring officer input, should be met from developer contributions or from the core budgets of the partner authorities. To allow time to fully explore the issues raised by members of the group, specific recommendations regarding these roles will be reported to the next meeting of the Committee.

5.3 It is intended that the 5Yr Delivery Plan will also be updated at this point, as required.

6. Conclusion.

6.1 This paper seeks approval for the 2019/20 Annual Delivery Plan in the context of an updated 5 year Delivery Plan. Given the pressure on Community Infrastructure Levy and wider budgets, significant consideration has been given to finding the most cost effective way forward. The recommendations identify the need for additional and secure resources to progress key areas of work.

Naomi Harnett
Principal Projects Manager,
Growth Point, East Devon District Council
April 2019

Natural England comment:

We agree that continuation of the HMO roles is essential to the delivery of on-site mitigation measures and support the funding of these for the next 5 years or until such time as the GESP mitigation contributions are able to meet this funding shortfall.

As briefly discussed at the OWG there is scope to expand the DLD project to additional areas of Devon where strategic approaches to recreational impact are in development – Plymouth sound/Tamar, Braunton Burrow and Taw-Torridge estuary.

Our advice would be that funding from this mitigation strategy should be agreed for the year 2019-20 and then reviewed, annually if necessary, until such time as the capacity and funding from other contributors covers the on-going costs.

We advise that the HREC ensure that sufficient contributions are collected through the extension of the mitigation strategy to cover the impacts of the proposed GESP allocations to meet all of these staffing costs into the future, avoiding the necessity to further deplete the funds available to deliver other agreed mitigation measures.

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Habitat Regulations Executive Committee

2019/20 Annual Business Plan (ABP) & 5Yr Delivery Plan (indicative): Appendix A

Cross Site measures	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>Delivery Manager</i>	£ 42,500	£ -	£ -	£ -	£ -	£ 42,500	All sites equally
⁴⁷ <i>Two wardens</i>	£ 68,000	£ 68,000	£ 68,000	£ 68,000	£ 68,000	£ 340,000	All sites equally
<i>Warden vehicle</i>	£ -	£ -	£ -	£ -	£ -	£ -	All sites equally
<i>Dog project</i>	£ 21,130	£ 21,130	£ 21,130	£ 21,130	£ 21,130	£ 105,650 ¹	All sites equally
<i>Dog project (vehicle)</i>	£ 10,500	£ 1,875	£ 1,875	£ 1,875	£ 1,875	£ 18,000	All sites equally
Total	£ 142,130	£ 91,005	£ 91,005	£ 91,005	£ 91,005	£ 506,150	All sites equally

¹ This represents the recommended extension to the duration of the current contract and (unchanged) running costs of £2K per year.

Monitoring	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>(All) Visitor numbers</i>	£ 7,000	£ -	£ -	£ -	£ -	£ 7,000	All sites equally
<i>(All) Visitor behaviour</i>	£ 5,000	£ -	£ -	£ -	£ -	£ 5,000	All sites equally
<i>Exe WeBS</i>	£ -	£ -	£ 1,000	£ -	£ -	£ 1,000	EE & DW 50:50
<i>DW & Exe Wildlife Refuges</i>	£ 10,000	£ 10,000	£ -	£ -	£ -	£ 20,000	EE & DW 50:50
<i>DW Vegetation monitoring</i>	£ 5,000	£ -	£ -	£ 5,000	£ -	£ 10,000	DW 100%
<i>DW Petalwort monitoring</i>	£ 1,000	£ -	£ -	£ 1,000	£ -	£ 2,000	DW 100%
⁴⁸ <i>DW Erosion monitoring</i>	(EA)	(EA)	£ -	£ -	£ 1,000	£ 1,000	DW 100% (from 2023)
<i>PBH Erosion & Path Width</i>	£ -	£ -	£ -	£ 1,500	£ -	£ 1,500	PBH 100%
<i>PBH Monitoring of breeding Annex 1 birds and Southern damselfly</i>	£ -	£ 3,000	£ -	£ -	£ -	£ 3,000	PBH 100%
Total	£ 28,000	£ 13,000	£ 1,000	£ 7,500	£ 1,000	£ 50,500	(As above)

Exe Estuary	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>Close railway crossing at Cockwood</i>	£ -	£ -	£ -	£ 2,000.00	£ -	£ 2,000.00	EE 100%
<i>Low planting around edge of Recreation Ground</i>	£ -	£ -	£ 10,000.00	£ 1,000.00	£ 1,000.00	£ 12,000.00	EE 100%
<i>Gate slipway at Exmouth Imperial Recreation Ground</i>	£ -	£ -	£ -	£ 1,000.00	£ -	£ 1,000.00	EE 100%
<i>Access restrictions (temporary fencing, etc) to prevent access along shore near roost @ DW</i>	£ -	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 2,000.00	£ 8,000.00	EE 100%
<i>Reed/other screening between Bight & Golf Course</i>	£ 10,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 1,000.00	£ 14,000.00	EE 100%
<i>Limited, localised changes to Golf Course</i>	£ -	£ -	£ 5,000.00	£ 500.00	£ 500.00	£ 6,000.00	EE 100%

Exe Estuary	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>Updates of the Exe Estuary leaflets</i>	£ -	£ -	£ -	£ 6,000	£ 200	£ 6,200	EE 100%
<i>New interpretation boards (five boards)</i>	£ 5,000	£ 1,250	£ 1,250	£ 1,250	£ 1,250	£ 10,000	EE 100%
<i>Review and revision of byelaws</i>	£ -	£ -	£ -	£ 10,000	£ -	£ 10,000	EE 100%
<i>Install dedicated signs - kite & wind surfing</i>	£ ?	£ ?	£ ?	£ ?	£ ?	£ -	EE 100%
<i>Update signs at public slipways</i>	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 5,000	EE 100%
<i>Dog control order - mudflats</i>	£ -	£ -	£ -	£ 7,500	£ -	£ 7,500	EE 100%
<i>Patrol Boat</i>	£ 7,000	£ 7,000	£ 7,000	£ 7,000	£ 7,000	£ 35,000	EE 100%
<i>Scoping study</i>	£ -	£ 2,500	£ -	£ -	£ -	£ 2,500	EE 100%
<i>New high tide roost</i>	£ -	£ -	£ 15,000	£ -	£ -	£ 15,000	EE 100%
<i>Relocate Bird hide</i>	£ -	£ -	£ 50,000	£ -	£ -	£ 50,000	EE 100%
<i>Total</i>	£ 13,000	£ 13,750	£ 91,250	£ 39,250	£ 12,950	£ 170,200	EE 100%

Dawlish Warren	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>Live visitor management plan</i>	£ 500	£ 500	£ 500	£ 500	£ 500	£ 2,500	DW & EE 50:50
<i>Carry out audit of information boards</i>	£ -	£ 750	£ 750	£ 750	£ 750	£ 3,000	DW & EE 50:50
<i>Rationalisation of path network</i>	£ -	£ -	£ 2,000	£ 2,000	£ 2,000	£ 6,000	DW 75% EE 25%
<i>BBQ info at local retailers</i>	£ 500	£ 50	£ 50	£ 50	£ 50	£ 700	DW 100%
<i>Regular Warren Newsletter</i>	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 1,000	£ 5,000	DW & EE 50:50
<i>Review and modify parking charges</i>	£ -	£ -	£ -	£ -	£ -	£ -	n/a
<i>Remove dog control order (use of leads) in buffer zone</i>	£ -	£ -	£ 2,000	£ -	£ -	£ 2,000	DW 100%
<i>Byelaw preventing fires and barbeques in buffer zone</i>	£ -	£ -	£ 2,000	£ -	£ -	£ 2,000	DW 100%
<i>Banks or fencing around existing car park</i>	£ -	£ -	£ 25,000	£ -	£ -	£ 25,000	DW 75% EE 25%
<i>Visitor Centre</i>	£ -	£ -	£ 500,000	£ -	£ -	£ 500,000	DW & EE 50:50
Total	£ 2,000	£ 2,300	£ 533,300	£ 4,300	£ 4,300	£ 546,200	(As above)

Pebblebed Heaths	Year 4 2019-20	Year 5 2020-21	Year 6 2021-22	Year 7 2022-23	Year 8 2023-24	Total 5Yr Expenditure	Allocate
<i>Dog bins</i>	£ 3,370	£ 3,370	£ 3,370	£ 3,370	£ 3,370	£ 16,850	PBH 100%
<i>Education work with schools</i>	£ 4,656	£ 4,656	£ 4,656	£ 4,656	£ 4,656	£ 23,280	PBH 100%
<i>Interpretation Boards (Ten boards)</i>	£ -	£ 15,000	£ 2,000	£ 2,000	£ 2,000	£ 21,000	PBH 100%
<i>Detailed material on web</i>	£ -	£ 5,000	£ -	£ -	£ -	£ 5,000	PBH 100%
<i>Signs directing people</i>	£ 6,500	£ -	£ -	£ -	£ -	£ 6,500	PBH 100%
<i>Signs related to conduct</i>	£ 6,600	£ -	£ -	£ -	£ -	£ 6,600	PBH 100%
<i>Boardwalks/Path surfacing</i>	£ -	£ 10,000	£ -	£ -	£ 10,000	£ 20,000	PBH 100%
<i>Works to car parks</i>	£ -	£ 50,000	£ -	£ -	£ 50,000	£ 100,000	PBH 100%
<i>Total</i>	£ 21,126	£ 88,026	£ 10,026	£ 10,026	£ 70,026	£ 199,230	PBH 100%

All sites total	£ 216,256	£ 209,081	£ 727,581	£ 153,081	£ 180,281	£ 1,486,280
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Habitat Regulations Executive Committee

2018-19 Annual Business Plan - Annual Report: Appendix C

HMO SNAP Monitoring results – 2016 to date

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	Nov 2016 - Nov 2017		Nov 2017 – Nov 2018		Nov 2018 – Feb 19		2016 to date TOTAL	
Dawlish Warren	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions
Dune Ridge	145	60	81	36	-	-	226	96
Finger Point	17	6	3	2	-	-	20	8
Greenland Lake	47	21	48	24	2	1	97	46
Groyne 9>	292	127	268	120	94	41	654	288
Groynes 1-9	33	14	70	31	19	11	122	56
Main Woods (DD)	20	7	14	9	7	4	41	20
Soft Sand Bay	175	90	61	28	0	-	236	118
The Bight	-	-	9	2	0	-	9	2
Warren Point	22	11	54	17	4	1	80	29
Visitor Centre	48	23	71	33	10	5	129	61
Total	799	361	679	302	136	63	1614	726

Exe Estuary								
Bowling Green Marsh	19	10	32	15	7	5	58	30
DW Wildlife Refuge	4	2	2	2	2	1	8	5
Exminster Marshes	7	7	12	8	1	1	20	16
Exmouth Duck Pond / LNR	279	159	285	168	10	8	574	335
Half Moon Field	2	1	-	-	-	-	2	1
Imperial Rec	10	6	-	-	-	-	10	6
Old Sludge Beds	0	1	-	-	-	-	-	1
Total	321	186	331	193	20	15	672	394

	Nov 2016 – Nov 17		Nov 2017 – Nov 2018		Nov 2018 – Feb 19		2016 to date TOTAL	
Pebblebed Heaths	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions	Ppl spoken to	No of interactions
Aylesbeare Common	80	34	29	15	2	3	111	52
Bicton Common	110	65	33	29	7	5	150	99
Bystock	17	11	31	16	10	5	58	32
Colaton Raleigh Common	148	85	44	19	7	4	199	108
Dalditch Common	3	3	-	-	-	-	3	3
East Budleigh Common	53	42	28	24	10	6	91	72
Harpford Common	7	10	1	9	1	1	9	20
Hawkerland	32	24	25	13	-	2	57	39
Model Airfield	1	1	-	-	-	-	1	1
Woodbury Common	585	284	55	33	3	4	643	321
Venn Ottery	1	3	-	2	1	3	2	8
Total	1037	562	246	160	41	33	1324	755
Total (combined)	2157	1109	1256	655	197	111	3610	1875

Devon Loves Dogs Monitoring results: Jan 2018 to date

- Membership of Devon Loves Dogs now stands at 324 (impacted by GDPR)
- Twitter followers = 342
- Facebook followers = 467
- Instagram = 427 followers

From Jan 2018 to date:

- 18 Waggy Walks – Pebblebed Heaths, Dawlish Countryside Park & Stoke Woods (FC).
- Average attendance = 10-15 walkers with dogs.
- 23 pitstops with the gazebo – including variety of car parks on the heaths, DCP, Dawlish Warren, Exmouth LNR, Exmouth town centre
- 9 external events including 3 days at County Show, Killerton Apple Festival, several dog shows, Homeyards in Shaldon, Maer in Exmouth and Bark in The Dark at Haldon.
- A shocking 912 people playing the dog fouling/pickup game!

Event name	Number of events	Date(s)	Location	Packs distributed	People spoken to
Devon County Show	3	17-19/05/2018	Westpoint	386	490
Pit Stops	14	2018 to date	Various	411	420
Killerton Cider Festival	2	13-14/10/2018	NT Killerton	116	200
Waggy Walk	15	2018 to date	Various - all	67	153
Blue Flag celebration	1	28/05/2018	Dawlish Warren	108	130
Spring fun day	1	27/05/2018	Donkey Sanctuary, Sidmouth	96	120
Exe Estuary Winter Forum	1	02/02/19	County Hall, Exeter	21	110
Dawlish SANGS opening	1	07/01/2018	Dawlish Countryside Park	94	109
Bark in the Dark	1	30/11/2018	Haldon Forest	47	100
Pebblebed Heaths - Dog Code launch	1	08/03/2018	Pebblebed Heaths (Model Airfield car park)	49	60
Dogs on the Den	1	19/08/2018	Teignmouth Den	79	56
Wild Day On The Maer	1	06/08/2018	Maer, Exmouth	30	46
Dog Show	1	12/05/2018	Ideford Village Green	33	45
Halloween Event	1	28/10/2018	Dawlish Countryside Park	30	37
Easter Fun Day	1	13/04/2018	Newton Abbot (Bakers Park)	32	28
Patrol with HMOs	3	2019	Dawlish Warren, Exminster Marshes, Topsham	9	21
Dogs breakfast (DLD 1st birthday)	1	04/08/2018	Pebblebed Heaths (Four Firs)	0	20
Exmouth Festival	2	26-28/05/2018	Exmouth seafront	42	(DLD packs on EDDC display stand)
Fire Awareness Day	1	03/04/2018	Pebblebed Heaths (Warren car park)	10	15
Other (misc)	3	2018	Various	24	35
Total	55	-	-	1639	2195

TEIGNBRIDGE DISTRICT COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

CHAIRMAN:

EXECUTIVE PORTFOLIO-HOLDER:

DATE: 28th May 2019

REPORT OF: Rebecca Hewitt

SUBJECT: Safeguarding

PART I

RECOMMENDATION

The Committee is recommended to note this report.

1. PURPOSE

The purpose of this report is to provide Members with the opportunity to scrutinise the work delivered in relation to Safeguarding.

2. BACKGROUND

2.1 Safeguarding is everyone's responsibility. All staff who have direct or indirect contact with children, young people and vulnerable adults in the course of their work, or who have access to information about them, have a responsibility to protect them from abuse and neglect. The phrase '*children, young people and vulnerable adults*' refers to:

- Anyone under the age of 18 years;
- Someone who is over the age of 18 who is, or may be in need of community care services by reasons of mental health or other disability, age or illness and is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

2.2 The following legislation relates to Safeguarding and the role of District Councils.

- The Care Act 2014
- The Children Act 2004, specifically Section 11
- Mental Capacity Act 2005
- Data Protection Act 1998
- Modern Slavery Act 2015
- Terrorism Act 2000

2.3 Rebecca Hewitt is the Designated Safeguarding Lead and Barry Seager is the Deputy Designated Safeguarding Lead and they manage the safeguarding

TEIGNBRIDGE DISTRICT COUNCIL

case load for the Authority. Some cases are initially managed within specific services such as Housing and liaison takes place with Safeguarding team.

- 2.4 Human Resources has a role in ensuring Teignbridge is compliant with certain legislation and guidance. This relates to ensuring that staff have the required level of Safeguarding training and that those staff who are required to have a Disclosure and Barring Service check have done so. There is also a link to Human Resources if there is a safeguarding concern for a member of our staff.
- 2.5 Across Teignbridge departments there are a number of individual officers who have been assigned as Safeguarding Ambassadors for their service. They have been given some additional training in key risk areas such as Child protection, mental health/capacity and dementia, Prevent, modern slavery, domestic violence and abuse and exploitation. The role of that Ambassador is to notice a concern, check the facts and then share with the Safeguarding Team and a manager in their own service.

3. AUDIT

- 3.1 In August 2018 Teignbridge Internal Audit completed a review of the Safeguarding Service over 2017 – 18. The report concluded that based on the findings of the review, the processes in place to manage safeguarding were generally sound and the key risks well managed. The audit assurance opinion was therefore classed as good.
- 3.2 A detailed Observations and Recommendations Summary was produced and recommendations and actions have been agreed with relevant managers and are being addressed.

4. CASE MANAGEMENT

- 4.1 The service offers guidance to all departments on cases but also manage the more complex cases. This may mean gathering information and passing referrals onto other agencies such as Social Care or the Police. 45 cases were managed in 2017, 33 in 2018 and 12 so far in 2019.
- 4.2 The initial referral into the team comes from a variety of sources but the most common are from Revenue and Benefits, Housing, Environmental Health and from external calls where members of the public are concerned about someone's welfare.
- 4.3 Cases are often complex and can involve a number of internal and external services. The types of concern raised include risk of suicide, someone being neglected, mental health concerns, domestic abuse and exploitation.

TEIGNBRIDGE DISTRICT COUNCIL

5. INTERVENTION WORK

- 5.1 Concern was raised over the cases that were being referred due to risk of suicide. Work was undertaken with the South Devon and Dartmoor Community Safety Partnership (CSP) to raise awareness of suicide and promote suicide prevention. The CSP commissioned Action to Prevent Suicide to deliver a number of Suicide Intervention sessions for partner agencies. 345 attended the briefings from a total of 82 different agencies and 86 Teignbridge staff. SafeTALK suicide alertness sessions were also delivered in partnership with the CSP and Rotary Club and 78 attended the training.
- 5.2 Teignbridge led work across Devon to produce a Safeguarding toolkit for those planning to hold events. Its aim is to get organisers to consider any safeguarding risks and encourage them to take action to reduce that risk.

6. EXTERNAL LINKS

- 6.1 Rebecca Hewitt is a member of the Devon Safeguarding Officers Group. This group meets quarterly and is made up of the Designated Safeguarding Lead for each local authority. This group also acts as a liaison point for the Devon Childrens and Families Partnership and the Devon Adult Safeguarding Board.

7. GROUPS TO BE CONSULTED

None

8. WITNESSES TO BE CALLED

None

9. TIME-SCALE

To be reviewed annually by Overview and Scrutiny.

10.0 CONCLUSION

This report summarises the work of the Safeguarding Team over the past twelve months.

Rebecca Hewitt
Community Safety and Safeguarding
Manager

Wards affected	All
Contact for any more information	Rebecca Hewitt 01626 215873
Background Papers (For Part I reports only)	N
Key Decision	N
In Forward Plan	N
In O&S Work Programme	Y
Community Impact Assessment attached:	Y / N N/A

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Public Notice and Annual Forward Plan - JUNE 2019

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

any further queries, please contact the Democratic Services Sarah Selway
sarah.selway@teignbridge.gov.uk

- 10 The agendas for the meetings can be made available before the meetings on the Council's website.

TEIGNBRIDGE DISTRICT COUNCIL – EXECUTIVE FORWARD PLAN

Forward Plan of anticipated key decisions by the Executive for the next 12 months commencing 1 June 2019

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Notice of Motion - Netting on Development Sites	6 Jun 2019		Open	Yes	Report Of Rosalyn Eastman, Business Manager, Strategic Place Contact:
Artificial 3G Pitch, Coach Road, Newton Abbot	6 Jun 2019		Part exempt	No	Report Of Donna Best, Estates & Development Manager Contact: Tel: 01626 215467
Statement of Community Involvement	6 Jun 2019		Open	Yes	Report Of Rob Kelley, Senior Planning Officer Contact: Tel: 01626 215872
South Hams Greater Horseshoe Bat SAC – HRA Guidance	6 Jun 2019		Open	Yes	Report Of Trevor Shaw, Senior Planning Officer Contact: Tel: 01626 215703
Local Plan Review – 5 Year Position Statement	6 Jun 2019		Open	Yes	Report Of Michelle Luscombe, Principal Policy Planner Contact: Tel: 01626 215754
Cirl Bunting Funds - RSPB Ashill	6 Jun 2019		Fully exempt	No	Report Of Estelle Skinner, Green Infrastructure Officer, Contact: Tel: 01626 215755
Wray Valley Trail Funding	6 Jun 2019		Open	No	Report Of Estelle Skinner, Green Infrastructure Officer, Contact: Tel: 01626 215755

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Electric Vehicles Policy	1 Jul 2019		Open	Yes	Report Of David Eaton, Environmental Protection Manager Contact: Tel: 01626 215064
Teignbridge Design Framework and Wolborough Masterplan DPD	1 Jul 2019		Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Teignbridge Design Framework and Wolborough Masterplan DPD – Proposed Submission	28 Nov 2019		Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Local Plan Review 2020-2040 – Draft Plan	10 Mar 2020		Open	Yes	Report Of Michelle Luscombe, Principal Policy Planner Contact: Tel: 01626 215754
Greater Exeter Strategic Plan			Open	Yes	Report Of Simon Thornley, Business Manager - Spatial Planning Contact: Tel: 01626 215706
Teignmouth Regeneration			Open	Yes	Report Of Tony Watson, Interim Head of Commercial Services Contact: Tel: 01626 215828
Leisure Strategy			Open	Yes	Report Of Lorraine Montgomery, Interim Head of Operations Contact: Tel: 01626 215852
Teignbridge Car Park Plan - draft for consultation			Open	Yes	Report Of Neil Blaney, Economy Manager Contact: Tel: 01626 215233

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Affordable Housing Supplementary Planning Document and Starter Homes			Open	Yes	Report Of Simon Thornley, Business Manager - Spatial Planning Contact: Tel: 01626 215706
Dawlish Warren Habitat Mitigation			Open	Yes	Report Of Fergus Pate, Principal Delivery Officer Contact: Tel: 01626 215466

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OVERVIEW & SCRUTINY COMMITTEE WORK PROGRAMME 2019 – 2020**Standing Items**
Strata Joint Executive Minutes

28 May 2019	Report	Lead Officer / Next Steps
Safeguarding	Report	Rebecca Hewitt 215873
T10 programme overviews: -Clean scene -Zero heroes	Presentations	Chris Braines David Eaton 215164
Provision of pitches for Gypsy and Travellers Sabrina Thomas the DCC G and T Liaison Officer	Report	Graham Davey 01626 215412
Community Action Groups (CAG) Devon and how communities can be helped across the District	Presentation	Ben Bryant Devon Community Engagement Project Officer Ben.bryant@resourcefutures.co.uk Gary Powell 215895

25 June 2019	Report	Lead Officer / Next Steps
HofSW LEP	Presentation	David Ralph (LEP CX) Heidi Hallem (LEP)
Electric Vehicles, Infrastructure and Ultra Low Emission Vehicle policy – Consideration and approval of policy following consultation.	Report	David Eaton 215164
GESP	Report	Simon Thornley 215706
Performance Monitoring Report	Report	Liz Gingell/Eve Bates

23 July 2019	Report	Lead Officer / Next Steps

17 September 2019	Report	Lead Officer / Next Steps

15 October 2019	Report	Lead Officer / Next Steps

14 January 2020	Report	Lead Officer / Next Steps
Budget consultation	Report	Martin Flitcroft

4 February 2020	Report	Lead Officer / Next Steps
Budget	Report	Martin Flitcroft

	Report	Lead Officer / Next Steps

Items to be scheduled

Update on Universal Credit	DWP Partnership Manager, Lee Tozer (Presentation) to report on how things are progressing after the roll out	Tracey Hooper/Lee Tozer
Affordable Housing Supplementary Planning Document and Starter Homes	Report	Simon Thornley – Business Manager, Spatial Planning
Teignbridge Car Park Plan – draft for consultation	Report of the Review Group	Neil Blaney – Economy Manager
Leisure Strategy	Report	Lorraine Montgomery – Interim Head of Operations James Teed