

FULL COUNCIL

MONDAY, 30 JULY 2018

Present:

Councillors Kerswell (Chairman), Keeling (Vice-Chairman), Austen, Barker, Bromell, Bullivant, Christophers, Clarence, Clemens, Colclough, Cook, Cox, Dennis, Dewhirst, Eden, Golder, Evans, Goodey, Gribble, Haines, Hockin, Hocking, Jones, Lake, Matthews, Morgan, Nutley, Rollason, Russell, Smith, Thorne, Winsor and Wrigley

Apologies:

Councillors J Hook (was Brodie), Connett, Ford, Fusco, Hayes, G Hook, Jeffery, Mayne, Orme, Parker, Peart, Pilkington and Prowse

Also Present:

Phil Shears, Managing Director
Martin Flitcroft, Section 151 Officer
Trish Corns, Democratic Services Officer

101. MINUTES

The Minutes of the meeting held on 4 June, 2018 were approved as a correct record and signed by the Chairman.

102. DECLARATIONS OF INTEREST

There were no declarations of Interest.

103. PUBLIC QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(J)

There were no public questions.

104. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K)

Questions were asked as follows:

Questions asked by Cllr Dewhirst

“Devon County Council’s Risk Assessment has indicated that the consequences of Brexit now mean that it is at the highest level of risk for the operation of the Council.

The Risk Indicator FIN41 include issues such as the short to medium term funding will have a negative impact on our national economy and funding will decrease. Devon County Finance Officers believe that Brexit is likely to have a significant negative impact on the 2020/21 budget when a new funding regime begins with the possibility of a one-year settlement. They also believe

that the Business Rate retention scheme might not continue into the next financial year, if the scheme is scrapped this will have an additional negative impact on the 2020/21 financial year.

Additional Risks associated with Brexit include the valuation of the Council's pension scheme and the ending of EU grants currently funded until March 2019."

Question 1

"Does the Leader of the Council believe that Teignbridge District Council's Risk Register ST02, last updated on 15th June 2018, and identified by our Council's Section 151 Officer at the last Audit Scrutiny Committee adequately identifies these risks in the light of the recent events in Westminster?"

The Leader, Councillor Christophers advised that although the question was directed to himself, the answer would be given by the Portfolio Holder for Corporate Resources, Councillor Barker. Councillor Barker answered as follows.

"Yes it does. The financial uncertainty risk covers both national and local budget restraints which incorporate anything from an economic/financial perspective and we look at all aspects of funding and financing within our mitigations e.g. budget setting, reports, review and risk analysis."

Councillor Dewhirst asked a supplementary question:

"In which case, why is this issue mitigated to be the highest level of risk at Devon County Council and a low risk at Teignbridge?"

The Portfolio Holder advised that the financial responsibility between the two Authorities are significantly different.

Question 2

"Can he please identify which of the ST02 Risks pertain to the risk to our local economy and the possibility of a new funding scheme for this Council area?"

The Answer was given by the Portfolio Holder for Corporate Resources, Councillor Barker

"We look at all aspects of our finances locally based on known factors and likely future ones. Significantly we look at all information which could impact locally as a result of national changes and any trends we can identify in terms of income received from all sources e.g. planning, rental income, leisure and car parking etc. With regard to a new funding scheme I am not sure there is a new scheme – just the one year pilot reverting back to the 50% retention scheme and some rebasing of the existing scheme in 2020-21. We are monitoring likely outcomes with experts in this field and maintaining sufficient earmarked reserves to cushion any adverse changes that may arise."

Councillor Dewhirst asked, by way of a supplementary question, the risk to the Council and local economy when the area was largely agricultural based.

Councillor Barker advised that the Government had announced that DEFRA grants would continue beyond Brexit to support the rural economy. He added that the difference in the pound sterling had resulted in an increase in exports from the UK.

Question 3

“Can he also identify which risks relate to the possibility of negative impact on the pension scheme due to Brexit and the impact of the loss of EU Grants in the Teignbridge District?”

The Answer was given by the Portfolio Holder for Corporate Resources, Councillor Barker:

“The outcomes from Brexit are still not clear. There were expectations of property price collapses but this hasn’t happened. The stock market has also risen considerably in recent times. The pension fund valuation is pulled together from a mixture of elements. In the last 12 months we have seen a reduction in our pension deficit so it remains to be seen as to whether there will be an increased deficit. The pension fund invests in both property and stocks and shares so these look positive at present. We continue to make contributions to the fund to reduce the deficit moving forward. It is not clear what grants will be lost but we don’t have any projects currently budgeted which are dependent upon EU funding. We have already taken account of the loss of EU Election funding in our medium term financial plan.”

Councillor Dewhirst referred to the investment in relation to pension scheme, which Devon County Council had identified as a risk. He asked, by means of a supplementary question, why the Council had not identified this as a risk on the Council’s Risk Register ST02 when the pension scheme for both Councils are similar.

The Portfolio Holder for Corporate Resources, Councillor Barker advised that the budget approved in February 2018 had identified risks. This issue was identified as a low risk.

Question asked by Cllr Wrigley

“Dawlish Warren has mix of holiday accommodation and full time residential dwellings. The local residents are concerned that some of the holiday units are used for permanent residence. This both puts pressure on local services, and means that residents improperly residing in the holiday units neither pay council tax nor are catered for by council services or medical or emergency services. Planning applications for static caravan parks require the owner/operator to maintain an up to date register (as per the example below). How often in each of the past three financial years has the Council ensured that accurate registers as per the planning conditions exist for each set of holiday units in Dawlish Warren?

And how often in each of the past three financial years have the registers been examined in detail for each set of holiday units in Dawlish Warren?

Example planning clause

Application ref no: 16/02739/MAJ

3. *The holiday units shall be occupied for holiday purposes at the holiday park only and*

shall not be occupied as a person's sole or main place of residence. They shall:

a) only be occupied between 1 March and 14 February (inclusive); and,

b) not be occupied for more than six months in any calendar year by any individual occupant, group of individuals or family.

The owners/operators shall maintain an up to date register of the details of all occupiers, including their names and main home addresses, of the holiday unit(s) on the site and shall make it available for inspection at all reasonable times by the Local Planning Authority.

REASON: To ensure that the holiday accommodation is not used for permanent residential accommodation."

The answer was given by the Portfolio Holder for Planning and Housing, Councillor Clemens:

"Dawlish Warren is a large area encompassing a range of touring caravan, static caravan and chalet sites. The area has developed organically over a long period of time. Although it is predominantly a holiday area, the degree of control over occupation of the various sites differs depending on how far back in time the planning permission for the site was granted. In the very early days of planning it was not unusual to simply have a condition requiring a period of non-occupation (often a very short one) to seek to avoid the holiday accommodation being used as permanent housing.

As time and planning practice evolved it became clear that this was not a very effective means of controlling occupation as residents could occupy the accommodation virtually all year round, but take a winter break to comply with the condition. Alternative conditions were imposed limiting the occupation of accommodation solely to holiday purposes and/or limiting the length of time that any individual occupant or family could occupy a holiday unit. Whilst these conditions more clearly set out what was expected, they were still very difficult to monitor in the event that complaints were received of non-compliance. Any investigation could only look at the current position without any records of how the accommodation might have been used over a period of time.

Over the years it became apparent that some of the old type of conditions were so poorly worded as to have little effect on limiting occupancy, or had been breached for a continuous period of time such that enforcement action to prevent permanent occupation could no longer be taken. This was not an issue that was confined to Teignbridge.

In 2006 the then Department for Communities and Local Government published the Good Practice Guide on Planning for Tourism. Annex B considered the use of seasonal and holiday occupancy conditions, drawing on work carried out by the East Riding of Yorkshire Council, who established a joint working group to establish the best approach to secure holiday use of caravan parks. This group comprised councillors and council officers; representatives from the British Holiday and Homes Parks Association Ltd; the park operators and their agents; and the caravan manufacturers. It concluded that planning conditions needed to

be stronger, requiring documentary evidence of occupiers maintaining a primary residency elsewhere to be provided. The following conditions were suggested as being appropriate:

- (i) the caravans (or cabins/chalets) are occupied for holiday purposes only;
- (ii) the caravans (or cabins/chalets) shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Since publication of this guidance Teignbridge has regularly used these conditions throughout the district when approving new holiday accommodation. It was not envisaged that the Council would regularly trawl the holiday sites requesting evidence that the registers were being kept, or that routine inspections of the registers would take place. Clearly this would require a considerable and ongoing resource. However if complaints are received that there is a potential breach of the holiday occupation or sole residence condition the Council can now ask to inspect a register. This situation has only occurred once in the last 3 years.

It is not only for planning reasons that it is important for the Council to understand how properties are occupied. The Council is currently in the process of seeking approval for a new post to supplement the work we already do to maximise council tax and business rates income. The remit of the post would include verifying residency for council tax purposes as well as maximising New Homes Bonus. It is expected that this post will help provide a more pro-active approach to monitoring occupancy at sites like Dawlish Warren where planning enforcement resources can only currently provide a reactive service."

Councillor Wrigley asked, by means of a supplementary question, when the Council would start collecting Council Tax from holiday accommodation being used as permanent housing, and would this happen before extensions to such sites are granted in future.

The Portfolio Holder for Planning and Housing, Councillor Clemens advised that residents should submit the evidence of permanent residency to enable the matter to be investigated.

Question asked by Cllr Wrigley

"The Licensing sub-committee meeting of 14th August 2017 notes that: "The Guidance issued under Section 182 of the Licensing Act 2003 Part 11, sets out the procedures when a review application has been received by the authority from an interested party.

When there are anti-social behaviour issues associated with a late licence for a premises, what level of local residents (or other interested parties) complaints is the minimum threshold for a Licence Review to be considered?"

The answer was given by the Chairman of the Licensing Committee:

“One application to review must be submitted to start the process, this can be one interested party, or one responsible authority, it is the evidence behind the request which is crucial element.”

Councillor Wrigley asked, by means of a supplementary question what level of evidence is required for a review to commence. In relation to a particular establishment with a late licence, residents and complainants have gathered evidence including video footage.

The Chairman of the Licensing Committee answered that the receipt of a complaint and request to review a licence would suffice. The police would be consulted along with all other statutory consultees.

105. NOTICES OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)

There were no Notices of Motion.

106. REFERRAL FROM AUDIT SCRUTINY - 2017/18 STATEMENT OF ACCOUNTS INCLUDING THE ANNUAL GOVERNANCE STATEMENT AND TREASURY MANAGEMENT RESULTS

Councillor Clarence, Chairman of the Audit Scrutiny Committee referred to the report circulated with the agenda. The Council's accounts had received an 'excellent rating' from external audit.

Councillor Clarence proposed the approval of the recommendations as set out in the report circulated with the agenda. The proposal was seconded by Councillor Hockin.

Councillor Dewhirst thanked all those involved in producing the budget. He expressed concern at the level of debt which had increased from £415k to £547k at a time when other authority debts were being reduced.

The Leader of the Council emphasised that the Council tax had been increased just twice over the last eight years, which equated to a £10.00 increase per household, for the average Band D since 2011. In addition, grants from central government, which equated to £10 million in the previous administration, have eroded during the past eight years of the current administration, and would be zero this year. Taking these factors into account the Leader advised that the Council was on a firm footing for the future.

Cllr Barker, the Portfolio Holder for Corporate Services added that the write off debt included debts from several previous years, and will vary from year to year. Such debt remained in the Council's accounts to enable the debt to be recovered, and debtors traced if at all possible. The Council had robust accounting procedures in place and it was performing well.

In response to a query by Councillor Rollason regarding the processing of journals, the Section 151 Officer advised that External Audit had accepted and

agreed the Council's procedures and mitigations due to the nature of having a small Finance team.

The vote was taken on the proposal above and it was carried by 22 votes for, 0 against and 10 abstentions.

Resolved

- (a) The 2017/18 Statement of Accounts including the Annual Governance Statement and letter of representation as recommended by the Audit Scrutiny Committee, as circulated, be approved.
- (b) The Treasury Management results for 2017/18 be noted.
- (c) The Audit Findings Report from Grant Thornton be noted and the actions arising from the action plan be approved.

107. EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

108. APPOINTMENT OF STANDARDS INDEPENDENT PERSON AND COMMITTEE CO-OPTED INDEPENDENT PERSON UNDER THE LOCALISM ACT 2011

Consideration was given to the report circulated with the agenda, which set out the requirements under the Localism Act 2011 for the Council to appoint an Independent Person to assist the Council in promoting and maintaining high standards of conduct. The Council currently had one Independent Person but it was desirable to appoint a second Independent Person and a co-opted Independent Person to the Standards Committee. Without the additional appointment the workload of the current Independent Person could increase to an unsustainable level. The overall cost to the Council shall not increase as a direct consequence of these appointments.

It was noted that the remuneration rate recommended in the report would be considered by the Independent Remuneration Panel as part of the current review of Members Allowances.

Councillor Dennis advised that he and Councillor Prowse supported the appointments and would meet the appointees along with the other members of the Standards Committee.

It was proposed by Councillor Dennis, seconded by Councillor Hockin and carried by a unanimous vote, that

Resolved

- a) Ms Amanda Smith be appointed as an Independent Person for a period of four years.
- b) Ms Janette Bird be appointed as an Independent Co-opted Member of the Standards Committee for a period of years.
- c) Both appointments be remunerated at the rate of £50 per half-day or £100 per full-day.

109. COMMON SEAL OF THE COUNCIL

The Chairman announced that the Common Seal of the Council be affixed to any document or documents necessary to give effect to the resolutions passed by the Council at this meeting.

AVRIL KERSWELL
Chairman