

## **FULL COUNCIL**

**14 JANUARY 2019**

### Present:

Councillors Austen, Barker, Bromell, Bullivant, Christophers, Clarence, Clemens, Colclough, Connett, Cook, Cox, Dennis, Dewhirst, Eden, Evans, Fusco, Golder, Goodey, Gribble, Haines, Hayes, Hocking, Hockin, J Hook (was Brodie), G Hook, Jeffery, Jones, Keeling (Vice-Chairman), Kerswell (Chairman), Lake, Mayne, Morgan, Nutley, Parker, Peart, Prowse, Rollason, Russell, Smith, Thorne and Wrigley

### Apologies:

Councillors Matthews, Orme, Pilkington and Winsor

### Officers in Attendance:

Phil Shears, Managing Director  
Martin Flitcroft, Chief Finance Officer  
Karen Trickey, Solicitor to the Council and Monitoring Officer  
David Eaton, Environmental Protection Manager  
Martin Flitcroft, Chief Finance Officer  
Tracey Hooper, Revenue, Benefits & Fraud Manager  
Fergus Pate, Principal Delivery Officer  
Sarah Selway, Democratic Services Manager (Exeter City Council)  
Simon Thornley, Business Manager - Spatial Planning

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## **1. MINUTES**

It was proposed by Councillor Jones seconded by Councillor Dennis that the minutes of the meeting held on 19 November 2018 were approved as a correct record and signed by the Chairman.

## **2. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman offered condolences to Councillor Colclough on the death of her husband and wished Councillor Pilkington a speedy recovery.

She brought Members' attention to the Council's Civic Service which would take place on 19 February 2019 at 3pm at the Church of St Peter, St Paul and St Thomas of Canterbury in Bovey Tracey.

## **3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. PUBLIC QUESTIONS SESSION UNDER COUNCIL PROCEDURE RULE 4.5(J) (IF ANY)**

The Public Questions and Responses are attached to the minutes.

Members of the Public asked the following supplementary questions, the answer to which would be provided in writing later in the week. [*For ease of reference the answers are set out in square brackets below*]:-

Members of the Public asked the following supplementary questions:-

**Question 1:**

***In response to the supplementary question regarding the evidence that this restriction will do anything other than penalise responsible dog owners? Especially as the introduction of this PSPO's will apply to any dog walker regardless of whether they are walking 1 or 10 dogs? The following reply from Portfolio Holder for Health and Wellbeing was circulated:-***

[The evidence for the restriction is based on the public consultation and the views of Councillors that controlling the number of dogs one individual can walk will reduce dog fouling. The impact of the control will be monitoring through the implementation of the PSPO by the working group which is scheduled to have its first meeting on the 4<sup>th</sup> March 2019.]

**Question 2:**

***In response to the supplementary question regarding the implementation of a full Environmental Impact Report and what measures are being taken to reduce the current levels of pollution on Wolborough Road together with how these will not increase when there is further development and the real need for further housing in Devon. The following reply from Portfolio Holder for Planning & Housing was circulated:-***

[On 14 January Council resolved to prepare a new Development Plan Document for Wolborough. This will involve new ecological surveys and sustainability appraisal work. The development allocation at Wolborough includes a new main street, which will have the effect of diverting some existing town centre through traffic away from Wolborough Street.]

Housing need in Teignbridge is explained and evidenced here:  
[www.teignbridge.gov.uk/wolboroughfacts](http://www.teignbridge.gov.uk/wolboroughfacts)

**Question 3:**

***In response to the supplementary question regarding indicating to Government that if it funded the Kingskerswell by-pass it would open up the opportunity to build thousands of houses? The following reply from Portfolio Holder for Planning & Housing was circulated:-***

[Torbay and Devon led the engagement with Government and statements were made about the capacity of the existing highway network constraining development growth. The South Devon Highway and Kingskerswell Road improvements will help to support development at Wolborough. However, the main focus of the South Devon Highway project was on addressing the limitations of the old A380 (Torquay Road).]

**Question 4:**

***In response to the supplementary question regarding putting a Devon Covenant on 80 per cent of the new builds? The following reply from Portfolio Holder for Planning & Housing was circulated:-***

[Office of National Statistics data shows that in 2016/17 80 per cent of people moving to Teignbridge moved from Devon, Cornwall and the South West. This data covers both new and existing homes and reflects Teignbridge's own data on new home occupants, which is available at the following links:

2018 survey, page 4 - 75% from Devon  
2017 survey, page 6 – 83% from Devon  
2016 survey, page 5 – 82% from Devon  
2015 survey, page 5 – 80% from Devon

Our local economy would not function effectively without people being able to move across Devon's border for a variety of reasons that include access to jobs and education. Whilst affordable housing is almost entirely occupied by families and individuals who have moved from within Teignbridge and Devon, the Council is required to plan for overall housing needs.]

**5. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K)  
(IF ANY)**

**Questions submitted by Councillor Dewhirst.**

**Question 1**

***Will the Portfolio Holder for Planning and Housing please explain why the Community Infrastructure Levy Monitoring Report for 2017/18 was published by Teignbridge Council almost nine months after the report period ended in April last year.***

**Answer from Portfolio Holder for Planning and Housing**

The CIL regulations require Community Infrastructure Levy Monitoring Reports to be published by the end of December following the financial year to be reported. The Teignbridge CIL Monitoring Report for 2017/18 was published within this timescale on 19 December 2018.

**Question 2**

***Will the Portfolio Holder for Planning & Housing also confirm if all CIL payments arising from planning applications have been (1) made and (2) also spent on the relevant requirements stipulated in the planning consents?***

Answer from Portfolio Holder for Planning and Housing

There are currently five housing developments with overdue CIL payments totalling £185,504.76. One of these is for just 20 pence and therefore is likely to be written off, subject to the usual procedures. Three others, totalling £10,272.99 are subject to discussions on repayment and we expect to receive all of the outstanding amounts in due course. The remaining £175,231.77 relates to a single site where a technical commencement was made (contrary to our advice) but none of the houses have been started and are unlikely to be built. Instead, the applicant has submitted a new application on the site with 100% affordable homes, which has been approved subject to a Section 106 agreement. We are currently considering how to resolve the CIL situation in a way that does not prevent the much-needed affordable homes being built.

Planning permissions do not determine how CIL should be spent. This is the domain of the Council's Regulation 123 list of infrastructure to be funded through CIL, as well as the Capital Programme.

Supplementary question

***In response to Cllr Dewhirst's supplementary question regarding interest paid on late payments of CIL. The following reply was received:-***

Answer

Yes. The CIL regulations require that 'late payment interest' is paid at an annual rate of 2.5% above the Bank of England base rate starting on the day after the day that payment was due.

**Question 3**

***Will the Portfolio Holder also provide the value figure (in £) for CIL of planning applications that attract CIL (Item 2 of the Report) but have not been implemented within the time limit identified within the Planning consent?***

Answer from Portfolio Holder for Planning and Housing

The current calculated position is that planning permissions with a CIL liability value of £655,506 have not been implemented within the relevant time limit.

Government is consulting on the introduction of additional CIL reporting requirements. We will need to respond to new regulations when they are introduced.

Supplementary question

***In response to the Cllr Dewhirst supplementary question regarding payments to Parish and Town Councils, the following reply was received:-***

Answer

Teignbridge do not (and are not required to) pass CIL income to Town and Parish Councils until it has been received. As unpaid CIL has not

been passed to Town and Parish Councils, it will not be necessary to ask them to return it.

#### Question 4

***Will the Portfolio Holder for Planning and Housing commit to circulating a copy of the report by email link to all members and bringing this report to Scrutiny before the end of March 2019?***

Answer from Portfolio Holder for Planning and Housing

The 2017/18 CIL report is available at

<https://www.teignbridge.gov.uk/media/7694/cil-monitoring-report-17-18.pdf>

It will be reported to Scrutiny before the end of March 2019.

The following question had been submitted by Cllr Connett

***What evidence does Teignbridge Council hold that confirms the view expressed during a recent Planning Committee meeting that the Council of Mortgage Lenders along with banks and building societies will not provide mortgages if a property is on a development which also has allocated pitches for Gypsies and Travellers; and,***

***What steps has Teignbridge Council taken, or intends to take, to clarify the view of the Council of Mortgage Lenders with regard to this issue?"***

Answer from the Portfolio Holder for Planning and Housing

The predecessor of Teignbridge's current Business Manager for Strategic Place, attended a meeting in early 2017 with various mortgage company representatives also present as well were developers and local authority colleagues.

Having looked into this, the officer doesn't believe any notes of the meeting were produced. However, the informal reporting they received was that mortgage companies were very reluctant to provide mortgages for new homes particularly in close proximity to Gypsy and Traveller pitches as a consequence of the lack of information about effects this could have on market value – particularly resale value – and this was considered to be a whole market position, hence reference to overarching organisations.

The officer would like to apologise for any misspeakings of the bodies involved and any confusion caused.

The difficulties in following this through are highlighted by the fact that colleagues in Mid Devon are currently commissioning a piece of Local Government Association funded research to investigate in a more concrete way the extent to which lenders are unwilling to get involved in sites of this nature. Officers will assist with this research where necessary.

**6. CALL-IN OF EXECUTIVE DECISION PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE**

Councillor Dewhirst, in presenting the call-in, stated that the decision to limit the number to four dogs was disproportionate and that six would be a fair number as recommended by Overview & Scrutiny Committee. He said that professional dog walkers have increased and this limit would have an adverse effect on their businesses and clients. He reported there had been no complaints about professional dog walkers, the limit should be six, the same as East Devon District Council, and then this should be monitored over the coming year.

The Portfolio Holder for Health & Wellbeing commented that the Scrutiny Review Group would support the better understanding of the impact of the number of dogs that could be walked. A consultation had been undertaken on the Public Space Protection Order (PSPO) and for the number of dogs that an individual should walk the results showed that 50% of responses stated three, 23% stated four and only 2% stated six.

During discussion some Members raised concerns regarding the negative effect the limit would have on viability of the businesses of professional dog walkers; there was no evidence to support that six dogs could not be walked; dog walkers and owners were responsible; the difficulties this would cause for older and working residents with dogs who rely on the professional dog walkers; and issue of budget for Dog Wardens and how the PSPO would be enforced.

Other Members felt that a limit of four dogs was supported by the consultation response and that the PSPO would ensure that the District was cleaner and safer without dog fouling or dog attacks and set one standard across the District.

It was proposed by Councillor Dewhirst, seconded by Councillor Eden and

**RESOLVED** that in relation to the Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 the number of dogs that any one individual can walk at any one time be a maximum of six.

In accordance with Procedural Rule 4 (O) (v) a recorded vote was called for:-

Voting for:-

Councillors

Colclough, Connett, Cook, Cox, Dewhirst, Eden, Evans, Haines, Hayes, Hocking, (G) Hook, (J) Hook, Jones, Morgan, Nutley, Parker, Rollason, Wrigley and Keeling

(19 Members)

Voting against:-

Councillors Austen, Peart and Thorne  
(3 Members)

Abstentions:-

Councillors Barker, Bromwell, Bullivant, Christophers, Clarence, Clemens, Dennis, Fusco, Golder, Goodey, Gribble, Hockin, Jefferey, the Chairman, Lake, Mayne, Prowse, Russell and Smith

(19 Members)

Absent:-

Councillors Matthews, Orme, Pilkington and Winsor

(4 Members)

## **7. WOLBOROUGH DEVELOPMENT PLAN DOCUMENT**

The Principal Delivery Officer summarised an email from Abbotskerwell and Wolborough Residents Association that supported preparation of the Development Plan Document (DPD). He also reported that he had received a letter on behalf of Abbotskerwell Parish Council and Wolborough Residents' Association. Concerns were raised regarding the ecological reasons for a legal challenge. Members were advised that Officers considered that the DPD would be fundamental in addressing the ecological aspects of the development of the site.

The Portfolio Holder for Planning and Housing stated that the Local Plan was approved in 2014 which agreed the principle of development at Wolborough NA3. This Development Plan Document (DPD) would control the planning process and support quality housing development across the site.

During discussion, Members raised the following points:-

- Concern that the plan would still not mitigate the impact of development in Wolborough and on the listed buildings
- Concerns that the Developers would still have the upper hand despite the DPD
- The need to protect the natural landscape of the area including the Fen, and Greater Horseshoe bats habitat
- Whether £210,000 as a good use of Council monies given the current budget constraints
- Whether the development would provide the Social Housing that the District required
- The plan would help support the development to help to protect the Grade I Listed Church and the Wolborough Fen SSSI
- The development would provide much needed Housing for the District
- The proposed DPD would support a cohesive approach to the development of the area

Full Council (14.1.2019)

- The DPD would help to support the refusal of planning applications if the brief was not met
- The DPD would help to effectively control and protect the development of the area

Officers advised that whilst it was recognised that development of the site was contentious, the housing target of which the site was key for the District was set by Central Government. The DPD had the support of the Council for Protection of Rural England (C.P.R.E) and it would help to ensure that any development was led by the Council.

In response to further questions raised, the Principal Delivery Officer advised that the Draft Masterplan did include provision for primary and secondary school facilities, additional surveys would be undertaken to understand any impact that development would have on the Fen and Greater Horseshoe Bats. A planning application for balance of the site (where an application had not already been received) was anticipated to be submitted shortly.

Proposed by Councillor Lake, seconded by Councillor Clemens and

**RESOLVED** that the following be approved:-

- (1) The preparation of a Wolborough Development Plan Document; and
- (2) A budget of up to £210,000 for preparation of the Development Plan Document

In accordance with Procedural Rule 4 (O) (v) a recorded vote was called for:-

Voting for:-

Councillors Austen, Barker, Bullivant, Christophers, Clarence, Clemens, Colclough, Dennis, Golder, Goodey, Gribble, Haines, Hocking, Jefferey, Jones, the Chairman, Lake, Mayne, Peart, Prowse, Russell, Smith and Thorne

(23 Members)

Voting against:-

Councillors Cook, Eden and Winsor

(3 Members)

Abstentions:-

Councillors Bromwell, Connett, Cox, Dewhirst, Evans, Hayes, (G) Hook, (J) Hook, Morgan, Nutley, Parker, Rollason and Keeling

(13 Members)

Absent:-

Councillors Fusco, Matthews, Orme, Pilkington and Winsor

(5 Members)

**8. HEART OF THE SOUTH WEST JOINT COMMITTEE**

The Managing Director presented the report on the Heart of the South West Joint Committee. Members were informed that this report was to be considered by all the authorities that make up the Heart of South West Joint Committee. The Council was asked to support the work programme of the Joint Committee with the sum of £1,400, all authorities would be contributing.

During discussion, some Members raised concerns regarding the funding requirements including the administration costs, the Joint Committees work programme and the unknown work of the Local Enterprise Partnership (LEP)

The Managing Director clarified that the work programme of the Joint Committee, whilst unknown at this stage, was vital to ensure that Central Government and LEP funding was accessed for Teignbridge.

The Leader stated that Overview and Scrutiny Committee could invite the LEP to address them to find out more about their work. It was important that the Council was part of the Joint Committee to help secure funding for the District and wider region to access funding streams from Central Government.

It was proposed by the Councillor Gribble and seconded by the Leader, Councillor Christophers. The proposal was carried by 26 votes for, 15 against with 3 abstentions.

**RESOLVED to:-**

- (1) Note the progress report setting out the work of the Heart of the South West (HotSW) Joint Committee since its establishment in March 2018;
- (2) Agree to delegate the development and endorsement of the HotSW Local Industrial Strategy (LIS) to the HotSW Joint Committee (noting that final approval of the HotSW LIS rests with the HotSW Local Enterprise Partnership (LEP) and the Government);
- (3) Note the Budget statement for 2018/19 set out in Appendix B and that in accordance with the decisions taken at the time the Committee was established the Council will be asked to make an annual budgetary provision to meet the support costs of the Joint Committee in line with the 2018/19 contribution. Final clarification on any additional 2019/20 budget requirement will be provided following the completion of the review of the Joint Committee's role, function and management support arrangements and development of its work programme for 2019/20; and
- (4) To agree the Budget and Cost-sharing Agreement set out in Appendix B to this report.

**9. COUNCIL TAX BASE 2019/20**

The Portfolio Holder for Corporate Services presented the report detailing the proposed council tax base 2019/20 as recommended by the Executive at its meeting on the 8 January 2019.

It was proposed by Councillor Barker and seconded by Councillor Prowse and unanimously:-

**RESOLVED** that the council tax base of 49,219 for 2019/20 at Appendix A of the circulated report be approved.

**10. COUNCIL TAX REDUCTION SCHEME FOR 2019/20**

The Portfolio Holder for Corporate Services presented the report which sought approval of the Executive recommendation made on 4 December 2018 for the current Council Tax Scheme (CTR) to be continued unchanged into 2019/20.

In response to a Member's concern regarding the Government change in relation to the Universal Credit two children cap, the Revenue, Benefits and Fraud Manager stated that any impact of this change and central government guidance would be kept under review. The scheme did have an Exceptional Hardship Policy which provided extra protection for claimants.

The Portfolio Holder for Corporate Services stated that 29 awards had been made in 2017/18 under the Exceptional Hardship Policy.

It was proposed by Councillor Barker and seconded by Councillor Prowse and unanimously:-

**RESOLVED** that the current Council Tax Reduction (CTR) Scheme for the year 2019-20 be adopted.

**11. COUNCIL TAX PREMIUM FOR LONG TERM EMPTY**

The Portfolio Holder for Corporate Services presented the report seeking approval of the Executive recommendation made on 4 December 2018 for the current long term empty homes council tax premium to be increased from the current 50% levy to the relevant maximums set down in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018. He advised that this proposal would put direct pressure on people to bring empty homes back into use.

Members welcomed this report and acknowledged the support that was provided from the Council to encourage empty homes back into use.

It was proposed by Councillor Barker and seconded by Councillor Cox and unanimously:-

**RESOLVED** that in accordance with the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, to approve an increase in the premiums being charged on long term empty properties as follows:-

- (1) From 1<sup>st</sup> April 2019 onwards to increase the premium up to the maximum of 100% for properties that have been empty for 2 years or more;
- (2) From 1<sup>st</sup> April 2020 onwards to increase this to 200% for properties that have been empty for 5 years or more; and
- (3) From 1<sup>st</sup> April 2021 onwards to increase this to 300% for properties that have been empty for 10 years or more.

## **12. SCHEME OF MEMBERS' ALLOWANCES AND MEMBERS' IT**

The Chief Finance Officer presented the report on Scheme of Members' Allowances and Members' IT. The Local Authorities (Members' Allowances) (England) Regulations 2003 required Councils to establish an Independent Remuneration Panel (IRP) and to have regard to the recommendations made in relation to the Members' Allowances scheme. He advised of the IRP recommendations which included an uplift of £500 for the municipal year, the basic allowance to be linked to Local Government Pay Awards, changes to the Special Responsibility multipliers including the reduction of the multiplier for Vice-Chairman of the Council and Deputy Chairman of Overview and Scrutiny Committee, and the changes to the procedure for the payment of Special Responsibility Allowances (SRA) during maternity or sick leave. The recommendation with regards to the IT was that all Councillors be provided with devices for the purposes of carrying out Council duties and the sum of £400 to be taken from the basic allowance annually to cover support for the devices.

During discussion Members raised the following points:-

- Concerns regarding the effect the increase would have on Councillors national insurance contributions and any benefits impact if they then have to pay £400 from the allowance for IT devices
- Any roll out of IT devices should take place after the local election in May
- Concern that there was no accidental damage of the devices
- The maternity leave should cover shared parental leave
- Whether sick leave - was relevant as the Council already had procedures in place to cover these scenarios
- Councillors already had multi IT devices for work and personal use, and so could their existing devices not be used for Council business?
- Valued the input of the Vice-Chairman of the Council and Deputy Chairman of Overview and Scrutiny and did not think the SRA should be reduced
- Group Leaders should meet to discuss the IT devices options.

It was proposed by Councillor Haines and seconded by Councillor Colclough that the Members Allowance increase be reduced to £100 instead of the increase of £500 and then £400 taken back for IT devices. This was then withdrawn.

It was proposed by Councillor Barker, seconded by Councillor G Hook and unanimously:-

**RESOLVED :-**

- (1) With effect from 2<sup>nd</sup> May 2019 that:
  - (a) The Basic Allowance payable to all Councillors increases from £5,489 to £5,589 for the municipal year;
  - (b) As proposed by the IRP report CPI is removed and future increases in the Basic Allowance are linked to Local Government pay awards;
  - (c) The Special Responsibility multipliers remain as they are currently are;
  - (d) The Carers' Allowance is renamed the 'Dependants' Allowance' and updated as detailed in the IRP report;
  - (e) Rates and terms for travel and subsistence claims are updated as detailed in the IRP report;
  - (f) The scheme is amended for the payment of Special Responsibility Allowance during maternity or sick leave as outlined in the IRP report subject to a variation to include share parental leave; and
- (2) The Councillors IT provision be considered by the Group Leaders the associated capital budget for 2019/20 remain to enable the matter to be resolved in 2019/20; and
- (3) That the members of the Independent Remuneration Panel be thanked for their report.

**13. THE CHAIRMAN ANNOUNCED**

**RESOLVED**

That the Common Seal of the Council be affixed to any document(s) necessary to give effect to the resolutions passed by the Council at this meeting.

Chairman