

18 November 2019

EXECUTIVE

A meeting of the **Executive** will be held on **Thursday, 28th November, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS
Managing Director

Membership:

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

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

A G E N D A

Part I

1. **Apologies for absence**
2. **Minutes** (Pages 3 - 10)
To approve and sign the minutes of the meeting held on 31 October 2019.
3. **Declarations of Interest**
4. **Matters of urgency/matters of report brought forward with the permission of the Leader**
5. **Public Questions (if any)**

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

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

6. **Executive Forward Plan** (Pages 11 - 16)
To note forthcoming decisions anticipated to be made by the Executive over the next 12 months.
7. **Budget monitoring – revenue & capital and treasury management mid year review** (Pages 17 - 44)
8. **Existing and future planning policies to meet the challenges of climate change** (Pages 45 - 60)
9. **Public Space Protection Order (for Dog Control)** (Pages 61 - 88)

Part II: Items suggested for discussion with the press and public excluded

NIL

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

EXECUTIVE

31 OCTOBER 2019

Present:

Councillors G Hook (Leader), Dewhirst (Deputy Leader), J Hook, Jeffries, MacGregor, Taylor and Wrigley

Members in Attendance:

Councillors Bullivant, Clarence, Goodman-Bradbury, Haines, Keeling, Patch, Purser and Russell

Apologies:

Councillor Connett

Officers in Attendance:

Neil Blaney, Economy Manager
Graham Davey, Housing Enabling and Development Manager
Kay O'Flaherty, Business Development & Improvement Team Leader
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer
Phil Shears, Managing Director
Estelle Skinner, Green Infrastructure Officer,
Simon Thornley, Business Manager - Spatial Planning

78. MINUTES

Minutes of the meeting on the 8 October 2019 subject to the amendment that Councillor Patch attended were approved and signed as a correct record.

79. DECLARATIONS OF INTEREST

None.

80. EXECUTIVE FORWARD PLAN

RESOLVED that the Executive Forward Plan be noted.

81. NOTICE OF MOTION - FAIRTRADE

The Portfolio Holder for Business, Economy & Tourism presented the report which set out how the Council could contribute to the campaign to increase sales of products with the FAIRTRADE Mark, and how it could support the campaign to achieve Fairtrade status for towns in Teignbridge, in line with the Approved Fairtrade Notice of Motion. Local retailers would be encouraged to support the

Fairtrade status and it was noted that the café at Forde House promoted the sale of Fairtrade products.

In response to Members, the Leader commented that Fairtrade made careful checks to ensure that producers were legitimate and this status supported local producers as well as those from third world countries.

The Chairman of Overview & Scrutiny Committee confirmed his support for the appointment of Councillor Keeling as the lead Councillor to Chair the Fairtrade Steering Group.

The Portfolio Holder for Business, Economy & Tourism proposed the recommendation, this was seconded by the Portfolio Holder for Sport, Recreation & Culture.

RESOLVED that:-

- (1) The approaches as set out within Section 3 of the Appendix of the circulated report and minutes with the agenda were endorsed, subject to an amendment that when an approach is in conflict with Climate Emergency, the latter takes precedence; and
- (2) Councillor Keeling be invited to be the lead Councillor to Chair the Fairtrade Steering Group.

(Councillor Wrigley did not vote on this item as he was not present for the debate)

82. NOTICE OF MOTION - BAN ON SALE OF REAL FUR ON COUNCIL-OWNED LAND AND AT COUNCIL RUN/LEASED MARKETS

The Portfolio Holder for Sport, Recreation & Culture (Councillor MacGregor) was not present during consideration of this item and did not vote.

The Portfolio Holder for Business, Economy and Tourism presented the report to agree on the ban of real fur sale on Council owned land and at Council run or leased markets, and to sign up to the Fur Free Markets campaign.

A Non-Executive Member commented that they supported the proposals although they raised concerns regarding the charity.

The Portfolio Holder for Waste Management & Environmental Health proposed the recommendation, this was seconded by the Portfolio Holder for Business, Economy and Tourism.

RESOLVED that:-

- (1) the official Fur Free Markets policy be adopted:

Teignbridge District Council recognises that the United Kingdom has banned the farming of animals for their fur on ethical grounds since 2000 and the use of one of the most common traps used to catch animals for their fur has also been banned for many years.

Recognising that real fur is cruel and unnecessary, this Local Authority prohibits the selling of products containing real animal fur on council owned land, council run markets or council leased markets (including seasonal and Christmas markets). All products wholly or partially made with real fur are covered by this ban and include for example; fur coats, vintage fur, fur shawls, garments with fur trim, fur pompom hats, and fur accessories and trinkets; and

- (2) the Fur Free Markets campaign of the animal welfare charity, Respect for Animals, the UK's leading anti-fur organisation be supported by:

Becoming a signatory to the initiative.

Seeking the advice and assistance of the charity in the enforcement of this ban.

83. LOCAL DEVELOPMENT SCHEME UPDATE

The Portfolio Holder for Planning presented the report to update the Local Development Scheme to take account of the new Greater Exeter Strategic Plan (GESP) timetable agreement. The GESP did not increase the number of houses to be built in the district, there were set by Central Government using the 'standard method'. The GESP enabled a longer term strategic view on where would be the most sustainable places to build houses and to act collectively to help to bring forward major infrastructure projects. The GESP also fulfilled an important requirement under the 'duty to cooperate' with neighbouring authorities in the preparation and inspection of Local Plans.

Non-Executive Members raised concerns regarding the proposed timetable in relation to the 2023 district elections; 40% of the district being in Dartmoor National Park and the implications this had for the housing numbers and their allocation and government guidance stated that an alternative approach could be used in such circumstances; and the need for a risk assessment should there be a delay in the plan and the impact this could have on the Councils Local Plan.

The Business Manager - Spatial Planning commented that the council was not the planning authority for Dartmoor National Park and that they had their own local plan. The National Planning Policy Framework (NPPF) was clear on the standard methodology used for housing numbers. If the council prepared its plan using the alternative approached referred to it would almost certainly be asked by the Inspector to prepare its local plan again. GESP recommendations had to be agreed by all the individual councils.

The Leader commented that he has written to two Prime Ministers to challenge the housing numbers for the district.

During discussion Members recognised the importance of cross boundary cooperation to ensure infrastructure provision, sustainability and to protect the environment.

The Portfolio Holder for Planning proposed the recommendation, this was seconded by the Portfolio Holder for Sport, Culture & Tourism.

RESOLVED that the Local Development Scheme attached as Appendix A of the circulated report to come into effect on 8 November 2019 be approved.

84. EAST – WEST CYCLE ROUTE (ASHBURTON ROAD, NEWTON ABBOT).

The Portfolio Holder for Sport, Recreation & Culture presented the report to recommend a contribution towards the strategic East-West Cycle Route Delivery. The funding was from available Community Infrastructure Levy (CIL) that had been earmarked for the delivery of cycle improvements in Teignbridge.

Members welcomed the delivery of this route which was already in use and provided a link which provided much improved cycle and pedestrian links noting the further element for the need for a toucan crossing at the western end of the new route.

The Portfolio Holder for Sport, Recreation & Culture proposed the recommendation, this was seconded by the Portfolio Holder for Climate Change Emergency & Housing.

RESOLVED that:-

- (1) funding of a £180,000 contribution towards the Ashburton Road strategic cycling and multi-user route delivery: specifically Phase 2 (Greenaway Road to Mile End Road, plus new puffin crossing) be approved; and
- (2) the Business Manager Strategic Place and the Solicitor to the Council be given delegated authority to complete an associated funding agreement with Devon County Council.

85. CONNECTING DEVON AND SOMERSET CONTRIBUTION

The Portfolio Holder for Business, Economy and Tourism presented the report to decide if Teignbridge District Council should continue to commit £250,000 to the Connecting Devon and Somerset rural broadband rollout programme, following the cancellation of the original contract and proposal to go back out to tender. Following the Overview & Scrutiny Committee on 15 October 2019, Connecting Devon and Somerset had confirmed that all the funds invested in the project would be invested in the district. The recommendation from Executive to Full Council was that Council should continue invest £250,000 in the Connecting Devon and Somerset rural broadband project.

The Chairman of Overview & Scrutiny welcomed the recommendation of Executive to support the continuation of the support for this project.

In response to Members, the Economy Manager commented that he would clarify the position with regards to the investment of the match funding monies and that there would be an annual update to Members on how and where the funds were being spent.

The Leader clarified that the Council had a seat on the board and its representative was Councillor Nuttall.

The Portfolio Holder for Business, Economy and Tourism proposed the recommendation, this was seconded by the Portfolio Holder for Climate Change Emergency & Housing.

RECOMMENDED to Council that **subject** to satisfactory assurances being received from Connecting Devon & Somerset about this Council's investment in rural broadband achieving enhanced provision and support in this district, that Teignbridge District Council continues to invest the currently identified £250,000. The matter be delegated to the Managing Director, in consultation with the Leader of the Council, to conclude an agreement.

86. SHARED EQUITY SCHEME IN CHUDLEIGH

The Portfolio Holder for Climate Change Emergency & Housing presented the report to seek Member approval for Section 106 offsite affordable housing contributions of £667,265.69 generated within the Parish of Chudleigh to be used for a Shared Equity Scheme within the Parish.

Non-Executive Members commented on the need to balance support for affordable housing and the broader council policies on affordable housing.

The Housing Enabling and Development Manager clarified that all these off site Section 106 contributions were ring fenced for affordable housing in perpetuity and any funds received as part of the scheme would be reinvested in affordable housing.

The Leader commented that this was a great scheme and that it was important that the Council looked across the district at all potential brownfield sites that could be developed.

The Portfolio Holder for Climate Change Emergency & Housing proposed the recommendation, this was seconded by the Portfolio Holder for Waste Management & Environmental Health.

RECOMMENDED to Council that a Shared Equity Scheme be set up in Chudleigh using £667,265.69 of capital receipts received by way of offsite affordable housing contributions to assist up to 13 local purchasers.

87. DESIGNATED PROTECTED AREAS (DPA) IN TEIGNBRIDGE

The Portfolio Holder for Climate Change Emergency and Housing presented the report to seek approval for the Housing Service to request waivers from Homes England regarding the lifting of Designated Protected Area status in urban areas of Teignbridge in respect of Shared Ownership housing. This would enable 100% of the equity, rather than the 80% restricted limit to be made available for purchase, where appropriate for qualifying households.

The flexibility with these waivers would support affordability, choice and opportunity for prospective buyers of shared ownership properties and would help to overcome mortgage provider limitations.

The Leader proposed the recommendation, this was seconded by the Portfolio Holder for Climate Change Emergency & Housing.

RESOLVED that:-

- (1) the Housing Enabling and Development Manager be authorised to make applications in consultation with Portfolio Holder for Housing, when necessary, to Homes England to waive Designated Protected Area status in towns and villages with a population of above 3,000 in Teignbridge; and
- (2) where waivers were required in towns and villages with less than 3,000 population, a report shall be brought to Executive for consideration.

88. TEIGN VIEW: YOUTH NETWORK

The Portfolio Holder for Communities and IT presented the report to outline options for developing a formal process to consult with and develop channels for engagement with young people. This would include developing a network through schools and in the community which would also ensure engagement with young people who were hard to reach. It was important that there was a structure in place and updates would be brought back to Members through the Committee process.

Members welcomed the way forward.

The Leader proposed the recommendation, this was seconded by the Portfolio Holder for Communities & IT.

RESOLVED that:-

- (1) a Youth Network be launched between Teignbridge District Council (members and officers) and youth groups; and
- (2) a report be taken through the existing Council meeting cycle twice a year to update Members on progress and issues to date.

89. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Leader presented the report to ensure that all electors had reasonable voting facilities and that polling places were accessible to electors, including those with disabilities. This was a legal requirement and the report was solely to approve the wards polling stations across the district.

In response to Members, the Electoral Services Manager clarified the position with regards to the location of polling stations and the difficulties and the financial viability of mobile polling stations.

The Managing Director commented that the polling stations were constantly assessed and alternative options were reviewed.

Members thanked the Elections Team for their professional and efficient service.

The Leader proposed the recommendation, this was seconded by the Portfolio Holder for Sport, Recreation & Culture.

RECOMMENDED to Council that:-

- (1) the draft Polling District Places Order be approved; and
- (2) a full review of polling districts be conducted ahead of the next full district council elections with a view to addressing the anomalies created within certain parishes by the 2016/17 review of Teignbridge Council's ward boundaries by the Local Government Boundary Commission for England (LGBCE).

Chairman

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Public Notice and Annual Forward Plan - DECEMBER 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 December 2019

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Budget monitoring – revenue & capital and treasury management mid year review	28 Nov 2019		Open	Yes	Report Of Martin Flitcroft, The Chief Finance Officer & Head of Corporate Services Contact: Tel: 01626 215246
Public Space Protection Order Interim Report of the Public Spaces Protection Order (for Dog Control) Review Group	28 Nov 2019		Open	Yes	Report Of Trish Corns, Democratic Services Officer Contact:
Existing and future planning policies to meet the challenges of climate change To propose a number of policy refinements which cover low carbon energy development aspects.	28 Nov 2019		Open	Yes	Report Of Trevor Shaw, Senior Planning Officer Contact: Tel: 01626 215703
Electric Vehicles Policy	7 Jan 2020		Open	Yes	Report Of David Eaton, Environmental Protection Manager Contact: Tel: 01626 215064
Wolborough Masterplan DPD	7 Jan 2020		Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Initial budget proposals 2020/21 and Council Tax Base Council Tax Base - Full Council 14 January 2020.	7 Jan 2020	14 Jan 2020	Open	Yes	Report Of Martin Flitcroft, The Chief Finance Officer & Head of Corporate Services Contact: Tel: 01626 215246

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
<p>Bowling club premises on Council owned land To establish the level of subsidy to be provided to bowling club tenants beyond 2021</p>	7 Jan 2020		Fully exempt	Yes	Report Of Donna Best, Estates & Development Manager Contact: Tel: 01626 215467
<p>Town and parish council service devolution and asset transfer policy The Council has a requirement to be able to balance the aspirations of local communities to take on the guardianship of public property assets and delivery of services, with the duty of care it must have in safeguarding the best interest of Teignbridge residents. The introduction of this policy and application procedure set out within the proposed policy is intended to establish a clear approach and governance to service devolution and asset transfer.</p>	7 Jan 2020		Open	Yes	Report Of Donna Best, Estates & Development Manager Contact: Tel: 01626 215467
<p>Newton Abbot and Teignmouth Developments Update Project updates and request for any approvals required from the Executive</p>	7 Jan 2020		Fully exempt	No	Report Of Tom Butcher, Senior Estates & Development Surveyor Contact: Tel: 01626 215180
<p>Council Tax Reduction Scheme 2020-21 To consider the proposals for a new Council Tax Income Banded Reduction Scheme with effect from 1st April 2020 and make recommendations to Full Council</p>	7 Jan 2020	14 Jan 2020	Open	Yes	Report Of Tracey Hooper, Revenue, Benefits & Fraud Manager Contact: Tel: 01626 215266

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Howton Field Custom Build - Contract Award Request for delegated authority for Officers to approve the contract award in consultation with the evaluation panel and Portfolio Holder.	7 Jan 2020		Fully exempt	Yes	Report Of Charles Acland, Self Build Project Officer Contact:
Local Plan Review Part 1 – Draft Plan	10 Feb 2020		Open	Yes	Report Of Michelle Luscombe, Principal Policy Planner Contact: Tel: 01626 215754
Final Budget Proposals 2020/21. 15	10 Feb 2020	24 Feb 2020	Open	Yes	Report Of Martin Flitcroft, The Chief Finance Officer & Head of Corporate Services Contact: Tel: 01626 215246
Notice of Motion Fireworks	10 Feb 2020		Open	Yes	Report Of David Eaton, Environmental Protection Manager Contact: Tel: 01626 215064
Wolborough Masterplan DPD – Proposed Submission			Open	Yes	Report Of Rachel Tuckett, Senior Planning Officer Contact: Tel: 01626 215706
Land at Staplehill Road, Newton Abbot			Fully exempt	No	Report Of Donna Best, Estates & Development Manager Contact: Tel: 01626 215467
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

Matter for Consideration	Date of Decision	Council Date	Private Decision	Key Decision?	Report Author(s) & Contact Name & number
Leisure Strategy			Open	Yes	Report Of Lorraine Montgomery, 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
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
 Led Housing Company			Open	Yes	Report Of Amanda Pujol, Head of Service Delivery and Improvement Contact: Tel: 01626 215301

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

28 NOVEMBER 2019

Report Title	BUDGET MONITORING – REVENUE & CAPITAL, TREASURY MANAGEMENT LENDING LIST
Purpose of Report	To update Members on the principal areas where there are likely to be departures from the 2019/20 budget and summarise those variations to the end of October 2019, to update Members on progress with the capital programme and funding and any amendments to the lending list for treasury management purposes. To bring the mid-year treasury management review for information.
Recommendation(s)	<p>The Executive Committee RESOLVES to:</p> <ul style="list-style-type: none"> (1) approve the revenue budget variations as shown at appendix 1. (2) approve the updated capital programme as shown at appendix 2 (3) note the updated lending list as shown at appendix 3 <p>The Executive RECOMMENDS to Council to:</p> <ul style="list-style-type: none"> (1) note the mid-year review of treasury management at appendix 4

Financial Implications	The financial implications are contained throughout the report. The main implication is the favourable variance of £84,450 at the end of October on the revenue budget Martin Flitcroft – Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	See section 8 – budget monitoring is required by the Constitution and Financial Rules Karen Trickey – Solicitor to the Council & Monitoring Officer Tel: 01626 215119 Email: Karen.trickey@teignbridge.gov.uk
Risk Assessment	Major risks are identified in 4.13 and summarised in section 9. The most significant of these is the level of future funding from Central Government Martin Flitcroft – Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
Environmental/ Climate Change Implications	Impacts are summarised in section 10. The revenue budget supports the funding of a Climate Change Officer and capital projects are highlighted which contribute towards our climate change objectives David Eaton – Environmental Protection Manager Tel: 01626 215064 Email: david.eaton@teignbridge.gov.uk
Report Author	Martin Flitcroft – Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
Portfolio Holder	Councillor Alan Connett – Portfolio holder for Resources
Appendices	Appendix 1 – Revenue variations Appendix 2 – Capital programme Appendix 3 – Treasury management lending list Appendix 4 – Treasury management mid year review
Part I or II	Part I
Background Papers	Current year budget monitoring files: capital files: Latest year end files

1. PURPOSE

- To identify the principal areas where there are likely to be departures from the approved 2019/20 budget and summarise the likely overall variation based on the information available to the end of October 2019. Also to inform Members of progress that has been made with achieving savings and efficiencies. All shown at Appendix 1.
- To update Members on progress with the capital programme and funding and bring the latest details for members' approval as shown in Appendix 2.

- To update Members on the lending list for treasury management purposes as shown in Appendix 3.
- To bring the mid-year treasury management review for information as shown at appendix 4.

2. SUMMARY

- 2.1 Opening general reserves for the year are £2.0 million plus earmarked reserves of nearly £4.6 million for specific grants, contributions and carry forwards. The 2018/19 external audit has now been completed for Council of 24 September and no changes were required to the Teignbridge figures. There is a net surplus of £84,450 forecast for 2019/20 arising from variations to the original budget and extra reserves retained from 2018/19.
- 2.2 A summary of revenue budget variations by service identified to the end of October for the current year is shown below with favourable variations indicated by a minus sign as per the details shown in Appendix 1.

Service	Variance £
Development management including land charges	-53,830
Corporate services	-23,580
Economy & assets	66,480
Environment/climate change	16,550
Leisure/green spaces	1,000
General	-91,070
TOTAL FAVOURABLE BUDGET VARIATION TO DATE	-84,450

- 2.3 A budgeted contribution to capital of £0.2 million is assumed in the current year enabled through new homes bonus receipts with contributions increasing slightly in future years. Estimated rates retention above the baseline and pooling gain is assumed to grow until the end of 2019/20 however a reset of the baseline was due in 2020/21 which would have eliminated most of the gains made. This will be delayed one year. We await clarification on this which may be made clearer when full details of the one year settlement are provided for 2020/21 in December. The business rates retention reserve holds funds to assist with this eventuality initially. Likely shortfalls for future years after 2020/21 will need to be addressed as part of the budget setting and monitoring process this year and next year. The revenue contributions to capital reserve now holds £2.0 million towards current year and future years' capital projects.

3. BACKGROUND

- 3.1 A report on the variations to the 2019/20 budget was brought to members on 8 October 2019. At that time an updated capital programme was also approved and updated lending list noted. The external auditors have completed their audit of the accounts and submitted a report to audit scrutiny on 12 September. They are currently checking the £31 million housing

benefits claim in time to certify it by the deadline of 30 November. Their findings will be reported to the next Audit Scrutiny Committee.

4. VARIATIONS BY SERVICE (revenue shown in appendix 1 and capital in appendix 2)

4.1 Building control

- At the end of October fee income is forecast to be 0.2% above the target budget of £373,000. Any variation at the year end will be charged to the building control reserve so will not affect Teignbridge's general reserve. Income received to date is down on that at the same time last year.
- Teignbridge became the Lead Authority fully hosting The Devon Building Control Partnership with South Hams and West Devon councils from 1 April 2017 and holds the partnership earmarked reserves on behalf of the partners.

4.2 Development management including land charges

- At the end of October net planning application income is forecast to be £75,000 up on the original budget of £844,300. Planning application numbers are 3% up at the end of October as compared with last year.
- The Executive of 30 May 2017 agreed the introduction of charges for pre-application planning advice from 1 July 2017. At the end of October 2019 we were £4,000 up compared to the estimated income of £35,000 for the year.
- Planning public enquiry costs are currently in the region of £25,000 this financial year. Further substantial appeal costs are anticipated and will be costed into the initial budget proposals report.
- Land charges income is forecast to be in line with the projected budget of £185,860. The number of searches is 8.2% down on last year. A search can be a full or part search or individual questions.

4.3 Strategic leadership team & corporate services

The revised strategic leadership team structure has been approved and appointments to the relevant positions are currently being progressed. The new structure has been fully costed and will ultimately deliver ongoing savings in excess of £150,000 part of which had already been incorporated into the budget for 2019/20 and part deliver further in year savings going forward.

Democratic services

The staffing structure within Democratic services will deliver savings going forward and part of this will be used to pay for the annual costs of the introduction of a web casting system at an annual cost of just over £12,000.

Finance

- Net interest is forecast to be up £27,720 on the base income budget of £63,550 as we have not had to undertake long term borrowing. Call account rates continue to be low because of the changes to bank regulations over the past few years. Our average lending rate to the end of October is 0.78% which is well above the average benchmark 7 day London Interbank Offer Rate to date of 0.69%.

In April we arranged lending of -

£0.5 million to the Debt Management Office at 0.51% for 16 days to 19 April 2019

£8.1 million to the Debt Management Office at 0.50% for 3 days to 18 April 2019

£0.5 million to the Debt Management Office at 0.50% for 12 days to 30 April 2019

£1 million to the Debt Management Office at 0.50% for 1 days to 26 April 2019

and we had £6.3 million lent out or in call accounts at the end of the month.

In May we arranged lending of –

£2.5 million to the Debt Management Office at 0.50% for 5 days to 20 May 2019

£2 million to the Debt Management Office at 0.50% for 13 days to 28 May 2019

£3 million to the Debt Management Office at 0.50% for 14 days to 29 May 2019

£1 million to Nationwide Building Society at 0.75% for 85 days to 8 August 2019

and we had £7.5 million lent out or in call accounts at the end of the month.

In June we arranged lending of -

£1 million to Coventry Building Society at 0.89% for 179 days to 13 Dec 2019

£1 million to Nottingham Building Society at 0.85% for 88 days to 13 Sep 2019

£2.4 million to the Debt Management Office at 0.50% for 2 days to 19 June 2019

£2 million to the Debt Management Office at 0.50% for 7 days to 24 June 2019

£1 million to the Debt Management Office at 0.50% for 17 days to 4 July 2019

£0.5 million to the Debt Management Office at 0.50% for 8 days to 4 July 2019

and we had £14.7 million lent out or in call accounts at the end of the month.

In July we arranged lending of –

£3 million to the Debt Management Office at 0.50% for 3 days to 4 July 2019
£4 million to the Debt Management Office at 0.50% for 7 days to 22 July 2019
£1 million to the Debt Management Office at 0.50% for 8 days to 23 July 2019
£1 million to the Debt Management Office at 0.50% for 15 days to 8 August 2019
£1 million to Coventry Building Society at 0.65% for 61 days to 23 Sep 2019

and we had £15.8 million lent out or in call accounts at the end of the month.

In August we arranged lending of –

£3.7 million to the Debt Management Office at 0.50% for 7 days to 8 August 2019
£3 million to the Debt Management Office at 0.50% for 4 days to 19 August 2019
£1 million to the Debt Management Office at 0.50% for 8 days to 23 August 2019
£1 million to the Debt Management Office at 0.51% for 32 days to 16 Sep 2019
£1 million to Principality Building Society at 0.56% for 32 days to 16 Sep 2019
£0.5 million to the Debt Management Office at 0.50% for 18 days to 16 Sep 2019

and we had £16.1 million lent out or in call accounts at the end of the month.

In September we arranged lending of –

£2.6 million to the Debt Management Office at 0.5% for 14 days to 16 Sep 2019
£1 million to the Debt Management Office at 0.5% for 13 days to 23 Sep 2019
£0.7 million to the Debt Management Office at 0.5% for 17 days to 30 Sep 2019
£1.5 million to the Debt Management Office at 0.5% for 3 days to 19 Sep 2019
£1 million to Santander UK at 0.8% for 147 days to 10 February 2019
£1 million to Principality Building Society at 0.72% for 88 days to 13 Dec 2019
£1 million to the Debt Management Office at 0.5% for 4 days to 27 Sep 2019
£1.1 million to the Debt Management Office at 0.5% for 1 day to 1 Oct 2019

and we had £15.0 million lent out or in call accounts at the end of the month.

In October we arranged lending of –

£4 million to the West Yorkshire Fire and Rescue Authority at 0.65% for 14 days to 15 Oct 2019
£1 million to the Debt Management Office at 0.5% for 13 days to 14 Oct 2019
£11 million to the Debt Management Office at 0.5% for 6 days to 21 Oct 2019
£1 million to the Debt Management Office at 0.5% for 2 days to 23 Oct 2019
£1 million to the Debt Management Office at 0.5% for 2 days to 11 Nov 2019

and we had £15.5 million lent out or in call accounts at the end of the month.

- Municipal Mutual Insurance (MMI) provided insurance for the Council until early 1993 when policies were transferred to Zurich Municipal. MMI experienced financial difficulties in 1992 and a scheme of arrangement was agreed by local authority creditors to facilitate the solvent run-off of the company. The scheme has been triggered and we have to pay a percentage of our potential liability of £341,000.

In 2013/14 a provision was made for the first levy notice of 15% or £51,000 which the administrator issued in April 2013 and was billed and paid early in 2014. A further reserve of 35% or £119,000 for likely claims in future years was also set up. Together these allowed for a total 50% of the potential liability as recommended by the broker. MMI's accounts to 30 June 2015 were published and we paid a second levy of 10% or £34,000 in April 2016. We were not required to pay any more after publication of the accounts to 30 June 2016, 2017, 2018 and 2019. We still have £85,000 in reserve for the potential remaining 25%.

Human resources, legal, audit and procurement

There are no variations to report at this time. The additional costs of providing GDPR officer support are subject to the existing interim arrangement using officers within Internal Audit and back funding audit work with the Devon Audit Partnership.

4.4 Economy & assets

- Repairs and maintenance are on target to be within the budget of £911,000. Actual spend to the end of October is £365,000.
- Income from car parking is currently in line with the original budget of £3.7 million at the end of October.
- General rental income has been maintained however some specific voids have reduced likely income for this year only resulting in an adverse variance of £53,680. Market income is forecast to be down by £12,800. The total property income budget is £3.0 million.

Capital

- Council of 6 June 2016 resolved to commit funding to the Superfast Broadband Connecting Devon and Somerset phase 2 programme. An investment of £250,000 financed from capital receipts was confirmed and the collaboration agreement signed. This is now being scrutinised, with a report due to be presented to Full Council on 19 November 2019. Provided that satisfactory assurances are received from Connecting Devon and Somerset that the funds will be spent within the Teignbridge district, resulting in enhanced broadband provision, it is anticipated to be paid in 2022/23.

- Following Council on 25 April 2018, the Minerva Building on the Brunel Industrial Estate was purchased for £2 million plus £125,000 costs. Further works have been undertaken to prepare the building for the new tenant. This is anticipated to total around £1.75 million. This project is now close to practical completion, subject to snagging resolution. The new tenants are now occupying the building. Funding for this project is a combination of grant and prudential borrowing. To date, no long-term external borrowing has been required.
- Council on 28 February 2019 resolved to progress plans to develop a hotel, including car park re-provisioning as part of the town centre regeneration outlined in the Newton Abbot master plan. This project is funded mainly from prudential borrowing.
- Council of 29 July 2019 (as updated at Council on 24 September) resolved to grant the necessary authority to advance the Sherborne House regeneration and Social Housing project in Newton Abbot. This project will be funded from prudential borrowing and is anticipated to provide accommodation for Health services in addition to Social Housing units.
- Newton Abbot is also set to benefit from further grant funding of almost £10 million for town centre regeneration as a result of the successful bid to Ministry of Housing, Communities and Local Government's Future High Streets Fund. A detailed bid must now be prepared for the scheme which includes plans to refurbish Market Walk, improve town centre parking, introduce a flood prevention scheme for the town and improve the overall appearance of the town centre.
- Council of 29 July also resolved to grant authority to enable progression of the regeneration in the Brunswick Street area of Teignmouth town centre. This project will be funded mainly from prudential borrowing.

Capital - coastal & drainage

The current year's programme is fully funded by budgeted grants of £1.9 million from the Environment Agency for regional coastal monitoring, and flood alleviation and prevention. Of this £1.8 million was received in the previous and current year, with the remainder anticipated in the current financial year.

4.5 Environment

- A waste savings sharing agreement exists with Devon County Council. Additional savings which might arise can help to contribute towards the costs of implementing and on-going costs of extra waste and recycling rounds and improvements. £56,450 has been identified for 2019/20 which are being used for improvements at the depot – principally to replace key elements of the sort line equipment via increased revenue contributions to capital.
- A saving on fuel costs is anticipated of approximately £20,000

- Income from recycling sales is down on the original budget of £0.75 million – mainly due to the price for cardboard and a reduction in the volume of paper collected which follows a nationwide trend. This is partly offset by additional income from aluminium and a saving in paper haulage costs giving a net adverse variance of £9,000. In addition to this there are paper haulage savings of £30,880 and temporary staff savings of £11,080 which have funded bailer repairs of £41,960.
- The rural skip service is likely to continue to cost an extra £28,000 this year due to increases in contractors costs to deliver the service.

4.6 Housing

- Teignbridge has been successful in a bid for Rough Sleeper Initiative (RSI) funding. £96,000 will be provided by MHCLG and will be used to provide an outreach service for rough sleepers in Teignbridge, together with funding for a Multidisciplinary Team Coordinator.
- A joint submission for Rapid Rehousing Pathway (RRP) funding between Teignbridge, East Devon, Mid Devon, South Hams and West Devon District Councils will provide £164,160. This funding will allow Rough Sleeper Navigators to be employed throughout the area and a personalized budget allowance for clients. Navigators will work with rough sleepers from first contact through the pathway system to settled accommodation.

Capital

- We received £1.38 million of the government Better Care capital funding for 2019/20 towards statutory disabled facilities and other discretionary grants in July via Devon County Council. We also have £619,000 carried over from last year giving a total £2.0 million for the current year. There is likely to be a carry forward in the region of £0.3 million at the end of the financial year which will be applied in 2020/21 to meet anticipated increased demand.
- We have been successful in bidding for £159,896 from the Warm Homes Fund (Affordable Warmth Solutions) to provide gas central heating to park home residents.
- £700,000 is now anticipated and budgeted each year for right to buy receipts towards the affordable housing programme. We received £653,000 for last year in April 2019. This income will cease in January 2024. £43,000 of previously paid renovation grants have so far been recovered by Teignbridge this year.

4.7 Leisure / Green spaces

- Leisure has experienced growth in their membership income for a number of years. Actual income is slightly up on last year with a small favourable variation of £20,000 at the end of October – mainly due to junior memberships.

- Swimming income is down this year by £51,000 – partly due to a switch to junior memberships. The remaining reduction is anticipated to be temporary with income predicted to increase again in future years.
- Contract changes to grounds maintenance provision are contributing savings of £30,000 per annum.
- We currently have £9.2 million available in S106 receipts. These are over many services and parishes but the majority is for leisure including open spaces, sports provision and play facilities.

4.8 Licensing

Licensing income looks to be on target to achieve the budget of £211,300. Income to date is slightly more than last year.

4.9 Revenue & benefits plus customer services

- Universal Credit started for Teignbridge from 9 November 2015 for new single job seekers with the full service rolling out from September 2018. There has been some help from the department for work and pensions in connection with the transition but the specific funding received this year is relatively low at £41,179.

4.10 Spatial planning

We received the first payments of community infrastructure levy (CIL) in 2015/16. The money is being coded by town/parish and any payments due to them are made half-yearly. Teignbridge has recognised £6.8 million of usable CIL to date after payments due to parishes. £2.8 million has been spent on infrastructure, with the remainder committed to existing approved projects including Suitable Alternative Natural Green Space (SANGS), green infrastructure and provisions for local transport, education and sports. As CIL may be paid in instalments, the actual cash balance after parish payments and expenditure is £1.9 million.

Capital

- At Council on 25 September 2017, the acquisition of approximately 38 hectares of land at South West Exeter for the creation of SANGS was approved. This is occurring in phases, with parcels K, 1 and 1A purchased to date in 2019/20. Instatement works will take place in line with the acquisition phasing.
- Council of 26 September 2016 approved that Teignbridge becomes a shareholder of the public sector Energy Services Company. This will involve providing up to £98,000 of revenue support towards procurement from an identified revenue carry forward. In the longer term capital investment of up to

£177,000 is expected into the Joint Venture Company, currently anticipated in 2020/21 with net revenue returns expected from 2034/35.

- Teignbridge has been successful in bidding for £150,000 of capacity funding to support the delivery of Newton Abbot as a garden town from the Garden Communities Programme. The Programme is to transform local communities focused on sustainability and supported by the right infrastructure.

4.11 General revenue

- Council tax support cost continues to go down and was just under £9.2 million at the end of October which is £165,000 below the original estimate of £9.35 million. Council tax support falls directly to Teignbridge including parishes (12.5% together), county, fire and police and is being monitored monthly.
- Our business rateable value (RV) has increased slightly and stands at just over £86.2 million. The number of assessed businesses has increased from 5,300 to 5,380. These are the end of October 2019 figures as compared to the beginning of the current year. We still seem to be on target to achieve the total budget of £4.8 million business rates retention income for the year.

4.12 General savings progress

- Strata Service Solutions Ltd - the current year budget included a savings target of £104,000. This is expected to be at least £129,000 this year thus a favourable variance of £25,000 per annum.
- Salary vacancy savings at the end of October look to be slightly in excess of the required budget target of £200,000. There is a small favourable variance on other salary costs of £26,000. This is after allowing for the full costs of the pay award. The approved new post of Climate Change Officer can be funded from these savings in 2019/20. Future years costs for this post will be part of the overall budget proposals for 2020/21.
- Utility costs for gas, electricity and water are in line with existing budgets as at the end of October.
- The latest BEST 2020 review is being finalized in conjunction with the review of service business plans and any identified savings will be fed into the annual budget process.

4.13 Future years

- Council tax has been closed down and balanced for 2018/19 and a surplus of £0.5 million is available for sharing with county, fire and police in 2020/21. This has arisen mainly because of the reduction in council tax support. Teignbridge will get £62,000.

- The number of dwellings in Teignbridge on the valuation list is monitored monthly and the data feeds into the new homes bonus (NHB) calculation. At 9 September there were 62,889 dwellings which is 483 more towards the next NHB payment for 2020/21. We are therefore 137 below the target estimated 620 growth in homes. We have successfully worked with landlords to reduce the number of empty homes by the 1 October deadline. This has been made more difficult by increased regulations around energy efficiency standards before re-letting. We have however been able to reduce the number again this year by a further 15 which will contribute towards the NHB we receive next year. The Government imposed a baseline assumption of growth on new homes for which we do not receive any funding. This was set at 0.4% of the previous years base. It had been thought that the government may amend the 0.4% baseline deduction as they have suggested such changes previously, however the September 2019 Spending Review does not identify this as a change but they still have reserved the right to tweak this percentage. We will need to wait until the provisional settlement announcement to be clear on the overall budget impact and this may be received in December but may be delayed now with the General Election. A new Government may review the funding going forward adding further uncertainty at this stage as to what funding may be received and whether any alternatives transpire.
- Consultation has taken place on the one year funding settlement. It was proposed to abolish New Homes Bonus in future years and replace with an alternative form of housing delivery funding. We had anticipated that this change would take place next year but this should be delayed a further 12 months. This is significant for the Council as we receive over £2 million from this source of income. No details of the proposed changes are available at present. This is a high risk and we await outcomes as to how this may be altered for and after 2020/21 – particularly with the unknowns that may arise from the General Election in December. If only legacy payments are provided going forward this would result in significant falls in funding over the next 4 years. Business rates baseline funding was due to be reset in 2020/21. The Spending Review has confirmed that this will be delayed for 12 months and introduced in 2021/22 rather than 2020/21. It is not clear at this stage what this will mean for the one year settlement until December (or potentially later) but should be beneficial for District Councils. When the reset takes place it is considered likely that we will lose the majority of the business rate growth retention income we have received in recent years as a result of this reset. These losses will be significant for future budget setting and financial planning. We hold funds within the business rates/funding reserve to help cushion the impact of any initial losses of income as a result of the baseline reset.
- The shape and impact of the eventual Brexit outcomes between the UK and the EU is still unknown. Therefore drawing any conclusions about its impact for local government is not possible at this stage. We will continue to monitor any information we receive in relation to this as part of our risk and financial management.

- The Chancellor presented his Autumn Spending Round Statement 2019 in September. This confirmed there will only be a one year settlement for next year with a full review of funding taking place during next financial year. There appears to be no significant changes in respect of Business rates or New Homes Bonus for next year (at present) but subsequent years remain uncertain and the likelihood that New Homes Bonus will be scrapped and replaced with an alternative form of housing funding. Specific detail on the impact of our core funding for next years budget setting process will be provided in the provisional settlement which was anticipated being announced in December but may be later.
- The medium term financial plan currently assumes a £5 council tax increase for 2020/21 and thereafter. We await clarification on this as the spending review only mentioned a 2% referendum limit on Council tax increases. The current variations above suggest there will be savings of £84,450 to assist future funding deficits and further budget pressures. Further work will be carried out to review other pressures – mainly in relation to the changes to New Homes Bonus and business rates baseline highlighted above as we progress the initial budget proposals for 2020/21, 2021/22 and 2022/23. Savings will need to be worked up and identified to offset the likely significant reductions in funding from Government in 2021/22 and thereafter through Business Plans and the BEST2020 process.
- The draft council tax base has been estimated for next year. This shows a volume increase of 1.0% for council tax income. These figures will be fed into the initial budget proposals for 2020/21 to be considered at Executive on 7 January 2020.

5. TREASURY MANAGEMENT

5.1 Lending list (appendix 3)

The authorised treasury management list was approved at the 2019 February budget meeting and updated at Executive on 1 July and 8 October. Since then ratings have been updated and National Westminster Bank has moved down to tier 2 due to a change in ratings. The current list is shown in appendix 3 for information.

5.2 Mid year review

The mid year review of performance which is required to be noted by Council is attached as appendix 4. This shows good returns of 0.81% being in excess of the benchmark London interbank bid rate of 0.69%. Interest earned to the end of September is £57,490, more than last year, mainly due to higher interest rates, but also £0.9 million higher average daily lending. The forecast for the year is £91,270, a decrease of £11,695 compared to 2018/19. This is mainly due to a forecast increase in the Council's borrowing requirement in the second half of the year due to items within the capital programme. However, this is dependent on the timing of the schemes proceeding as anticipated.

6. MAIN IMPLICATION

The main implication members need to be aware of is as follows:

Resources

The report notes an overall favourable revenue variation of £84,450 identified this year to the end of October. Cash flow is forecast to be positive over the next twelve months apart from any borrowing for significant new projects. Revenue reserves are considered to be sufficient to sustain the council over the three year financial plan period. Consideration will need to be made of any future developments regarding funding changes from business rates retention and changes to New Homes Bonus. Capital is funded over the medium term.

7. TIME-SCALE

This report covers the year 2019/20 but also refers to the accounts for 2018/19 and the financial plan for 2019/20 to 2021/22.

8. LEGAL

Regular budget monitoring is required by the Council's Constitution and Financial Rules.

9. RISKS

The major risks in examining and projecting financial forecasts are predicting future trends and variances. This is mitigated through monthly monitoring and discussions with service managers. The most significant concerns are detailed in 4.13 above and mainly relate to future financial planning, only having a one year settlement, predicted changes to business rates retention and the abolition of New Homes Bonus and what it may be replaced with and how our funding from these sources will change as a result. The long term impacts of leaving the European Union and the economic impacts are difficult to determine and any impacts on business rates, council tax support, debt recovery etc.

10. ENVIRONMENTAL/CLIMATE CHANGE IMPACT

The revenue budget supports the appointment of a climate change officer and the capital programme identifies projects which have an impact on climate change denoted with a green leaf in appendix 2.

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

10.00 a.m. on 5 December 2019

Description	Forecast 2019/20	Forecast 2020/21	Forecast 2021/22
UPDATED BUDGET 28.2.19	15,982,520	14,710,630	15,089,160
Major budget variations :			
Development management pre-planning application charging - slight increase in income	-4,000	-4,000	-4,000
- increase in planning income	-75,000	0	0
- statutory plan examination costs	0	0	30,000
Planning public enquiry costs	25,170	0	0
Democratic services - webcasting	4,140	12,430	12,430
Finance- net finance investment extra income projected at end of October	-27,720	0	0
Economy & assets - general rental income shortfall in income forecast at end of October	53,680	0	0
- markets shortfall in income forecast at end of October	12,800	12,800	12,800
Environmental - fuel saving	-20,000	-20,000	-20,000
-rural skip service - increase in costs	28,000	34,130	34,130
- paper haulage savings	-30,880	-30,880	-30,880
- bailer repairs	41,960	0	0
- temporary staff savings	-11,080	0	0
- waste savings sharing agreement with county from 1 April 2017 - additional income	-56,450	-56,450	-56,450
- other income variations - recycling/sales - net of costs	9,000	0	0
- additional revenue contributions to capital - depot/sortline replacements	56,000	43,500	43,500
Leisure - reduction in swimming income - end of October	51,000	15,000	15,000
Leisure - extra membership income at end of October	-20,000	-20,000	-20,000
Green spaces - grounds maintenance contract changes	-30,000	-30,000	-30,000
Strata savings from 1 April 2019 compared to budget	-25,000	-25,000	-25,000
Estimated salary vacancy savings/pressures/one teignbridge	-26,330	-39,220	-63,800
Agreed BEST 2020 savings	-4,550	-4,550	-4,550
Council tax surplus 2018/19 Teignbridge share for 2020/21	0	-62,360	0
Climate Change Officer	0	39,120	39,900
Use previous year extra reserves to reduce shortfall/increase surplus	-35,190	0	0
ESTIMATED -SURPLUS/SHORTFALL	-84,450	-135,480	-66,920

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**TEIGNBRIDGE DISTRICT COUNCIL
CAPITAL PROGRAMME 2019-20 TO 2021-22**

				27,849	40,124	23,762	15,025	Totals (£'000)
Code /bid no.	Asset/Service Area		Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
				BUDGET	BUDGET	BUDGET	BUDGET	
				2019-20	2019-20	2020-21	2021-22	
				£'000	£'000	£'000	£'000	
				(Inc Fees)		(Inc Fees)		
KG1	Bakers Park		Bakers Park development (S106)	489	702			8. Out and about and active
KP1	Boat Cove, Dawlish		Feasibility (CR)		10			4. Great places to live & work
KL1	Broadband		Contribution to Superfast Broadband subject to procurement arrangements (RS) (2022/23) subject to satisfactory assurances of funds being spent within Teignbridge area.	250	-			6. Investing in prosperity
Bid 28	Broadmeadow Sports Centre		Provision for Broadmeadow Sports Centre Asbestos (RS)	101	101			8. Out and about and active
Bid 31	Broadmeadow Sports Centre		Provision for Broadmeadow Sports Centre central boiler installation (CR)	45	45			8. Out and about and active
Bid 4	Broadmeadow Sports Centre		Provision for Broadmeadow Sports Centre Improvement Plan (S106/BC).	1,545	1,545			8. Out and about and active
K1	Broadmeadow Sports Centre		Broadmeadow Sports Centre Roof (CR)	68	68			8. Out and about and active
KM2	Car parks		Multi-storey lift (RS)		48			3. Going to town
KM3	Car parks		Upgrade of card payment facilities (CR)		12			3. Going to town
Bid 245	Churchyards		Provision for Churchyards (RS)	45	12			4. Great places to live & work
KD4	Churchyards		Closed Churchyards (RS,CR)		46			4. Great places to live & work
KY5	Climate Change		Energy/Utility Reduction (CR)		232			10. Zero heroes
Bid 229e	Climate Change		Provision for Carbon Management Programme (CR)	340	340			10. Zero heroes
KY2	Climate Change		Tunncliffe Building energy efficiency measures (CR)		20			10. Zero heroes
KR3	Coastal Monitoring		SW Regional Coastal Monitoring Programme. (GG,EC)	798	1,391	724		9. Strong communities
KR5	Coastal Monitoring		Coastal asset review: project management support (GG)		126			9. Strong communities
KR6	Coastal Monitoring		Coastal asset review (GG)		259			9. Strong communities
KP4	Colley Brook, Kingsteignton		Gabion Basket Replacement (S106)		35			9. Strong communities
K18	Combeinteignhead		Combeinteignhead (Env.Agency)					9. Strong communities
KW3	Cricketfield		UTC Cricketfield Footpath (CR)	45	45			3. Going to town
Bid 211	Cycle paths		Provision for Other cycling (CIL)	280	180	100		7. Moving up a gear
KG3	Cycle paths		Wray Valley Trail (CIL)		100			7. Moving up a gear
Bid 211	Cycle paths		Provision for Dawlish/Teignmouth Cycle Schemes (later years) (CIL)			65	100	7. Moving up a gear
Bid 211	Cycle paths		Provision for Heart of Teignbridge cycling (later years) (CIL)			115	100	7. Moving up a gear
KG8	Cycle paths		(Updated) Dawlish/Teignmouth Cycle Schemes (CIL)	180	51	140		7. Moving up a gear
KG8	Cycle paths		Teign Estuary Trail (CIL)		200			7. Moving up a gear
KG8	Cycle paths		Heart of Teignbridge Cycle Provision (CIL)	180		50		7. Moving up a gear
KG8	Cycle paths		East-West Cycle Route (CIL)		180			7. Moving up a gear
KX7	Dawlish		Dawlish link road and bridge (GG)				4,900	7. Moving up a gear
Bid 2	Dawlish Leisure Centre		Provision for Dawlish Leisure Centre Improvement Plan (CIL).			435		8. Out and about and active
Bid 7	Dawlish Leisure Centre		Provision for Dawlish Leisure Centre Drainage Overhaul & Improve (CR)	40	40			8. Out and about and active

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				BUDGET	BUDGET	BUDGET	BUDGET	
				2019-20	2019-20	2020-21	2021-22	
				£'000 (Inc Fees)	£'000	£'000 (Inc Fees)	£'000	
Bid 78	Dawlish Warren Visitor Centre		Provision for Dawlish Warren Visitor Centre (HRA/S106/CIL,EA,HLF,EC)	-		1,464		4. Great places to live & work
KB8	Dawlish Warren		Dawlish Warren Boardwalk (S106)		87			4. Great places to live & work
KB6	Dawlish Warren		Dawlish Warren Boardwalk (S106)		85			4. Great places to live & work
KB4	Dawlish Warren		Fencing (EC)		11			4. Great places to live & work
KL4	Employment Land		Purchase of Minerva Building (GG,BC)	1,136	1,468			6. Investing in prosperity
Bid	Employment Land		Provision for other employment land purchase and infrastructure (BC: Prudential Borrowing)	2,000	2,000			6. Investing in prosperity
KL2	Employment Land		Newton Abbot feasibility (BC)		20			6. Investing in prosperity
K34	Energy Company		Energy Company (CIL)	177	-	177		9. Strong communities
KD1	Forde House		HR Refurb (CR)		7			What else we will do
KD2	Forde House		Corporate Services Refurb feasibility (CR)		3			What else we will do
KT2	Forde Road Depot		Forde Road depot concrete repairs (CR)		17			2. Clean scene
Bid 297	Heart of Teignbridge		Provision for Heart of Teignbridge Employment Sites (BC: Prudential Borrowing; CR)	5,350	-	5,350		6. Investing in prosperity
Bid 297	Heart of Teignbridge		Provision for Heart of Teignbridge Employment Sites (BC: Prudential Borrowing; CR)	200	200			6. Investing in prosperity
KX8	Heart of Teignbridge		A382 Improvements (CIL) (£5.1 m by 2022-23)					7. Moving up a gear
KW8	Heart of Teignbridge		Houghton Barton land (EC)	134	153			4. Great places to live & work
JW/JV	Housing		Discretionary - Disrepair Loans & Grants (GG/CR)	50	50	50	50	1. A roof over our heads
JW/JV	Housing		Better Care-funded grants re: Housing loans and grants policy, including Disabled Facilities (GG)	1,000	2,000	1,000	1,000	1. A roof over our heads
Bid	Housing		Provision for Warm Homes Fund (GG)		160			1. A roof over our heads
JY3	Housing		Broadhempston Community Land Trust (CR,RS)		10			1. A roof over our heads
JY3	Housing		Exception site Starcross (CR)		65			1. A roof over our heads
JY3	Housing		Exception site Denbury (CR,GG)		100			1. A roof over our heads
JY3	Housing		Moretonhampstead (Teign Housing) (EC)		85			1. A roof over our heads
JY3	Housing		Downsizer initiative Shutterton Dawlish Warren (CR)					1. A roof over our heads
Bid	Housing		Provision for additional Social Housing in Newton Abbot (East St) (CR, RS,GG, BC)	115	926			1. A roof over our heads
Bid	Housing		Provision for additional Social Housing in Newton Abbot (Drake Road) (CR,RS,GG,BC)		527			1. A roof over our heads
JY3	Housing		Longstone Cross Ashburton (CR)	100	100			1. A roof over our heads
Bid	Housing		Provision for Shared Equity Scheme (S106)		667			1. A roof over our heads
Bid	Housing		Provision for Shared Equity Scheme (CR)		158			1. A roof over our heads
JY3	Housing		Affordable Housing unallocated (CR)	-	59	200	200	1. A roof over our heads
JY5	Housing		Additional plots Haldon (S106,CR)		21			1. A roof over our heads
Bid 80	Habitat Regulations		Provision for Habitat Regulations infrastructure measures (CIL)	118	118	61	70	4. Great places to live & work
KV5	IT - Committee		Replacement IT Equipment/ Committee Mgt (RS)	10	47			What else we will do
KV3	IT - provision for Mobile Working		Mobile Working (RS,CR)	68	94			What else we will do
KV4	IT - Customer Services		Customer Portal (RS)		71			What else we will do
KV1	IT - Finance		Cash and Income Management (RS)	22	22			What else we will do

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				BUDGET	BUDGET	BUDGET	BUDGET	
				2019-20	2019-20	2020-21	2021-22	
				£'000 (Inc Fees)	£'000	£'000 (Inc Fees)	£'000	
KV6	IT - Convergence		Strata projects: Convergence Projects (RS)		22			What else we will do
KV6	IT 17-18 Strata projects		Strata business plan (RS)		81			What else we will do
KV6	IT - Car parks		(Updated) Car Park systems upgrade (CR)		12			3. Going to town
KV7	IT - Planning		Strata projects: Uniform Implementation (RS)		58			What else we will do
KV8	IT - Capital contribution		Ongoing contributions towards Strata (RS)	41	41	41	41	What else we will do
KV9	IT - HR		Strata projects: Human Resources (RS)		16			What else we will do
KW1	IT - Customer Services		Reception Management (RS)		20			What else we will do
KW7	IT - Customer Services		Open channel/open access (RS)		5			What else we will do
KV2	IT - Customer Services		ECM (RS)	14	14			What else we will do
KW2	IT - Legal Services		Legal Case Management (RS)	18	18			What else we will do
Bid 300	Kingsteignton		Provision for Kingsteignton Open Space (S106)		60			8. Out and about and active
KG2	Leisure		Playing Pitch Improvement Plan (S106)	300	280			8. Out and about and active
KX9	Marsh Barton		Marsh Barton Station (CIL)			1,300		7. Moving up a gear
Bid 43	Michaels Field		Provision for Michaels Field Phase 2 (S106/grant)	136	-			8. Out and about and active
KG4	Newton Abbot		3G artificial playing pitch, Coach Road, Newton Abbot (S106, CR)		220			8. Out and about and active
Bid 23	Newton Abbot Leisure Centre		Provision for Newton Abbot Leisure Centre fire alarm control panel (CR)				30	8. Out and about and active
Bid 236a/b & 237	Newton Abbot Leisure Centre		Provision for Newton Abbot Leisure Centre AC Unit , Accoustic main sports hall & sports hall cooling system. (CR)				90	5. Health at the heart
Bid 3	Newton Abbot Leisure Centre		Provision for Newton Abbot Leisure Centre Improvement Plan (S106;RS;CR)				350	8. Out and about and active
KF5	Newton Abbot Leisure Centre		Newton Abbot Leisure Centre Gym Equipment (RS,S106)	40	73	40	40	8. Out and about and active
Bid 299	Newton Abbot Town Centre Regeneration		Provision for Newton Abbot Town Centre Improvements (BC: Prudential Borrowing;CR)	2,100	100	7,500	5,300	3. Going to town
KX1	Newton Abbot Town Centre Regeneration		Halcyon Rd (BC:Prudential Borrowing)		6,786			3. Going to town
KL6	Newton Abbot Town Centre Regeneration		Market Walk improvement works (CR, RS)		462			3. Going to town
KL9	Newton Abbot Town Centre Regeneration		Cattle Market Enabling Works (CR)		200			3. Going to town
KL7	Newton Abbot Town Centre Regeneration		Bradley Lane Enabling Works (RS,CR)		113			3. Going to town
KW9	Newton Abbot Town Centre Regeneration		Cinema (CR)		21			3. Going to town
KX2	Newton Abbot Town Centre Regeneration		Sherborne House: town centre regeneration/Social Housing (BC: Prudential Borrowing)		4,399			3. Going to town
KW4	Newton Abbot Town Centre		Sherborne Rd Planter (CR)		14			3. Going to town
KW5	Open Spaces		Cirl bunting land (S106)		125	125	125	4. Great places to live & work
KB9	Open Spaces		Dormouse habitat improvements (S106)		12			4. Great places to live & work
KB2	Open Spaces		Mill Marsh Park, Bovey Tracey (S106)		75			4. Great places to live & work
KS4	Pavilions Teignmouth		Pavilions, Teignmouth (CR)		55			3. Going to town
K7	Penns Mount Park		Penns Mount Hilltop Park (CIL)			400		4. Great places to live & work
Bid 44	Play area equipment/refurb		Provision for Dawlish play space flagship provision (S106)	75	75			8. Out and about and active
Bid 45	Play area equipment/refurb		Provision for Powderham Newton Abbot play space equipment (S106)		30			8. Out and about and active
Bid 47	Play area equipment/refurb		Provision for Newton Abbot Play Area (S106)		74			8. Out and about and active

				27,849	40,124	23,762	15,025	Totals (£'000)
Code /bid no.	Asset/Service Area		Description	ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
				BUDGET	BUDGET	BUDGET	BUDGET	
				2019-20	2019-20	2020-21	2021-22	
				£'000	£'000	£'000	£'000	
				(Inc Fees)		(Inc Fees)		
KJ1	Play area equipment/refurb		Coombe Valley Play Area (S106)		26			8. Out and about and active
Bid 46	Play area equipment/refurb		Provision for Decoy refurb (S106/CIL)	150	150			8. Out and about and active
Bid 49	Play area equipment/refurb		Provision for Den, Teignmouth play area overhaul (S106/CIL)	200	200			8. Out and about and active
Bid 50	Play area equipment/refurb		Provision for Higher Woodway, Teignmouth play area refurb (S106)		30			8. Out and about and active
Bid 51	Play area equipment/refurb		Provision for Meadow Centre Teignmouth play area major refurb (S106)		30			8. Out and about and active
Bid 58	Play area equipment/refurb		Provision for Palace Meadow, Chudleigh play space overhaul (S106)			15		8. Out and about and active
Bid 67	Play area equipment/refurb		Provision for Teignbridge-funded play area refurb/equipment (CR)	114	114			8. Out and about and active
KP1	Sandygate		Sandygate, Kingsteignton (Env.Agency 2022-27)					9. Strong communities
KB1	SANGS/Open Spaces		SANGS land purchase (GG; CIL)	475	715		385	4. Great places to live & work
KB1	SANGS/Open Spaces		SANGS instatement (GG; CIL)	298	298		95	4. Great places to live & work
KB7	SANGS/Open Spaces		SANGS: Dawlish (CIL;S106)	-	130			4. Great places to live & work
Bid 95	South West Exeter		Provision for South West Exeter Transport (2022-27) (CIL)					7. Moving up a gear
K13	South West Exeter		(Updated) SW Exeter Education Provision (CIL)	1,000	1,000	1,950		4. Great places to live & work
Bid 5	Sport & Leisure		Provision for Sports Provision (CIL)	65	65	311		8. Out and about and active
Bid 72	Sport & Leisure		Provision for Outdoor sport facility to serve Newton Abbot area (S106)	230	230			8. Out and about and active
K6	Sport & Leisure		Sports allocation (CIL)	358	358			8. Out and about and active
Bid 90	Teignbridge		Provision for Education (CIL)			2,050	2,050	4. Great places to live & work
Bid 40	Teignmouth Lido		Provision for Teignmouth Lido boiler replacement (CR)		100			8. Out and about and active
KX3	Teignmouth Town Centre		Teignmouth Town Centre Regeneration (includes feasibility budget) (BC: Prudential Borrowing)	6,900	7,234			6. Investing in prosperity
KL5	Teignmouth		Beachcomber café (RS)		147			3. Going to town
Bid 77	Teignmouth		Provision for Teignmouth open space (S106)	50	50			4. Great places to live & work
KR1	Teignmouth		Beach Management Plan (GG)		115			9. Strong communities
Bid 116	Waste Management		Provision for Bulking Station - replace telehandlers (2022-27) (CR)					2. Clean scene
KS2	Waste Management		Bulking Station - replace telehandlers (CR)		45			2. Clean scene
KS3	Waste Management		Bulking Station welfare facilities (RS)		18			2. Clean scene
Bid 118	Waste Management		Provision for Bulking Station - replace Sortline (2022-27) (CR)					2. Clean scene
Bid 120	Waste Management		Provision for Waste vehicles - additional recycling (RS)	200	200			2. Clean scene
Bid 121	Waste Management		Provision for: Replace kerbsider (CR)	100	150			2. Clean scene
KS0	Waste Management		Purchase of Wheeled Bins (RS)	99	99	99	99	2. Clean scene
KT1	Waste Management		Bulking Station Silo Refurbishment (CR)		29			2. Clean scene
KT3	Waste Management		Vehicle tracking system (RS)		11			2. Clean scene
				27,849	40,124	23,762	15,025	

Code /bid no.	Asset/Service Area	Description	27,849	40,124	23,762	15,025	Totals (£'000)
			ORIGINAL	LATEST	LATEST	LATEST	Teignbridge 10
			BUDGET	BUDGET	BUDGET	BUDGET	
			2019-20	2019-20	2020-21	2021-22	
			£'000	£'000	£'000	£'000	
			(Inc Fees)		(Inc Fees)		

FUNDING GENERAL				
Revenue contributions applied to existing expenditure	(77)	(77)	(382)	(519)
Capital Receipts Unapplied - Brought forward	(2,493)	(3,470)	(1,534)	(1,534)
Capital Receipts - Anticipated	(650)	(130)	-	-
Budgeted Revenue Contribution plus additional for specific schemes	(128)	(238)	(180)	(180)
Use of Revenue Contributions Reserve	-	(544)	-	-
Government Grants	(1,899)	(2,951)	(1,505)	(4,900)
S106	(1,459)	(2,444)	(312)	(255)
Other External Contributions	(134)	(206)	(510)	-
Community Infrastructure Levy	(3,461)	(3,587)	(7,155)	(2,800)
Internal Borrowing	(662)	(828)	-	-
Capital Receipts Unapplied - Carried forward	2,013	1,534	1,534	1,194
Business cases: Prudential borrowing	(17,711)	(22,331)	(12,850)	(5,300)
HOUSING				
Capital Receipts Unapplied - Brought forward	(1,526)	(1,781)	(1,460)	(1,960)
Capital Receipts - Anticipated	(50)	(50)	(50)	(50)
Capital Receipts - Right to Buy	(700)	(700)	(700)	(700)
Better Care Funding and other government grants.	(1,000)	(2,614)	(1,000)	(1,000)
S106	-	(761)	-	-
Other External Contributions	-	(42)	-	-
Internal or Prudential Borrowing	-	(343)	-	-
Budgeted Revenue Contribution plus additional for specific schemes.	-	(98)	-	-
Capital Receipts Unapplied - Carried forward	2,011	1,460	1,960	2,460
TOTAL FUNDING	(27,849)	(40,124)	(23,762)	(15,025)

Revenue contribution re: previous years' expenditure	(77)	(77)	(382)	(519)
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Programme Funding

Budgeted and additional Revenue Contribution	(128)	(337)	(180)	(180)
Revenue Contributions earmarked reserve.	-	(544)	-	-
Capital Receipts	(1,395)	(3,136)	(250)	(590)
Section 106	(1,459)	(3,205)	(312)	(255)
Other External Contribution	(134)	(248)	(510)	-
Grant	(2,899)	(5,565)	(2,505)	(5,900)
Community Infrastructure Levy	(3,461)	(3,587)	(7,155)	(2,800)
Internal borrowing	(662)	(828)	-	-
Business cases: Prudential borrowing	(17,711)	(22,674)	(12,850)	(5,300)
Total	(27,849)	(40,124)	(23,762)	(15,025)
Balance of capital receipts	(4,024)	(2,994)	(3,494)	(3,654)

Key:

EC - External Contributions
GG - Government Grant
CR - Capital Receipt
RS - Revenue Savings
BC - Business Case
* - Provisional scheme, pending full approval



Climate Change project

Bold

Denotes a change in the programme

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**TEIGNBRIDGE DISTRICT COUNCIL TREASURY MANAGEMENT:
AUTHORISED LENDING LIST FROM 28 NOVEMBER 2019**

Lending list

The current authorised lending list has been updated to take account of changes in ratings and banks and is shown below for approval.

Type of Lender	Details	
1. Current Banker	Lloyds Bank	£3,000,000 limit
2. Local Authorities	All	No limit
3. Other public bodies	All	£3,000,000
4. UK Debt Management Office Deposit Facility (UK government AA/Aa2/AA rated) no limit.		
5. UK Treasury Bills (UK government AA/Aa2/AA rated) no limit.		
6. Public Sector Deposit Fund	AAmmf	£3,000,000 limit
7. Aberdeen Liquidity Fund	AAmmf	£3,000,000 limit
8. Top UK-registered Banks and Building Societies, subject to satisfactory ratings.		

Institution	Tier	90 day limit	180 day limit	364 day limit	Overall limit
		£	£	£	£
Close Brothers Ltd	1	3,000,000	2,000,000	1,000,000	3,000,000
Santander UK plc	1	3,000,000	2,000,000	1,000,000	3,000,000
Nationwide Building Society	1	3,000,000	2,000,000	1,000,000	3,000,000
Lloyds Bank plc and Bank of Scotland plc	1	3,000,000	2,000,000	1,000,000	3,000,000
Coventry Building Society	2	2,000,000	1,000,000		2,000,000
Royal Bank of Scotland	2	2,000,000	1,000,000		2,000,000
Natwest Bank	2	2,000,000	1,000,000		2,000,000
Clydesdale Bank	3	1,000,000			1,000,000
Nottingham Building Society	3	1,000,000			1,000,000
Skipton Building Society	3	1,000,000			1,000,000
Yorkshire Building Society	3	1,000,000			1,000,000
Leeds Building Society	3	1,000,000			1,000,000
Principality	3	1,000,000			1,000,000

Officers will continue to seek the best rate, balanced against risk, at the time of investment. Use of call and notice accounts with Santander, Lloyds and Clydesdale continue. These accounts provide access to flexible deposits, with a range of access options and interest rates. Treasury Bills, an AA/Aa2/AA (very securely) rated, short dated form of Government debt issued by the Debt Management Office via a weekly tender offer the Council an additional secure investment option. An unlimited investment limit for local authorities is now included in line with other government lending options, in recognition of the secure nature of these loans.

From 1 January 2019, the largest UK banks separated core retail banking from investment banking in order to support financial stability and make any potential failures easier to manage without the need for a government bailout. The banks have addressed ring-fencing, each taking their own approach about which side of the bank is best suited for local authorities. Officers continue to monitor all ratings to ensure they meet the council's lending criteria.

TEIGNBRIDGE DISTRICT COUNCIL TREASURY MANAGEMENT:
AUTHORISED LENDING LIST FROM 28 NOVEMBER 2019

Teignbridge District Council Treasury Management Mid-Year Review 2019-20

Teignbridge District Council has adopted CIPFA's *Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes 2017 Edition*. One of the requirements is the provision of a mid-year review of treasury management activities.

Activities Undertaken: Daily lending and borrowing from 1 April to 30 September 2019:

Fixed-term lending

Borrower	Terms %	Amount Lent £	Dates	Total Days Lent in year	Interest Earned to 30/9/19 £
Close Brothers**	1.15	1,000,000	15/03/19 – 23/12/19	266	5,765.75
Thurrock Council**	1.06	1,000,000	15/03/19 – 15/01/20	289	5,314.52
Debt Management Office	0.51	500,000	02/04/19 – 19/04/19	16	111.78
Debt Management Office	0.50	8,100,000	15/04/19 – 18/04/19	3	332.88
Debt Management Office	0.50	500,000	18/04/19 – 30/04/19	12	82.19
Debt Management Office	0.50	1,000,000	25/04/19 – 26/04/19	1	13.70
Debt Management Office	0.50	2,500,000	15/05/19 – 20/05/19	5	171.23
Debt Management Office	0.50	2,000,000	15/05/19 – 28/05/19	13	356.16
Debt Management Office	0.50	3,000,000	15/05/19 – 29/05/19	14	575.34
Nationwide Building Society	0.75	1,000,000	15/05/19 – 08/08/19	85	1,746.58
Coventry Building Society	0.89	1,000,000	17/06/19 – 13/12/19	179	2,584.66
Nottingham Building Society	0.85	1,000,000	17/06/19 – 13/09/19	88	2,049.32
Debt Management Office	0.50	2,400,000	17/06/19 – 19/06/19	2	65.75
Debt Management Office	0.50	2,000,000	17/06/19 – 24/06/19	7	191.78
Debt Management Office	0.50	1,000,000	17/06/19 – 04/07/19	17	232.88
Debt Management Office	0.50	500,000	26/06/19 – 04/07/19	8	54.79
Debt Management Office	0.50	3,000,000	01/07/19 – 04/07/19	3	123.29
Debt Management Office	0.50	4,000,000	15/07/19 – 22/07/19	7	383.56
Debt Management Office	0.50	1,000,000	15/07/19 – 23/07/19	8	109.59
Debt Management Office	0.50	1,000,000	24/07/19 – 08/08/19	15	205.48
Coventry Building Society	0.65	1,000,000	24/07/19 – 23/09/19	61	1,086.30
Debt Management Office	0.50	3,700,000	01/08/19 – 08/08/19	7	354.79
Debt Management Office	0.50	3,000,000	15/08/19 – 19/08/19	4	164.38
Debt Management Office	0.50	1,000,000	15/08/19 – 23/08/19	8	109.59
Debt Management Office	0.51	1,000,000	15/08/19 - 16/09/19	32	447.12
Principality Building Society	0.56	1,000,000	15/08/19 – 16/09/19	32	490.96
Debt Management Office	0.50	500,000	29/08/19 – 16/09/19	18	123.29
Debt Management Office	0.50	2,600,000	02/09/19 – 16/09/19	14	498.63
Debt Management Office	0.50	1,000,000	10/09/19 – 23/09/19	13	178.08
Debt Management Office	0.50	700,000	13/09/19 – 30/09/19	17	163.01
Debt Management Office	0.50	1,500,000	16/09/19 – 19/09/19	3	61.64
Santander UK plc	0.80	1,000,000	16/09/19 – 10/02/20	147	328.77
Principality Building Society	0.72	1,000,000	16/09/19 – 13/12/19	88	295.89
Debt Management Office	0.50	1,000,000	23/09/19 – 27/09/19	4	54.79
Debt Management Office	0.50	1,100,000	30/09/19 – 01/10/19	1	15.07

Appendix 4

Sub-total fixed lending					£24,843.54
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** These deposits were entered into during 2018-19, but interest accrued since 1 April 2019 relates to 2019-20.

Deposits were also made into the following call accounts and money market funds, dependent upon cash flow:

Bank	Account terms	Interest Earned £
Barclays Bank plc	0.05% to 0.2% instant access	0.06
Clydesdale Bank	0.15% instant access/30 days' notice	0.69
Royal Bank of Scotland	0.15% instant access	0.94
Santander UK plc	0.40% instant access	34.16
Public Sector Deposit Fund	0.71% to 0.79% instant access	10,929.75
Lloyds plc 175-day notice	1.00% to 1.13% 175-day notice	11,442.11
Lloyds plc	0.65% current account	144.25
Lloyds plc Deposit account	0.65% instant access	1,358.08
Aberdeen Standard	0.68% to 0.74% instant access	8,736.40
Sub-total call accounts and money market funds		32,646.44
Grand total all lending		57,489.98

Temporary Borrowing 1 April to 30 September 2019:

Lender	Terms %	Amount lent £	Dates	Days lent in year	Interest paid in year £
Lloyds Bank	Base + 1%	63,533	Overdraft agreement	1	3.04

Teignbridge District Council Interim Performance Report for the Period 1 April to 30 September 2019

	Apr-Sep 2018-19	Apr-Sep 2019-20
(i) Short Term Funds Invested		
Interest received and receivable for the period	£40,472	£57,490
Maximum period of investment on any one loan made in the period	346 days	179 days
“Fixed” investment rates in period.	0.25% - 1.00%	0.50% - 0.89%
(ii) Short Term Funds Borrowed		
Interest paid and payable for the period	£34.52	£3.04
Number of new “fixed” loans borrowed in the period	1	0

Appendix 4

Maximum period of borrowing on any one “fixed” loan borrowed in the period.	3 days	0
“Fixed” borrowing rates.	0.42%	n/a
(iii) Average Net Interest Rate Earned	0.61%	0.81%
(iv) Average Short Term Net Lending	£13,254,937	£14,124,098

Regular Monitoring

Two monthly reports are prepared for the Chief Finance Officer: a forecast of interest receivable for the year, and an investment comparison, which shows the sum available for investment compared to the previous year. The Chief Finance Officer presents a monthly report to CMT and updates the Executive Committee on a quarterly basis. These reports include any policy updates, such as changes to the official lending list, based on the latest ratings information. Full council receives an annual review and strategy statement and a mid-year review.

The interest forecast is currently predicting a total net interest receivable for the year of £91,270. This compares to £102,965 in 2018-19. This forecast decrease is mainly due to a forecast increase in the Council’s borrowing requirement in the second half of the year due to items within the capital programme. However, this is dependent on the timing of the schemes proceeding as anticipated. During the first half of the year, there has been an increase both in the funds available for lending out (average daily lending is £14.1 million in 2019-20 compared to £13.3 million at the same stage in 2018-19 and average net interest rate achieved is 0.81% in 2019-20, compared to 0.61% at the same point in 2018-19). Average benchmark 7-day LIBOR rate to the end of September 2019 was 0.69%.

Treasury Management Indicators

These are part of the Prudential Indicators, as agreed at Full Council on 28 February 2019. They are available on request or on the Teignbridge website agenda for that meeting.

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TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

28TH NOVEMBER 2019

PART I

Report Title	Existing and future planning policies to meet the challenges of climate change – Call-in
Purpose of Report	To consider the Call-in of Executive regarding the fourth resolution of 8 th October from Overview and Scrutiny Committee
Recommendation(s)	<p>The Committee RESOLVES that:</p> <p>4) a suite of policies is prepared through an update of the Local Plan to meet Climate Change challenges including low carbon policy formulation and related quantification developed in consultation with local experts and interest groups, such as Action on Climate in Teignbridge.</p>
Financial Implications	Any implications are set out in the appended report
Legal Implications	Any implications are set out in the appended report
Risk Assessment	Any implications are set out in the appended report
Environmental/ Climate Change Implications	Any implications are set out in the appended report
Report Author	Trevor Shaw Senior Planning Officer Email: trevor.shaw@teignbridge.gov.uk
Portfolio Holder	Cllr J Hook (Housing and Climate Change) and Cllr Taylor (Planning)
Appendices / Background Papers	<ul style="list-style-type: none"> • Executive report 8 October 2019 • Comment from Portfolio Holders

1.PURPOSE

1.1 To consider the Call-in recommendation by Overview and Scrutiny Committee

2. BACKGROUND

2.1 Members considered a report on existing and future planning policies to meet the challenges of climate change at Executive last month (as shown in Appendix 1) which was approved.

2.2 Following the meeting the decision was called in seeking the following detail informed by input from the Client Earth body:

Confirm that the various policies in the new local plan / GESP (referred to at 3.5 will be as specific as possible, e.g. specifying the minimum amount of renewable generation / which categories of development are covered where it is not a universal requirement and that they will be informed by a robust evidence base that takes a quantified and holistic approach to assessing climate impacts, e.g. by assessing carbon impact together with viability.

Add that the review of site allocations within the Local Plan and GESP should be included in the overall emission impact calculations.

2.3 The Call-in was subsequently discussed by Overview and Scrutiny Committee on 12th November and the Portfolio Holders' response is attached at Appendix 2.

2.4 It was recommended that Executive be requested to consider strengthening proposed policies to provide specific and measurable quantities, through the Local Plan process.

Points of Clarification

2.5 In response, this particular request is acknowledged as an important aspect to be taken into account when framing new low carbon / climate change and some other policies. It very much fits with the approach outlined in the original report of seeking to fully embrace low carbon requirements at a local level.

2.6 The parallel Strategic Environmental Assessment process which helps to inform the local plan preparation, means that a significant amount of data and supporting information will be drawn on for evidence purposes to test the environmental focus of all policies in the plan, including site allocations. Specific assessments need to be undertaken at each of the main stages during the preparation process.

2.7 It will be necessary to bring forward policies that are fully evidenced and contain precise requirements across the board, including for carbon reduction plan thresholds and energy hierarchy numbers.

2.8 The required work does therefore incorporate detailed information about potential carbon emission calculations which was raised. Indeed, the Council may be tested

on this matter through the examination process and in particular how the Local Plan Review compares to the requirements of the National Planning Policy Framework and specifically Planning for Climate Change sub-section.

2.9 A key point, however, is that the general thrust of the Call-in will only be completely met when a full range of draft policies is in preparation, including those within Part 2 of the Local Plan Review covering development allocations and place making proposals. (For which work will commence during 2020). The quantification dimension raised does offer practical advice that will be considered by the Local Plan Working Group when looking at the different policy components going forward.

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Any implications are set out in the appended report.

4. CONCLUSION

4.1 Executive is requested to consider the points of clarification in section 2

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EXECUTIVE

LEADER: Cllr Gordon Hook

PORTFOLIO HOLDER: Cllr Gary Taylor

DATE: 8 October 2019

REPORT OF: Business Manager Strategic Place

SUBJECT: Existing and future planning policies to meet the challenges of climate change

PART I

RECOMMENDATIONS

The Executive is recommended to

Resolve

That

- the existing policies of the Local Plan which require a reduction in carbon emissions are noted;
- the carbon emissions reduction target in S7 should be read to reflect the new national carbon reduction target which is to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels (equivalent to a 48% reduction between 2017 and 2033);
- the existing Teignbridge Local Plan low carbon policies are given an appropriate weight in planning decisions which reflects the council's climate emergency declaration and the new statutory national carbon reduction target;
- a suite of policies is prepared through an update of the Local Plan to meet Climate Change challenges and are developed in consultation with local experts and interest groups, such as Action on Climate in Teignbridge.

1. PURPOSE

- 1.1 To make clear what the current provisions are within the Local Plan for addressing the climate change challenge and to agree that these are given a weight which reflects fully the council's declaration of a climate emergency and the new national statutory carbon reduction target. The report also sets out the Council's direction of travel for a new suite of policies to address the climate change challenges as part of the update to the Local Plan and the Greater Exeter Strategic Plan.

2. BACKGROUND

- 2.1 The Climate Change Act sets out a pathway to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels. This statutory target has recently changed from the previous target which sought an 80% reduction in the same time period. Local Authorities have a crucial role to play in helping to achieve this. In early 2019, this Council pledged to do what is within our powers to make the district carbon neutral by 2025. As part of this, we have a responsibility through discharging our planning functions to ensure that future growth and development in our district is managed in a way which significantly reduces both production and consumption emissions. The greatest contributor to carbon emissions in Teignbridge is transport.
- 2.2 The National Planning Policy Framework is clear that the planning system should ensure that places are shaped in ways which *“contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”* (p.44).
- 2.3 Our current Local Plan (2013-2033) recognises the challenges of climate change and includes various policies which require new developments to reduce their carbon emissions and be delivered with infrastructure in place to support the transition to a low carbon future. There is therefore much that we can do within the provisions of our current Local Plan to contribute to reductions in carbon emissions.
- 2.4 The Local Plan 2013-2033 contains three policies which are directly relevant to meeting the climate change challenge. These are:
- Policy S7 Carbon Emission Targets: this policy seeks to work proactively with partners and through public and private investment and the management of development to achieve reductions of about 42% from 2009 levels by 2030. This reduction is working towards the previous national statutory target to achieve an 80% reduction in emissions between 1990 and 2050. The national target was updated by regulation earlier this year, and now seeks a 100% reduction by 2050 (i.e. carbon neutrality). The Local Plan target therefore now reflects an out of date national target. It is possible to calculate a straight line projection between 2017 (the most recent available local authority level data on carbon emissions) and the 2050 target. Effectively, this would require that the policy is read as if it has been updated to reflect the new national policy, implying a 48% reduction target between 2017 and 2033.
 - Policy S9 Sustainable Transport: requires adequate provision of transport infrastructure, including that for electric vehicles. (NB: it should also be noted that some of our adopted Neighbourhood Plans also include requirements for EV charging points).

TEIGNBRIDGE DISTRICT COUNCIL

- Policy EN3 Carbon Reduction Plans: this policy states that all development proposals should seek to minimise their carbon footprint both during construction, and in use, to achieve the target in policy S7. It further requires major developments (those of 10 or more dwellings or more than 1,000sqm floorspace) to demonstrate how they will achieve this through a carbon reduction plan.

- 2.5 Whilst there are clearly improvements that can be made to our existing policies, the regulatory provisions for introducing new policy requirements significantly limit the scope for doing this outside of the normal statutory plan making process. Such processes can take several years and require both extensive consultation and a public examination to test their soundness. In the next couple of years or so, therefore, the most practical course of action within the local planning dimension is to take steps to give appropriate weight to the relevant Local Plan policies. By unanimously declaring a climate emergency, the council has indicated that it believes policies like these are key to the consideration of planning applications. It must be emphasised that they are not the only important local plan policies for the achievement of sustainable development (i.e. taking account of social, economic and environmental factors in the round) but the recommendation to this report is that the weight to be attached to them should reflect the sense of urgency within the council's climate emergency declaration.
- 2.6 The implementation of policies S7, S9 and EN3 can require technically complex and specialist skills which are not currently contained within the planning service. It is therefore important that such skills are available to consider and enforce documents such as carbon reduction plans. The report recommends that appropriate budget is made available, without which the implementation of these existing policies will be uncertain.

3. MAIN IMPLICATIONS

Improving current policy implementation

- 3.1 A report to Full Council on 24 September 2019 has recommended that a full time officer post is created to provide in house expertise on low carbon and climate change matters. The job description for this post includes the assessment of carbon reduction plans submitted through the planning process. However, until such time as this post is filled, it is considered necessary to make allowances within the budget to buy-in expert consultancy support to scrutinise any submitted carbon reduction plans. It is estimated that the assessment of a carbon reduction plan will be in the region of £5k.
- 3.2 There is scope for improvement in how we currently ask for infrastructure for electric vehicles and therefore this requirement in S9(e) will now be proactively sought on all relevant applications.
- 3.3 It should be noted however that requiring the achievement of reduced carbon emissions and the provision of electric vehicle infrastructure may lead to increasing viability difficulties for developers. There is therefore a possibility that

TEIGNBRIDGE DISTRICT COUNCIL

other planning gains (such as affordable housing, community facilities etc.) sought through the development management process may need to be balanced when determining applications.

Future Policies

- 3.4 As stated above, it is not possible under the Town and Country Planning (Local Planning) (England) Regulations 2012 (and subsequent amendments) to introduce new policies outside of the statutory plan making process. As such, our policies relating to the climate change challenge will be added to and amended through the update to the Local Plan and, on a more strategic basis, through the Greater Exeter Strategic Plan (GESP). It is anticipated that refreshed Local Plan policies will be in place by mid to late 2021 with policies in the GESP to follow.
- 3.5 There are a number of opportunities where Teignbridge and the Greater Exeter area can plan proactively for minimising carbon emissions and embracing latest smart technologies. It is proposed that refreshed policies through the Local Plan and GESP include provision for the following:
- All development proposals will include the infrastructure to be ready for electric vehicles;
 - A low carbon, efficient transport network to serve the Greater Exeter area through:
 - Provision of a reliable and consistent standard of sustainable travel between Exeter and the main towns and growth locations, including half hourly rail, quarter hourly bus and strategic cycle routes; and
 - Developing Park and Ride or Park and Change sites on all key road corridors into Exeter, doubling the number of spaces serving the city and improving cross-city bus corridors and access to edge of city growth locations and employment areas;
 - Applicants for all developments which propose the construction of new home(s) or non-residential floorspace will be required to submit a Carbon Reduction Plan to the local planning authority for approval.
 - Minimising energy demand across the development by sensitive design, using landform, layout, building orientation, tree planting, massing and landscaping to reduce likely energy consumption and increase resilience to higher temperatures;
 - Maximising the proportion of energy generated within new developments that come from renewable or low carbon sources;
 - Ensuring 'in-use' performance is as close as possible to designed intent;
 - The setting up of a carbon offsetting fund where it is not feasible or viable to deliver carbon reduction requirements on-site; and
 - Support for low carbon and renewable energy schemes, smart energy networks and community owned low/zero carbon energy projects.

TEIGNBRIDGE DISTRICT COUNCIL

- 3.6 Policies to this effect are currently being drafted and will be consulted on in the next publication of the Local Plan and GESP. In essence, these opportunities will only be fully realised once these plans have been progressed through to adoption.

4. TIME-SCALE

- 4.1 An appropriate focus on the implementation of existing policies is an immediate impact, and by allowing for additional expertise to be bought in the impact can be increased significantly.
- 4.2 Refreshed policies will not be able to be fully implemented until the update to the Local Plan and/or GESP is adopted (Local Plan Part 1 currently expected to be adopted mid 2021).

5. JUSTIFICATION

- 5.1 The Council has a responsibility through its planning functions to ensure that new development supports the transition to a low carbon future. Existing policies of the Local Plan should be implemented as effectively as possible and timely progress on the Local Plan update will enable us prepare new policies which are able to achieve the most positive impact and change. Addressing the energy and climate change challenge not only benefits the environment but has social and economic benefits too, helping to improve energy security, reduce fuel poverty, increase revenue from renewable energy generation and support general health and wellbeing of our population.

6. FINANCIAL IMPLICATIONS

- 6.1 The financial implications arising from this report relate to the costs of using specialist consultants to assess carbon reduction plans. This will only be a short term pressure in the interim period until an in-house specialist is recruited. On this basis it is anticipated that the costs associated with this will be in the region of £5k (although this depends on the number of relevant applications being submitted). This can be financed using underspend from last year's Local Plan budget.
- 6.2 The costs associated with reviewing the Local Plan are addressed in a separate report to the Executive (Teignbridge Local Plan Review and Wolborough Masterplan Timetables and Local Development Scheme – 8 October 2019).

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

10.00 a.m. on 18 October 2019.

Simon Thornley
Business Manager, Strategic Place

Cllr Taylor
Portfolio Holder for Planning and
Housing

TEIGNBRIDGE DISTRICT COUNCIL

BELOW TO BE FILLED IN BY REPORT AUTHOR:

Wards affected	All outside Dartmoor NP
Contact for any more information	Trevor Shaw
Background Papers (For Part I reports only)	Teignbridge Local Plan
Key Decision	Y
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	N

APPENDIX

TEIGNBRIDGE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY

12TH NOVEMBER 2019

CALL-IN OF EXECUTIVE DECISION OF 8TH OCTOBER 2019 RE EXISTING AND FUTURE POLICIES TO MEET THE CHALLENGES OF CLIMATE CHANGE

PORTFOLIO HOLDERS' RESPONSE

Cllr Gary Taylor, PH for Planning
Cllr Jackie Hook, PH for Climate Change and Housing

Introduction

The decisions made by the executive which have been called in covered four areas, and we would like to comment on these below, taking account of the reasons given for the call-in.

Resolution 1 – that the existing policies of the Local Plan which require a reduction in carbon emissions are noted.

As a “noted” resolution, nothing arises in relation to this.

Resolution 2 – the carbon emissions reduction target in S7 should be read to reflect the new national carbon reduction target which is to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels (equivalent to a 48% reduction between 2017 and 2033).

We note that this resolution is not referred to in the “call-in” reasons and it is therefore a real shame that the call-in has prevented the planning officers from applying this new target over the past month or so. The resolution would have required developers to “up their game” on carbon reductions, because policy EN3 requires carbon reduction plans which meet the target set in S7. By calling in the decision, this more stringent target can't be applied to decisions until the call-in is over. We think that is a month of potential improvement wasted.

This is the key reason that we ask O&S to allow the original decision to be implemented without challenge, so that the council can get on with implementing our existing policies in as strong a way as we can.

Resolution 3 - the existing Teignbridge Local Plan low carbon policies are given an appropriate weight in planning decisions which reflects the council's climate emergency declaration and the new statutory national carbon reduction target.

Again, we see that this element of the resolution is not mentioned in the call-in. And again, it is a real shame that we have lost a month. In particular, the call-in has postponed approval for the budget of £5,000 needed to get specialist advice on submitted carbon reduction plans required by the existing EN3 policy.

This is the second main reason which we ask O&S to not challenge the decision and allow it to be implemented as soon as possible.

Resolution 4 - a suite of policies is prepared through an update of the Local Plan to meet Climate Change challenges and are developed in consultation with local experts and interest groups, such as Action on Climate in Teignbridge.

We see that this is the only element of the resolution referred to in the call-in.

As you will know this administration is fully committed to bringing climate change matters to the centre of our local plan work. We said so before the election, we said so after we became the administration and we say so now. We are sure that this is not just a commitment from our party, but is something of which all Teignbridge Councillors are supportive. Our Climate Change declaration was passed unanimously, after all. And here is what we are doing already

- We elevated climate change in the council workings by appointing a specific portfolio holder to oversee the work
- We have resolved to ensure that the existing planning policies are read in a way which makes maximum possible reductions in our carbon emissions – an innovative approach to planning policy, although obviously this call-in has delayed that by an unfortunate month.
- We have agreed to continue to work with our neighbours and partners on wider planning matters, to ensure that we multiply our individual efforts moving towards a zero carbon economy on the fastest feasible timeline.
- We will bring forward new planning policies on an accelerated timescale so that new planning applications which come forward are climate friendly as soon as possible.
- We have agreed the first parts of a Climate Change Action Plan including the appointment of a specialist new officer to oversee the work.
- We have responded to Client Earth positively to confirm our climate change commitment. Our response has been published on the council's website.
- And we can confirm that we will be giving much greater emphasis to Action on Climate in our new and revised 10 year council strategy which will be coming to council for agreement early next year.

Now, of course, we are happy to talk about climate change and our plans to reinforce that sense of urgency. We are delighted that Overview and Scrutiny has the chance to do so now.

But any local plan has to go through a statutory process. We have sped up the process through careful management and by taking advantage of new government policies. But there is a limit to how quickly a complex process of multiple consultation, evidence gathering, complicated legal requirements and independent examination can go. We also have to be very careful that, as a council, we don't give the impression that we have a closed and predetermined mind on matters like planning. This executive resolution was carefully crafted by officers to avoid these legal traps, while clearly setting out a direction of travel. Clearly, like all of you, we see the clear benefits of clear and quantifiable policies on development, design and climate change. But we have to let the plan making process run through or we risk scuppering the plan before we start! Similarly the Strategic Environmental Assessment is required by law to include an assessment of impact on climate change.

As you will know, the first meeting of the Local Plan Working Group has already happened, and there was a well-informed and lively discussion about the shape of our emerging plan policies. We are sure that this will continue. Let's trust ourselves to make the right decisions, let's trust the officers to give us the good, technical advice we need to do so, and let's make sure that we don't drop a legal clanger at this early stage.

Therefore, again we suggest to you that, after having your discussion, you confirm the original decision, and let the Planning Working Group and Planning Committee get on with its job.

APPENDIX 2

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Overview &Scrutiny

12 November 2019

Minute 94

CALL-IN: LOW CARBON PLANNING POLICY STATEMENT-EXISTING AND FUTURE PLANNING POLICIES TO MEET THE CHALLENGES OF CLIMATE CHANGE

Consideration was given to the Call-In of part 4 of the Executive decision, Minute 70/10/2019, by Councillor Daws and supported by Councillor Bradford, Mullone, Patch and Parker-Khan.

The reasons for the call in were:

“we have run the existing and future planning policies to meet the challenges of climate change past Client Earth, and though they were encouraged by the policy, they suggested additions to strengthen the policy.

These specifically are the additions of the following detail:

- *Confirm that the various policies in the new local plan / GESP (referred to at 3.5) will be as specific as possible -- e.g. specifying the minimum amount of renewable generation / which categories of development are covered where it is not a universal requirement and that they will be informed by a robust evidence base that takes a quantified and holistic approach to assessing climate impacts, e.g. by assessing carbon impact together with viability.*
- *Add that the review of site allocations within the Local Plan and GESP should be included in the overall carbon emission impact calculations.”*

The response from the Portfolio Holders for Housing and Climate change, and Planning were appended to the agenda report.

The Chairman referred to the Scrutiny process of Call-In which enables the Committee to request the Executive to reconsider a decision. The response to the current Call-In could be interpreted as not being supportive of the ethos. The Leader responded and advised that the Executive were supportive of and welcomed decisions being scrutinised by the Committee.

Councillor Daws referred to the Call-In. Client Earth had suggested additions to make Climate Change Policies more robust to enable the Council to meet its Climate Emergency target and responsibilities. Cllr Parker-Khan supporting the Call-In added that Client Earth was a reputable, charitable organisation which can empower Local Councils to achieve their declarations of Climate Change Emergency.

The Portfolio Holder for Housing and Climate Change referred to appendix 2 to the agenda report, which detailed what the Council was already doing to implement the Climate Change declaration, and steps to speed up the Local Plan statutory process by careful management and taking advantage of new government policies.

Councillor J Hook advised that the Council had consulted Client Earth prior to the Executive considering the matter on 8 October, 2019 but unfortunately the response had not been received until following the meeting. The points raised by Client Earth could have been included without the necessity of the Call-In. The first meeting of the Local Plan Working Group had already met. Policy S7 would be revised in line with national policy and low carbon policies are being made more robust. £5,000.00 has been approved for specialist advice for carbon reduction plans. The suite of policies referred to at Executive decision point 4 would be developed in consultation with local climate change organisations, involving eminent climate change experts at Exeter University, and she invited Members to contribute their ideas through the Greater Exeter Strategic Plan and Local Plan Working Groups. The Call In could be taken on board through the Local Plan process.

In response Members agreed that the policies should be more robust, specific and measurable.

RECOMMENDED

The Call-In be supported and the Executive be requested to consider amending part 4 of the Executive decision of the 8 October, 2019 to strengthen proposed policies through the Local Plan process, to provide specific and measurable quantities.

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE 28 NOVEMBER 2019 PART I

Report Title	Public Spaces Protection Order (for Dog Control)
Purpose of Report	To consider the recommendations of the Overview and Scrutiny Committee
Recommendation(s)	<p>The Committee RECOMMENDS to Executive that:</p> <p>(1) 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 person can walk at any one time remain at 6, as agreed by Council on 14/1/19 <u>Justification</u> There is insufficient evidence to reduce this number to less than 6.</p> <p>(2) The seasonal dog exclusion areas on beaches remain as 1 April to 30 September, as agreed by Executive on 4/12/18. <u>Justification</u> There is no evidence to suggest the date should be altered to 1 May; there are plenty of beaches that can be used all year round; and the restrictions relate to an area of most beaches but not all of them.</p> <p>(3) The use of body cameras by Community Enforcement Wardens is not progressed. <u>Justification</u> There is no evidence to suggest that body cameras would be beneficial. No member of staff has requested a body camera, they all have work mobiles with the capability to record footage, the additional expense cannot be justified and it would be better allocated towards publicity campaigns.</p> <p>(4) In response to the DEFRA Animal Welfare Regulations consultation, the Council respond by suggesting that dog walking individuals who are walking other peoples' dogs (by collecting the dogs from their owners house and returning them) either voluntarily or for a fee should be licensed. <u>Justification</u>, Individuals who do not have a residence based business such as those who provide a dog walking service only should be licensed. District Councils currently administer animal welfare licences, and fees are retained by these Councils.</p>

	<p>The review group also considered that an option was that all dogs should require a licence. This would be a new control.</p> <p><u>Justification</u></p> <p>It was considered that there was merit in all dogs being licenced. It was noted that all dogs were required to be microchipped and it was considered that while dogs were being microchipped they could be licensed. The suggested increased licensing administration could also be undertaken by District Councils. This requires further consideration by the Review Group.</p> <p>(5) Insurance Regulations are the responsibility of businesses to ensure they are adequately insured for their business, and this issue be included in the issues to be reviewed by the Group in its 12 month review.</p> <p>(6) The Council undertake a publicity campaign to encourage members of the public, Town and Parish Councils to engage with offending and irresponsible dog owners, and assist the Council in upholding the regulations of the Public Safety Protection Order.</p> <p>(7) The Review Group continue to undertake a review of the PSPO following 12 months of its implementation as set out in the Group's terms of reference.</p>
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Financial Implications	Any implications are set out in the appended report
Legal Implications	Any implications are set out in the appended report
Risk Assessment	Any implications are set out in the appended report
Environmental/ Climate Change implications	Any implications are set out in the appended report
Report Author	Trish Corns Democratic Services Officer Email: @teignbridge.gov.uk
Portfolio Holder	Cllr Alistair Dewhirst – Waste Management and Environmental Health
Appendices / Background Papers	Minute of the O&S Committee 12 November, 2019 Discussions of the meetings of the Review Group Survey responses to the Public consultation April/May 2019 RSPCA Guidelines DEFRA guidelines Appendix 1 - past minutes and report taken from the following meetings Minutes of Council 14/1/2019 Minutes of Executive 04/12/2018 Minute O&S 19/11/2018 Minute 227 Executive 30/10/18 Report for Minute 227 Executive 30/10/18

1. INTRODUCTION

- 1.1 The Overview and Scrutiny Committee considered the interim report of the Public Spaces Protection Order (for Dog Control) Review Group at its meeting on 12 November, 2019. The report of the Review Group is appended.
- 1.2 The consequential minute of the Overview and Scrutiny Committee is as follows:

***Minute 96/11/19 Overview and Scrutiny Committee 12 November, 2019
Public Spaces Protection Order (for Dog Control) Interim Report of the
Review Group***

The Chairman referred to the agenda report detailing the background of the issue, including the terms of reference for the Review, public and Member consultation, matters considered by the Review Group, its consequential recommendations and justification for the recommendations.

RECOMMENDED that

The recommendations of the Review Group, as detailed in the interim report of the Review Group circulated with the agenda, be supported and referred to the Executive for approval.

2. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

The implications are set out in the interim report of the Public Spaces Protection Order (for Dog Control) Review Group which is appended.

3. CONCLUSION

The Executive is requested to consider the recommendations of the Overview and Scrutiny Committee as detailed above.

TEIGNBRIDGE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE 12 NOVEMBER 2019

PART I

<p>Report Title</p>	<p>Interim Report of the Public Spaces Protection Order (for Dog Control) Review Group Councillors Nutley (Chairman), D Cox, Hocking, L Petherick, Phipps and Peart</p>
<p>Purpose of Report</p>	<p>To consider the findings of the Review Group (as requested by the Overview and Scrutiny Committee 19 November, 2018 and Executive 4 December, 2018) and in particular the maximum number of dogs that can be walked at any one time, and the seasonal dog exclusion areas on beaches.</p>
<p>Recommendation(s)</p>	<p>Referring to the terms of reference detailed in paragraph 1.2 below the Committee RECOMMENDS to Executive:</p> <p>(1) 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 person can walk at any one time remain at 6, as agreed by Council on 14/1/19 <u>Justification</u> There is insufficient evidence to reduce this number to less than 6.</p> <p>(2) The seasonal dog exclusion areas on beaches remain as 1 April to 30 September, as agreed by Executive on 4/12/18. <u>Justification</u> There is no evidence to suggest the date should be altered to 1 May; there are plenty of beaches that can be used all year round; and the restrictions relate to an area of most beaches but not all of them.</p> <p>(3) The use of body cameras by Community Enforcement Wardens is not progressed. <u>Justification</u> There is no evidence to suggest that body cameras would be beneficial. No member of staff has requested a body camera, they all have work mobiles with the capability to record footage, the additional expense cannot be justified and it would be better allocated towards publicity campaigns.</p>

	<p>(4) In response to the DEFRA Animal Welfare Regulations consultation, the Council respond by suggesting that dog walking individuals who are walking other peoples' dogs (by collecting the dogs from their owners house and returning them) either voluntarily or for a fee should be licensed.</p> <p><u>Justification</u>, Individuals who do not have a residence based business such as those who provide a dog walking service only should be licensed. District Councils currently administer animal welfare licences, and fees are retained by these Councils.</p> <p>The review group also considered that an option was that all dogs should require a licence. This would be a new control.</p> <p><u>Justification</u> It was considered that there was merit in all dogs being licenced. It was noted that all dogs were required to be microchipped and it was considered that while dogs were being microchipped they could be licensed. The suggested increased licensing administration could also be undertaken by District Councils. This requires further consideration by the Review Group.</p> <p>(5) Insurance Regulations are the responsibility of businesses to ensure they are adequately insured for their business, and this issue be included in the issues to be reviewed by the Group in its 12 month review.</p> <p>(6) The Council undertake a publicity campaign to encourage members of the public, Town and Parish Councils to engage with offending and irresponsible dog owners, and assist the Council in upholding the regulations of the Public Safety Protection Order.</p> <p>(7) The Review Group continue to undertake a review of the PSPO following 12 months of its implementation as set out in the Group's terms of reference</p>
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Financial Implications	See paragraph 2.1 below Chief Finance Officer Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	See paragraph 2.2 below Solicitor and Deputy Monitoring Officer Email: Paul. Woodhouse@teignbridge.gov.uk
Risk Assessment	This was considered as part of the original report to Executive 30/10/18
Environmental/ Climate Change Implications	See paragraph 2.4 below Environmental Protection Manager and Climate Change Officer Email: David.Eaton@teignbridge.gov.uk
Report Author	Report of the Review Group Cllrs Nutley(Chairman), D Cox, Hocking, L Petherick, Phipps and Peart Trish Corns Democratic Services Officer trish.corns@teignbridge.gov.uk David Eaton Environment Protection Manager David.Eaton@teignbridge.gov.uk
Portfolio Holder	Cllr Alistair Dewhirst – Waste Management and Environmental Health Portfolio Holder
Appendices / Background Papers	Discussions of the meetings of the Review Group Survey responses to the Public consultation April/May 2019 RSPCA Guidelines DEFRA guidelines Appendix 1 - past minutes and report taken form the following meetings Minutes of Council 14/1/2019 Minutes of Executive 04/12/2018 Minute O&S 19/11/2018 Minute 227 Executive 30/10/18 Report for Minute 227 Executive 30/10/18

1. REPORT DETAIL

- 1.1 The Review Group met on six occasions. The first meeting was held prior to the 2019 elections, however Councillors D Cox and Nutley having been re-elected remained on the Group.
- 1.2 The terms of reference for the Review Group are as follows:

To monitor the PSPO particularly in relation to:-

1. The maximum number of dogs that can be walked at any one time;
2. The seasonal dog exclusion areas on beaches;
3. The use of body cameras by Community Enforcement Wardens;
4. Government Guidance;
5. Insurance regulations.
6. To identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible.
7. Review the implementation of the PSPO in the first 12 months.

- 1.3** Public consultation was undertaken in 2017, the results of which were summarised in the original Executive report considered by Executive on 30/10/18. Over 2000 responses were received which represented the highest level of responses to a Teignbridge Council survey.
- 1.4** Public Consultation was also undertaken during April and May 2019 advising the public of the review Group and resulted which in the receipt of representations for consideration by the Review group, and requests to address the Group during its review. Councillors were also invited to address the Group or submit written representations for consideration.
- 1.5** The Review Group invited a cross sectional sample as far as possible of members of the public to give evidence and address the Group. The Group heard from Councillors Austen, Bradford, Clarence, Dewhirst, and Russell who had requested to address the group to give evidence. In addition a number of officers addressed the Group: the resorts Manager, Grounds Maintenance Officer, Waste and Cleansing Manager, Devon County Council Stover Park Ranger and the Solicitor. Information from the RSPCA, was taken into account, in addition to advice on bathing water quality and testing.

2. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

2.1 Financial

Publicity signs and leaflets were altered following the Council decision on 14/1/19 and the Executive Decision on 4/12/18.

Additional administration would be required in relation to licencing dog walking businesses but this can be managed from existing resources with the Council keeping the income received.

The addition of a dog licence for all dogs within Teignbridge would create additional administration and enforcement and it is not clear that the level of fee would cover the implications on the revenue budget.

The publicity campaign would also be delivered within existing budgets.

2.2 Legal

In regard to recommendation (6) the Council should be extremely careful as to what conduct it is seeking to encourage and perhaps the consequences.

2.3 Risks

This was considered as part of the original report to Executive 30/10/18

2.4 Environmental/Climate Change Impact

The proposed policy would have a neutral impact on climate change.

3. ALTERNATIVE OPTIONS

The Review Group considered alternative options on all issues. The group made recommendations as detailed above with their justifications for the recommendations after having considered alternative options.

4. CONCLUSION

The Review Group will be undertaking a review of the PSPO following 12 months of its implementation, as set out in the Terms of Reference above.

**Councillors Nutley (Chairman), D Cox, Hocking,
L Petherick, Phipps and Peart**

Appendix

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PSPO Background Information

Full Council 14/1/19

Minute 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)

Executive 4/12/18

Minute 279 CALL-IN OF EXECUTIVE DECISION PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE

The Portfolio Holder for Health & Well-Being presented the report on the Call-in of Executive decision Public Spaces Protection Order (PSPO) for Dog Control in Teignbridge.

During discussion, Members raised the following points:-

- Executive should consider allowing six dogs to be walked at any one time as any less could affect dog walking businesses
- The review group should not be limited to the two items as recommended
- There were beaches in the district that enabled dog walking all year round

In response to Members, the Environmental Protection Manager clarified that there were 59 'home boarding' establishments and 14 animal boarding establishments in the District. He stated that guidance from Department for Environment, Food and Rural Affairs published on 30 November 2018 stated that, for home boarding establishments and doggie day care providers, up to six dogs could be walked at any one time. The Council could not licence the person only the premises with respect to dog walking.

The Leader proposed that Overview & Scrutiny Committee set up a Review Group to monitor the PSPO which should include the number of dogs, the seasonal beach ban, if the PSPO makes it easier for the council to take action with regards to dog fouling and enforcement officers wearing body cameras to collect evidence.

Executive Members supported their previous decision to limit the maximum number of dogs that any one individual can walk at any one time to four, the seasonal beaches restriction to be 1 April to 30 September and that Overview &

Scrutiny Committee establish a PSPO Review Group.

RESOLVED that:-

(1) implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved, subject to the inclusion of:

- That the number of dogs that any one individual can walk at any one time be a maximum of four.
- That the seasonal dog exclusion areas on beaches be 1 April to 30 September;

(2) the Council's Solicitor be authorised to draft and make the order;

(3) the Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and

(4) Overview & Scrutiny Committee establish a review group to monitor the PSPO particularly in relation to:-

- The maximum number of dog that can be walked at any one time;
- The seasonal dog exclusion areas on beaches;
- The use of body cameras by enforcement officers;
- Government Guidance;
- Insurance regulations.

Overview and Scrutiny 19/11/18

Minute 244 CALL IN OF EXECUTIVE DECISION 30 OCTOBER 2018 - PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE

Consideration was given to the call-in of an Executive decision made on 30 October 2018 relating to the Public Spaces Protection Order for Dog Control in Teignbridge. The decision seeks the implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

The decision has been called in by Councillor Cox and supported by Councillors Connett, Dewhirst, Eden, Nutley and Wrigley. Councillor Cox's reasons for call in are:

1. To clarify the Executive's proposals to extend the dog ban on Ness Beach and Holcombe Beach as it now seems they were included in error.
2. To examine the decision to have only four as the maximum number of dogs on a lead in the light of the decision by East Devon District Council and the comments from the Kennel Club, the Dogs Trust and the Peoples Dispensary for Sick Animals.

Since the Executive meeting on 30 October 2018 there has been a large public response to the decision. Members in considering the call-in should note the number of responses to the decision balanced with the number of people who responded to

the consultation. The Environmental Protection Manager gave an update of the number of correspondence received which amounted to approximately 180, and a summary of the key points.

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

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

In support of the call-in, Councillor Cox submitted that six was an acceptable number of dogs for any one individual to walk. The support for this was that this would be consistent with East Devon District Council, public liability insurance covers six dogs, for many dog walking businesses this is their only income and limiting the number of dogs to four could result in their businesses folding. He added that a Review Group should be set up to work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility.

The period of the dog ban on beaches for inclusion in the PSPO was not part of the call-in. However the Chairman agreed that this issue could be discussed. In response to a question on the details of the PSPO at agenda page 14, the Environmental Protection Manager advised that the '*reasonable excuse*' under (i) of the heading *No more than 'x' dogs*, would be at the officer's discretion. In response to further questions, the Environmental Protection Manager advised that highways, cyclepaths, and Dawlish Warren Nature Reserve were included in the PSPO.

Resolved

That the following recommendations from this Committee be referred to Executive:-

- (a) That the number of dogs that any one individual can walk at any one time be a maximum of six.
- (b) That the annual period of restriction on beaches be reconsidered.

That a Review Group be set up to primarily work with responsible dog owners/walkers, to identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible, keep their dogs under control, and always clear up dog faeces from the dogs for which they have responsibility, and review the implementation of the PSPO in the first 12 months.

Executive 30/10/18

Minute 277 PUBLIC SPACES PROTECTION ORDER FOR DOG CONTROL IN TEIGNBRIDGE

The Environmental Protection Manager presented the report on the Implementation of a Public Spaces Protection Order (PSPO) for responsible dog ownership. Members were advised on the purpose of a PSPO and of the two conditions that the local authority must be satisfied on reasonable grounds that are met. An officer working group had reviewed the project and there had been an extensive consultation. The eight suggested controls were outlined, these included existing control, improvements on existing controls and new controls. Members were advised that there was no specific statutory guidance to assist when setting a restriction on the number of dogs that could be walked by a single individual on or off a lead. Members were asked to recommend setting the restriction on the number of dogs and attention was brought to the comments in the consultation on this matter and the responses from interested organisations.

During discussion, Members raised the following points:-

- Should the seasonal dog exclusion date commence from 1 April on beaches?
Not just Dawlish Warren Beach
- The majority of dog owners were responsible it was just those few irresponsible owners that caused the issues
- How would enforcement be undertaken and by whom?
- How would public evidence of an offence be acted on?
- There was an issue with dogs being left to roam
- Dog fouling was a real issue in the parishes across the District
- Concerns about working dogs in rural areas; these should be excluded
- What about the existing bye laws?
- How were children play areas defined?
- There was an issue with dog walkers putting dog faeces in bags and hanging on hedges in rural areas
- The maximum number of dogs on a lead should be four.

The Environmental Protection Manager clarified the following:-

- Cycle paths, both those adjacent and not adjacent to a Highway, would be covered by the PSPO
- The three Community Environment Wardens would undertake the role of enforcement
- Complaints could be reported on-line
- Hotspots would be targeted
- Walking patterns of offenders would be identified
- Recording of car number plates would help to trace offenders - this would be a non-confrontational way of reporting an offence
- The existing bye laws would remain in place
- Would investigate if Dawlish Town Council Water Fowl Wardens would be able to enforce the PSPO

- There would be a publicity plan to make the public aware of the order and its contents
- The Community Environment Wardens work patterns do vary to cover different times of the day to address issues.

Executive Members discussed the seasonal dog exclusion dates on the beaches, the needs for signage to be clear and the number of dogs that could be walked by a single individual.

RESOLVED that the:-

(1) Implementation of a Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014 be approved subject to the inclusion of:-

- Cycle paths to be added as a highway
- working dogs to be added to the existing list of exemptions - farm dogs moving livestock on the highway are not expected to be on a lead
- the maximum number of dogs permissible on or off a lead with a single individual to be four;

(2) Council's Solicitor be authorised to draft and make the Order;

(3) Council's Environmental Protection Manager be authorised to issue fixed penalty notices under the PSPO; and

(4) Seasonal dog exclusion areas on beaches from 1 April to 30 September be approved. This to be reviewed in 12 months.

Report to Executive 30/10/19

RECOMMENDATIONS

The Executive is recommended to

A Consider and approve the implementation of a Public Space Protection Order

(PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014.

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

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

1. PURPOSE

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

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

Only a local authority can make a PSPO in respect of a public place within its area. The definition of a 'local authority' in England under Section 74(1) is (amongst others)

a district council. Parish and Town Councils do not have the power to issue PSPO's. The local authority must be satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- Activities carried out in a public place within the authority's area **have had** a detrimental effect on the quality of life of those in the locality, or
- It is **likely** that activities will be carried out in a public place within that area and that will have such an effect.

The second condition is that:

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

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

2. BACKGROUND

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

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

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

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

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

3. MAIN IMPLICATIONS

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

4. GROUPS CONSULTED

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

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

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

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

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

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

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

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

5. SUGGESTED CONTROLS AND CONSULTATION RESPONSES

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

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

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

- Improvement of an existing control
- 99% of those consulted in agreement with this control
-

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

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

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

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

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

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

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

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

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

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

DOG(S) ON LEAD BY DIRECTION - an offence if at any time within a dog ban area,

a person in charge of a dog does not comply with a direction given to him by an authorised officer of the council or police officer to put and keep the dog on a lead.

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

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

- New Control
- 57% of those consulted in agreement with this control
- 30% of those consulted disagree with this control
- 13% of those consulted don't know

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

Number Number Percentage

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

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

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

Members are asked to consider setting the restriction on the number of dogs. When drafting the controls the potential negative impacts they may have on vulnerable groups and ensuring we meet the requirements under the Equality Act 2010 were considered.

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

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or
- (b) a person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by a prescribed charity (and is clearly identified) for assistance if they are alone with the dog.
- (c) any police dog or fire dog.

6. ENFORCEMENT

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

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

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

7. TIME-SCALE

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

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

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

8. JUSTIFICATION

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

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

10.00 a.m. on 6 November 2018

Officer- David Eaton
Designation–Environmental Protection
Manager
Cllr Sylvia Russell
Portfolio Holder for Health and

Wellbeing

Wards affected All

Contact for any more information David Eaton, Environmental Protection Manager
david.eaton@teignbridge.gov.uk 01626 215064

Background Papers (For Part I reports only) None

Key Decision Y

In Forward Plan Y

In O&S Work Programme Y Part of the Council Strategy

Community Impact Assessment attached: N – Completed for the Council Strategy and the

proposed controls prior to the Consultation.

Appendices attached: A: Draft Public Spaces Protection Order Controls

B: Consultation Summary

Appendix A

Public Spaces Protection Order

Fouling

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

(i) he has reasonable excuse for failing to do so: or

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

iii) Taking the faeces away from the land for proper disposal elsewhere or placing the faeces in a receptacle on the land, either a litter bin or dog waste bin, shall be sufficient removal from the land.

iv) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Dog Exclusion Areas (except Beaches)

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

(i) he has reasonable excuse for failing to do so: or

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

Seasonal Dog Exclusion Areas (Beaches)

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

(i) he has reasonable excuse for failing to do so, or

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

Dogs on lead Areas

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

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

Dog(s) on lead on the highway

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

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

Dog(s) on lead by direction

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

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

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

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

No more than X dogs

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

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

Means to pick up

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

- (a) he has reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

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

Exemptions

Nothing in this order shall apply to a person who –

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

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

A “prescribed charity” is:

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

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

Explanations

For the purpose of this order:

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

Appendix B

PSPO Dog fouling survey 2017

From: June 2017

To: 2nd October 2017

Total number of returns: 2055

Comments made: 270

Fouling

Q1 The council has existing powers which make it an offence if a person in charge of a dog fails to pick up

its faeces straight away. Would you like this to carry on?

Agree? Number Percentage

Yes	2028	99%
No	19	1%
No reply	8	na

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

Agree? Number Percentage

Yes	1719	84%
No	326	16%
No reply	10	na

Dog ban areas (except beaches)

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

Agree? Number Percentage

Yes	1966	96%
No	82	4%
No reply	8	na

Beaches - Seasonal dog ban area

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

Agree? Number Percentage

Yes	1966	96%
No	82	4%
No reply	11	na

Dogs on leads

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

Agree? Number Percentage

Yes	1796	88%
No	249	12%
No reply	10	na

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

Agree? Number Percentage

Yes	1631	80%
No	412	20%
No reply	12	na

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

Agree? Number Percentage

Yes	1862	91%
No	181	9%
No reply	12	na

Maximum number of dogs which a person may take onto land

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

Agree? Number Percentage

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

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

Number Number Percentage

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

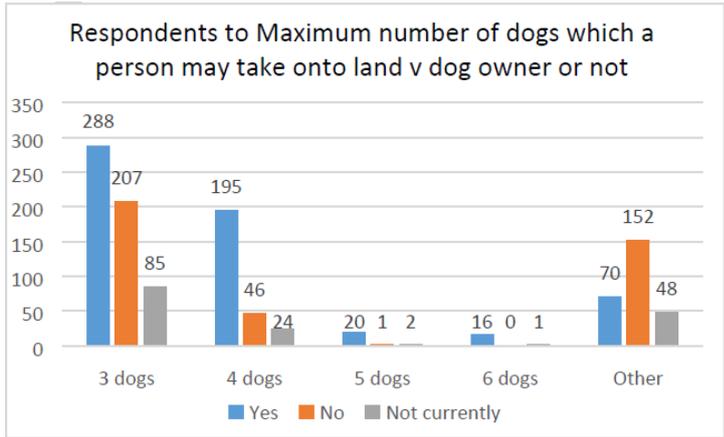
Q9 What is your post code?

1810 postcodes provided

Q10 Are you a dog owner/walker?

Agree? Number Percentage

Yes	1273	63%
No	504	25%
Not currently	236	12%
No reply	42	na

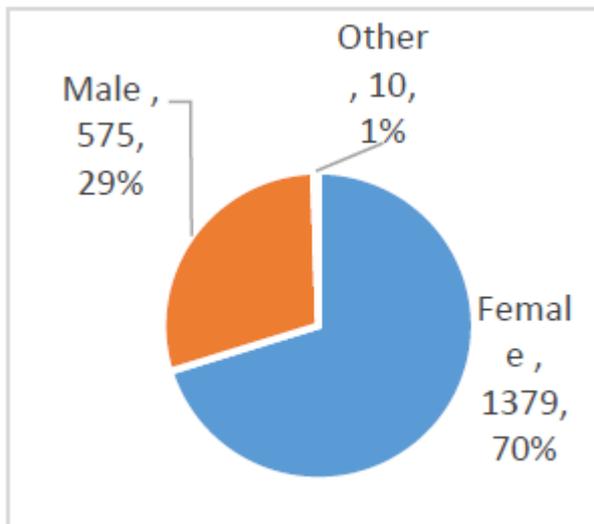


Q11 Does your work involve you caring for dogs?

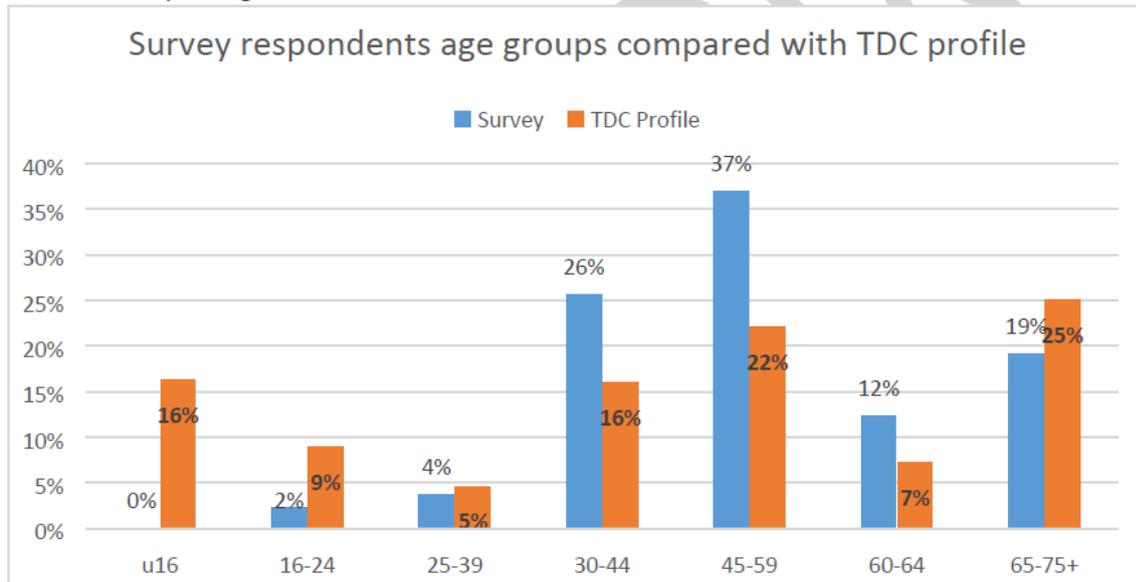
	Number	Percentage
Boarding	31	7%
Dog walking for £	28	6%
Pet sales	6	78%
Training	18	1%
Vet services	20	4%
Other	368	4%

Q12 What is your gender?

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



Q13 What is your age?



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

Agree? Number Percentage

Yes	17	0.8%
No	1984	99.2%
No reply	27	na