

## **EXECUTIVE**

### **4 DECEMBER 2018**

#### **Present:**

Councillors Christophers (Leader), Clemens (Deputy Leader), Bullivant, Barker, Golder, Goodey, Lake and Russell

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

Councillors Clarence, Gribble, Haines, Nutley, Prowse and Wrigley

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

Phil Shears, Managing Director

Martin Flitcroft, Chief Finance Officer

Tony Watson, Interim Head of Commercial Services

Rosalyn Eastman, Business Manager, Strategic Place

David Eaton, Environmental Protection Manager

Tony Mansour, Housing Needs Lead

Tracey Hooper, Revenue, Benefits & Fraud Manager

Matheu Gladman, Graduate Estate Surveyor

Sarah Selway, Democratic Services Manager (Exeter City Council)

#### **275. MATTERS OF URGENCY/MATTERS OF REPORT BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN**

The Leader reported that, following a Group Leaders meeting and to reflect the Constitution, Portfolio Holders would present their reports at Overview & Scrutiny Committee and that in respect of Executive meetings non-Executive Members should notify the Leader in writing/via email stating on what items they wish to speak.

#### **276. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **277. PUBLIC QUESTIONS**

Question from Member of the Public

Given that through the Freedom of Information Act I have established that Teignbridge Council have no record of any complaints involving 5 or more dogs

being walked by one owner, why are the Council looking to restrict the amount of dogs a responsible owner can walk? Please could you inform me what facts and evidence have been used to establish that this is necessary and will have any positive impact.

Answer - Portfolio Holder for Health & Well-being

*Officers considered the enquiries that they had received about the impact of multiple dogs being walked. This is currently not recorded as the Council has no power to deal with such complaints. Therefore the public consultation asked the question 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. 57% of those who responded wanted a control and on this basis the control is proposed to be added to the PSPO. The impact of any control will be reviewed after 12 months.*

**278. NOTICE OF MOTION UNDER COUNCIL PROCEDURE RULE 4.5(L)**

The Portfolio Holder for Environment Services proposed that the issue of the reopening of the Heathfield Landfill site be referred to the Devon Authorities Waste Reduction and Recycling Committee. He acknowledged that the site was used to take commercial waste.

The Leader, in seconding the proposal, commented that it was frustrating that the site had been reopened when the District was leading the way in recycling.

**RESOLVED** that the reopening of the Heathfield Landfill site be referred to Devon Authorities Waste Reduction and Recycling Committee.

**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.

**280. QUARTERLY BUDGET MONITORING INCLUDING CAPITAL AND TREASURY MANAGEMENT MID-YEAR REVIEW**

The Chief Finance Officer presented the report on the quarterly budget. He advised Members of the deficit forecast of £16,370 for 2018/19 arising from the variations to the original budget.

Members' attention was brought to the variations by service, including the long term borrowing, the general revenue and savings progress, the future year's budgets including the proposed abolishment of New Homes Bonus and the treasury management lending list.

During discussion, Members raised the following points:-

- Concern regarding reduction in swimming lessons income

- Why was there a change in the funding required for the support for GDPR to that originally requested?

The Chief Finance Officer clarified the position with regards to reporting mechanisms of over £10,000, the reduction in swimming lessons income due to difficulties with staff recruitment, Internal Audit support of GDPR work had led to budget savings and advised that the Council did not currently have any external borrowing.

The Leader stated that Section 106 monies were used for capital expenditure and as part of the Council's Leisure Strategy the Council will look at improvements to leisure provision.

The Portfolio Holder for Corporate Services commented that the Government had not yet announced what would replace New Homes Bonus and there was still uncertainty around business rates retention.

**RESOLVED** that:-

- (1) revenue budget variations as shown at appendix 1 be approved;
- (2) updated capital programme as shown at appendix 2 be approved; and
- (3) updated lending list as shown at appendix 3 be noted.

**RECOMMENDED** to Council to approve the mid-year review of treasury management at appendix 4.

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

The Portfolio Holder for Corporate Resources presented the report on the Council Tax Reduction Scheme which supported working age claimants on low incomes. There had been a reduction in number of claimants due to reducing unemployment and improvements in wages.

**RECOMMENDED** that the Council Tax Reduction Scheme for 2019-20 (unchanged from 2018-19) be noted and recommend its adoption to Council on 14<sup>th</sup> January 2019.

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

The Portfolio Holder for Corporate Resources presented the report on the Council Tax premium for long term empty homes. He advised that legislation had been changed which would allow an increase in the long term empty homes council tax premium. The Council currently had 87 properties that were subject to the 50% empty homes premium and the council tax premium put pressure on owners to bring properties back into use.

The Leader commented that Teignbridge District Council was the only District in Devon to reduce its number of empty homes year on year.

**RECOMMENDED** to Council on 14 January 2019 to raise the premiums being charged on long term empty properties as follows:-

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

**283. ASSET MANAGEMENT STRATEGY AND ASSOCIATED POLICY DOCUMENTS**

The Portfolio Holder for Economy, Skills and Tourism presented the report on the Asset Management Strategy. The Strategy was supported by the land and buildings disposal and acquisition policies. Members had received a briefing on the Strategy and Overview & Scrutiny Committee had raised no issues.

The Interim Head of Operational Services clarified that the costs of events had been taken out and would be dealt with through Fees and Charges in due course. All Council Services would ensure that the Council's property assets were effectively managed and maintained.

**RESOLVED** that:-

- (1) the Teignbridge District Council be adopted including;
  - a) Asset Management Strategy;
  - b) Land and Buildings Disposal Policy; and
  - c) Land and Buildings Acquisition Policy;
- (2) the draft Town and Parish Council Service Devolution & Asset Transfer Policy be noted and the Teignbridge Association of Local Councils be consulted and a document be brought back to Executive for future adoption.

**284. LETTING OF THE FORMER SHELTER (GOLDFISH BOWL), THE DEN, TEIGNMOUTH**

The Portfolio Holder for Economy, Skills and Tourism presented the report on letting of the Former Shelter (Goldfish Bowl), The Den, Teignmouth on a 25 year lease.

In response to Member's questions, the Interim Head of Commercial Services clarified that there would be break clauses within the lease and part of the works included facilities for the disabled.

**RESOLVED** that:-

- (1) the grant of a 25 year lease be approved; and
- (2) the Interim Head of Commercial Services, in conjunction with the Chief Finance Officer, be delegated to authorise the final agreement of lease terms.

**285. DEVON BUILDING CONTROL PARTNERSHIP COMMITTEE MINUTES 9 NOVEMBER 2018**

**RESOLVED** that the minutes of Devon Control Building Partnership Committee of 9 November 2018 be noted.

**286. EXECUTIVE FORWARD PLAN**

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

**287. EXCLUSION OF THE PRESS & PUBLIC FROM THE MEETING**

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act.

**288. CALL-IN OF PORTFOLIO HOLDER DECISION 11-2018 - FUNDING CONTRIBUTION FOR A CIRL BUNTING NATURE RESERVE**

The Portfolio Holder for Planning and Housing presented the report on the call-in for the Funding Contribution for a Cirl Bunting Nature Reserve. Members were advised that Overview & Scrutiny were satisfied with the additional information submitted.

**RESOLVED** that the Portfolio Holder Decision 11-2018 as set out at Appendix A be reaffirmed as the Overview and Scrutiny Committee did not challenge the decision.

**289. HOUSING NEEDS RESTRUCTURE**

The Housing Needs Lead presented the report on the Housing Needs Restructure. Members were advised that this restructure was as the result of the additional statutory duties which had been brought about by the introduction of the Homelessness Reduction Act 2017. The funding for the additional posts would be secured from central government monies – the Flexible Homelessness

Support Grants and New Burdens Funding - which had been ring fenced for homelessness prevention.

**RESOLVED** that the Housing Needs Service restructure be approved, and that an additional four FTE staff added to the permanent establishment, principally to meet the new statutory duties under the Homelessness Reduction Act 2017 to be funded by the Flexible Homelessness Support Grants and New Burdens Funding.

Chairman