

COUNCIL MEETING

20 September 2021

Member Questions

Question from Cllr Eden

1. *Greenpeace, Friends of the Earth and George Monbiot, 2 world renowned environment advocacy organisations and an environmental campaigner and journalist have recently highlighted a situation which if true makes a mockery of UK policies in respect of global pollution and climate change. Our record and standing as a council is built on a foundation of encouraging increasing levels of recycling. Recycling which follows a fairly standard formula of plastics, glass, cardboard, paper and food. It seems however that vast quantities of recycled products collected in the UK are shipped to other countries to deal with. Some of those countries can barely cope with the waste generated by their own citizens.*

The Portfolio Holder responsible for Waste & Refuse collection has repeatedly blown the trumpet about how successful this authority is at collecting recycling and the high levels that equates too.

How confident is the Portfolio Holder that this District's recycling is not being exported under the radar to third country locations in Africa, Asia and Oceania?

Response from the Executive Member for Recycling, Household Waste and Environmental Health

The information relating to the 'end destinations' of the materials collected by TDC is published by us online here <https://www.teignbridge.gov.uk/recycling-and-waste/recycling/what-happens-to-my-waste/> .

2. *What checks and confirmations can be provided that show beyond reasonable doubt that the recycling collected across Teignbridge from responsible householders and by hard working staff, is actually 100% processed and 100% recycled in the UK?*

Response from the Executive Member for Recycling, Household Waste and Environmental Health

We do not claim that all remains in the UK - for example our card also goes to mainland Europe on occasions dependant on market conditions. The vast majority does remain in the UK however.

We have a statutory duty to quantify all waste we collect through the national 'Waste Data Flow' system. This includes providing data for the 'end destinations' of all material to certified waste treatment and reprocessing facilities and is routinely audited and overseen by the Environment Agency. As such we can be very confident that we are taking the necessary steps to ensure that the waste we collect is dealt with appropriately and not through inappropriate channels in the UK or abroad.

Question from Cllr Eden

The Government have recently announced a two-fold attack on the poorest and most vulnerable in society. This is in the form of removing the £20 uplift from Universal Credit claimants including those defined as the 'working poor' while simultaneously granting the energy suppliers the opportunity to increase prices and removing the energy price cap.

Their justifications always come from putting profit before people. At this time of significant disruption to individuals, neighbourhoods, communities and society as a whole, caused by the COVID-19 pandemic and incompetence over Brexit, it beggars belief that at a time of increasing poverty, deprivation and price increases the Govt should penalise the poorest and most vulnerable in society. Some time ago, I wrote an article in the local paper explaining that Experian data indicated that 27% of the population of Devon were at risk of financial difficulty - in effect being one month's pay away from financial disaster. That wasn't including those, (like most on Universal Credit) who were already behind on rent, energy bills etc.

The justification is that prices for wholesale energy are rising. They had fallen significantly during the pandemic and despite knowing that the demand would rise the energy companies chose not to future proof their own supplies by buying ahead. They are subject now to higher prices and have demanded the Govt allow them the opportunity to increase prices by 12.5% or add around £139 to an average annual household bill. Of course there is also a poverty premium to be paid by the poorest. Those on the key based meter system will see their bills go up by £153 on average.

Some families are already just getting by. Without support from food banks, parents and children would be surviving on toast and little else. A great many people are renting from private landlords too, the changes proposed put the ability of tenants to meet their rent, utility and food bills at risk and subsequently it puts their tenancy at risk too. The current demand in the SW for houses remains strong and prices and rents are climbing as a result. Landlords are looking to sell property or gain more income including by converting some property to Airbnb accommodation.

Inconsistent policies from a Government suggesting it is trying to rebuild the economy is creating a significant potential amount of collateral damage and this will fall on the poorest as usual.

1) What preparation is being made to deal with the expected growth in homelessness in families and young people?

Response from the Executive Member for Homes and Communities

We have only been provided 1 years worth of funding and whilst bids are announced periodically – the turnaround time and the criteria for bid funding makes long term planning with no future financial information particularly problematic. This has been fed back to MHCLG who are supportive of a 3 year spending review to be announced. However, this remains with central government to determine. A recent report commissioned by the Government supports this as well as an increase in ringfenced funding for homelessness services, increases to Drug and Alcohol, Mental Health and Social Care. It is also requesting an increase in LHA and for the £20 covid payment to be continued.

We are submitting a further proposal for funding from DCC for 300k to support in securing accommodation from the private sector/empty homes which we hope could deliver up to 30 homes for households that are homeless or threatened with homelessness in addition to our current housing options. This is in addition to a bid for match funding of £337k to MHCLG for an additional 5 units of temporary accommodation for rough sleepers.

However despite these funding bids we anticipate the rest of year will be challenging for the Council in terms of homelessness. The first quarters statistics in relation to the number of households prevented from becoming homeless due to the Council funding them alternative accommodation is a concern and significantly below the quarterly target. This is due to the lack of supply, and increased demand for private rented accommodation and we anticipate an increase in the number of households presenting as homeless and requiring temporary accommodation in the foreseeable future . We will be reliant on ensuring that a sufficient number of lettings are made to homeless households through Devon Homechoice and procuring additional units of temporary accommodation in the private sector and through our partner social landlords to meet this increase in demand.

2) What support is being prepared to provide assistance to those who will clearly be impacted?

Response from the Executive Member for Homes and Communities

We currently have the Covid Fund to support households in financial difficulties as a result of Covid. We have increased the amount we award to those in significant Council Tax arrears and continue to support with purchases of school uniforms, utility bill payments, food parcels, white goods or other essential furniture items.

- We have a commissioned money and debt advice service providing tailored support to any household identified as homeless or threatened with homelessness who may be experiencing financial difficulties. We have in some exceptional circumstances arranged for the costs to be covered for bankruptcy, supported applicants with IVA applications or debt relief orders
- We provide tenancy sustainment support for households in temporary accommodation and for up to 3 months in new accommodation. For households who have been rough sleeping, a further offer of more intensive longer term support is also being offered.
- We are utilising Discretionary Housing Payments to applicants in receipt of Housing Benefit/UC to not only support those with a shortfall in their rental amount and income but to pay for removal costs, rent in advance and deposits.
- We extended our provision of Housing First style accommodation (STAR) for complex needs rough sleepers to 10 units and enhancing the support they receive through a multi disciplinary approach.
- Supporting social tenants to downsize homes that may be unaffordable to them to more appropriate accommodation which frees up the larger homes.

3) *What representation is being made to Government to prevent a crisis and elicit extra funding in the event it exceeds current resources to meet the expanded growth?*

Response from the Executive Member for Homes and Communities

We are in communication with MHCLG regularly who are feeding back the concerns/issues and suggestions we are raising to help us meet the needs of local residents in housing need.

4) *Cllr Nina Jeffries has expressed concern previously about Airbnb properties. Will the leader join with the campaign championed by the Oxford City Council Leader to seek tougher legislation to constrain Airbnb development where it falls outside the original 'spare room' idea that generated a little extra household income? Will that include seeking to ensure that Airbnb properties are appropriately taxed to maintain income in the District?*

Response from the Leader

Owners of holiday lets that are available for let for 140 days or more per year can choose to be rated as businesses and attract business rates liability rather than council tax. They do not have to be actually let for this period just available for let. This is a legal loophole that owners of second homes can potentially use to mitigate their tax liability without in reality using the property commercially. In the vast majority of cases these properties will be eligible for 100% Small Business Rate Relief and therefore pay nothing. Someone renting out a spare room in their home via AirBnB would still pay council tax but if the entire property is available for holiday let as an AirBnB then, as long as it is available for 140 days or more per year, it will be business rated. The Government is proposing to weaken/close this loophole but no timeline for this as yet.

Oxford City Council appear to be addressing the AirBNB issue by pushing for change of use planning permission requirements as well as additional licensing requirements for properties so used for more than 140 days in any calendar year. This would provide additional regulation to a currently loosely regulated system and may act as a deterrent for some operators without impacting on people renting out their home whilst they do not need it (when they are on holiday themselves for example).

Question from Cllr Mullone

In its report of November 24 2020 the Planning Advisory Service returned the opinion that TDC should revise its procedures for selecting speakers from the public to talk on difficult and contentious issues. May I please ask what progress has been made towards improving this?

Response from Executive Member for Planning

The Planning Committee considered the PAS report on 16 March 2021

Agenda for Planning Committee on Tuesday, 16th March, 2021, 10.00 am - Teignbridge District Council. The PAS report made a series of recommendations some of which the Planning Committee did not accept. Whilst currently the process remain as its all Chairs of committees can use their discretion when allowing people to speak at committees. Officers work with the Chair to ensure that more high profile applications are dealt with sensitively and proportionally.

Questions from Cllr Daws

1) Can TDC please make public it's response to the letter from Client Earth from the 2nd September 2019 which outlined the Council's Legal Obligations on Climate Change in respect of future planning policy?

Response from Executive Member for Climate Change

Client Earth's letter was discussed at Overview and Scrutiny Committee on 12 November 2019. It was not possible for the council to meaningfully respond to the letter in the lead up to December 2019's general election. During the period known as purdah, we cannot comment on government policy. This position applies nationwide and is not unique to Teignbridge.

Members were informed at O and S on 12 November 2019 that, although we would have wished to send a response it had not been possible to do so. There was a chance to discuss this situation at the meeting.

We are however pleased to report that, as shown in the minutes of 12 November, comments from Client Earth are being taken into account in relation to our approach to existing Local Plan implementation and decision making, as well as the Local Plan Review. As the updated Local Plan emerges, we are fortunate to be able to draw on the considerable knowledge and support of local climate change experts.

Overview and Scrutiny committee 12 November 2019 – Item 94 [Agenda for Overview & Scrutiny Committee on Tuesday, 12th November, 2019, 10.00 am - Teignbridge District Council](#)

Executive Committee 28 November 2019 – Item 94 [Agenda for Executive on Thursday, 28th November, 2019, 10.00 am - Teignbridge District Council](#)

2) Can TDC please make public its response to the letter from Buxton's Environmental outlining the legal obligations the council still holds in respect of any environmental and climate change obligations in respect of granting of any planning full planning permission of NA3 sites?

Response from Executive Member for Planning

It would be inappropriate for the Council to be drawn into correspondence and/or responding to correspondence from organisations expressing their own perhaps polarised views as to what they consider to be the Council's legal obligations in respect of a particular matter. The Council will continue to deal with applications on their own merit and in accordance with the legislative framework, policy and guidance and taking account of any relevant material planning considerations. The Council has declared a climate emergency and actively pursues that agenda.

3) Can TDC outline any conflicts of interest that were registered by any TDC member/s or officer/s in respect of the Planning Advisory Service investigation into the Langford Bridge planning decision?

Response from Executive Member for Planning

Cllr Haines declared his previous involvement with PAS when Council agreed to commission them to undertake the review of the Langford Bridge application and that is included in the minutes of that meeting on 24th February 2020 (page 8). ([Public Pack\)Minutes Document for Full Council, 24/02/2020 10:00 \(teignbridge.gov.uk\)](#))

Question from Cllr Purser

The Teignbridge District Council bylaws do not allow the sale of live animals on Council owned land. However there is an unclear element of the bylaws in the giving of live creatures, for example goldfish, as prizes at events held on Council owned land.

Will the Leader please confirm that as and when possible the bylaws will be clarified and/or amended to ensure no live creature can be offered or given away as a prize on Council owned land.

Response from the Leader

We have a policy regarding the sale of live animals, which is prohibited, in our terms and conditions for event hire. The council has the right to amend the list of prohibited goods at any time.

The Head of operations in conjunction with the Executive Member for Sport, Recreation and Culture have agreed to have the terms and conditions of event hire amended to clarify that the giving of live creatures, for example goldfish, as prizes at events held on Council owned land is prohibited. This amendment will be done before by the end of October 2021.

Questions from Cllr Patch

Question 1 attached

Response from the Leader

On 24 September 2019, the Constitutional Working Party submitted a report to Full Council which resulted in the Council resolving to;

- revise the format of the constitution in respect of the procedural rule (appendix 1);
- give delegated authority to the Monitoring Officer to make such minor amendments to the Constitution as she considered appropriate (including changes to reflect current legislation, organisational arrangements)
- The Scheme of Delegations be amended to reflect current legislation and operational arrangements (appendix 2)
- The 'call in' procedure for planning applications was extended to cover district councillors of contiguous wards and parish / town councils for at least six months subject to a review of its application not revealing significant resource implications for the Council and delegate operational matters to the Corporate Management Team.

That work was undertaken culminating in the November 2020, revised version of the Constitution.

As a consequence of concerns raised connected to the changes made to the Constitution and a perceived lack of clarity relating to the procedure to be followed regarding any future changes and for other reasons, the Procedures Committee was formed and its Members entrusted with the task of reviewing what had taken place, to identify what (if any) further amendments may be required and to make recommendations to Council as appropriate, which it has done as can be seen from today's agenda.

The Constitution was adopted in May 2018, and revised as previously stated in November 2020. Accordingly, the Council has a properly adopted Constitution.

Question 2 attached

Response from the Leader

See above response

Questions 3 attached

Response from the Leader

Putting to one side that this question clearly relates to the questioner himself and therefore should perhaps not be accepted as a question - the Procedures Committee of its own volition considered the recommendations from the Standards Sub-Committee and having done so determined that the recommendations to full Council be made.

Question from Cllr Mullone

Members of the Council have been notified that Meeting of the Council will move to late afternoon, and will subsequently be likely to run into early evening. This is likely to mean that an unknown number of Cllrs will be unable to fulfil their obligations to attend Committee Meetings and meeting of the Full Council due to conflicting family or other obligations. All Members will have taken into consideration the timing of Council meetings when committing to serve, and to make such changes without consultation is unfair. It will disadvantage those with childcare, elder-care or other family responsibilities. Similarly, these changes might be inconvenient to Officers whose expertise is needed at meetings.

We are told this change is needed in order to carry out work to make Forde House 'carbon neutral'. When this item came to vote, members were not told that this would be a consequence of approval.

Frankly the decision appears to have been made on the assumption that all councillors are retired or blessed with flexible time. I have a partner who works full time and long hours for the NHS, and I look after three young children, one of whom has special needs. It appears that this arrangement was designed to exclude myself and people in my position from participation in local democracy, or at least with no regard to that outcome.

If this is NOT the case, then this council must have a plan by which I, and others like me, may participate. Could we hear it please?

Response from the Chair of Council

We welcome Cllr Mullone question and officers would have been happy to talk to Cllr Mullone when members were notified in the MNL on 2 September. The Chairs of the Committee were consulted prior to the change of times and members had the opportunity to speak to the Chair of their committee about the issues a change of time could cause.

I do thank you for your concern regarding officers and I would add that that there has been no negative feedback in this respect. Unfortunately it would not be possible to accommodate every individual Councillor's personal circumstances when faced with having to rearrange the meetings, but we have done it in a way that best works for the majority of councillors and officers involved and causes the minimum of disruption. We do recognise that both currently, and with the temporary revised times introduced for the small number of meetings necessitated by this work, some Councillors are currently unable to attend them for any number of reasons (including the circumstances referred to by Cllr Mullone). There is also financial assistance available to all Members in the event that they have need to engage a carer for a dependant person to enable them to attend a Council meetings.

Questions from Cllr Bullivant

Teignbridge has contracted to build 7 social rented properties in Newton Abbot. Can the following details be provided:-

1. *what type of properties are included*

Response from the Executive Member for Homes and Communities

The first 7 social rented properties in Teignbridge are as follows

3 x 3 bedroomed houses at 107a and 107b Drake Road, Buckland, Newton Abbot

5 apartments at East Street to be known as Well House, Newton Abbot

2. *What is the size (floor area) of each property*

Response from the Executive Member for Homes and Communities

2 x 3 bedroomed houses at 107A and 107b Drake Road, Buckland, Newton Abbot

Both properties are 86.4 sqm

5 apartments at East Street are as follows to be known as Well House, Newton Abbot

3 x 1 bedroomed flats at 66.4, 63 and 45 sqm

2 x 1 bedroomed flats at 66.4 and 73 sqm

3. *Are these properties liable for CIL or S106 payments*

Response from the Executive Member for Homes and Communities

As they are all classed as Affordable Housing they are exempt for CIL. There were no Section 106 payments required.

4. *If these properties were built by a developer for normal sale how much would the CIL payment be.*

Response from the Executive Member for Homes and Communities

All social housing properties have the CIL payment calculated and are then required to apply for an exemption. If all these seven properties were built by a private developer the combined CIL charge would have been £39,242.20