

*These are draft minutes until approved at the next meeting of the Executive and signed by the Leader.*

## **EXECUTIVE**

### **19 JULY 2016**

#### Present:

Councillors Christophers (Leader), Gribble (Deputy Leader),  
Councillors Barker, Clemens, Goodey, Hellier Laing, Lake, and Russell

#### Members in Attendance:

Councillors Brodie, Bullivant, Colclough, Dennis, Dewhirst, Haines, Hocking, Hook,  
Price, Prowse

#### Officers in Attendance:

Ms Bulbeck - Chief Executive  
Mr Shears – Deputy Chief Executive  
Mrs Aggett - Business Lead  
Mr Aggett - Monitoring Officer  
Mrs Tucker – Chief Finance Officer  
Mr Thornley - Business Manager, Spatial planning and Delivery  
Mr Lessware - Senior Planning Officer  
Mr Acland - Self Build Project Officer  
Mr Shaw - Senior Planning Officer  
Mr Flitcroft - Finance Manager  
Mr Wilson – Health and Safety Advisor  
Mrs Corns – Democratic Services Officer

**These decisions will take effect from 10.00 a.m. on 26 July, 2016  
unless called-in or identified as urgent in the minute**

#### **1. MINUTES**

The minutes of the meeting held on 14 June, 2016 were confirmed and signed as a correct record.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of Interest.

#### **3. PUBLIC QUESTIONS**

The following question was received from Mr A Patch. The answer has been given by the Portfolio Holder for Recreation and Leisure

## EXECUTIVE (19.06.2016)

*“Will Teignbridge District Council a) investigate the matter of the toxicity of glyphosate-based formulations more thoroughly than it has done to date, with a view to ceasing its use; and b) talk to Quadron, its contractor for grounds maintenance, with a view to exploring the use of non-toxic weed-control methods with which that company is already familiar – i.e. Foamstream – and which it advocates in terms of safety, effectiveness and productivity enhancement?”*

### **Answer**

The Council contracts out the grounds maintenance works. The current contractor, Quadron, is responsible under the Control of Substances Hazardous to Health Regulations 2002 to assess and select the substances they use. As client we may instruct them if we decide this is necessary but to date we have not done so.

Currently there is no prohibition of glyphosate use in the UK but is subject to a hazardous Substances Risk Assessment (COSHH) being carried out before use, and its findings complied with.

At TDC we comply with current UK legislation and risk assessors make a judgement on what products to use, they take in to account expert opinion but rely on Manufacturers Safety Data Sheets (MSDS) for their information.

We will comply with current legislation and should it be a change of legislation or policy, will cease the use of glyphosate products or use them in compliance with the relevant COSHH assessment.

In the meantime we will continue to minimise our use of glyphosate products and investigate alternative solutions.

#### **4. NOTICE OF MOTION, COUNCIL USE OF PESTICIDES - REFERRAL FROM COUNCIL**

The Deputy Leader and Portfolio Holder for Recreation and Leisure referred members to the report circulated with the agenda, in relation to the following Notice of Motion, submitted by Councillor Hook and supported by Councillors Parker, Rollason, Dewhurst and Nutley at the Council meeting on 6<sup>th</sup> June 2016.

*“The Council will as a matter of urgency, review all chemicals, pesticides and weed killers it currently uses and remove from use any known neonicotinoids and glyphosates, and indeed any other such chemical based products which are harmful to either man or animals.”*

Councillor Hook advised that recent scientific research and guidance from the World Health Organisation suggests that chemical pesticides and weed killers could be carcinogenic. He was concerned that the Council's ground maintenance contractors could be using such chemicals, when there were alternatives available.

## EXECUTIVE (19.06.2016)

The Council's Health and Safety Adviser referred the meeting to the report circulated with the agenda. The Council's contractors did not use Neonicotinoid chemicals. Over the last 6 years through the grounds maintenance Contract the Council has invested in mulching all planted areas to minimise the need to use chemical control of weeds in planted areas. Glyphosate herbicides were used on hard surfaces in parks, car park perimeters and for our statutory obligations to treat such weeds as Japanese Knot Weed. All chemicals used are rated in relation to industry checks. Glyphosate is classed as very low risk and as an irritant. Information gained from the suppliers and independent sources have no proven evidence that the chemical is harmful. The Council's contractors undertake and are responsible for risk assessments for their employees, and the Business Manager for Environment & Leisure would be discussing the matter with them. The issue is to be discussed by the European Union and the Council would be updated on any resulting restrictions. Should the current use of glyphosate herbicides cease there would be a spread of evasive weeds that would be difficult to eradicate.

It was proposed by Councillor Gribble, seconded by Councillor Barker and

Resolved

The Council continues with its very considered use of pesticides, seeking to minimise their use wherever possible and that it continues its current practice of not using neonicotinoid weed killers.

### **5. SUPPLEMENTARY PLANNING DOCUMENT – SELF BUILD HOUSING (SPD)**

Consideration was given to the proposed Custom and Self Build Supplementary Planning Document (SPD), as a result of comments from the public consultation period. The Council's policy objectives and targets in relation to the delivery of self build housing are set out in the *Wellbeing* chapter of the Teignbridge Local Plan. The draft SPD sets out further detailed policies for officers and the Planning Committee to make decisions, and provides greater clarity for planning applicants. As an adopted SPD it would be a statutory document and a material consideration in determining planning applications, and amalgamates policies in relation to self build, custom build and affordable self build housing.

Councillor Hook, the leader of the opposition referred to paragraph 3.7, sub paragraph 5 at page 20 of the draft SPD, asking how the resale price of a dwelling would be monitored, and commented that it was disappointing that self build dwellings would be exempt from Community Infrastructure Levy (CIL). In response the meeting was advised that affordable housing was already exempt from CIL, such monitoring came under the auspices of the Self Build Project Officer, and land registry covenants would include restrictions relating to self build properties.

## EXECUTIVE (19.06.2016)

Further issues raised from non Executive members included: query in relation to below £80,000 household income being the cut off regarding affordable housing; self build was an opportunity to have a diverse range of housing for rural communities; is the design code too restrictive; concern in relation to paragraph 2.30 at page 15 of the SPD regarding the minimum period for marketing before resale.

In response to comments raised above the meeting was advised that: the £80,000 income reference was set by legislation; the design code related to developments of more than 10 self builds for clarity on what can be built and uniformity of street scene; and following 12 months of unsuccessful marketing, a self build dwelling can be sold on.

The Leader commented that the Council was regarded as a housing champion in relation to its promotion of custom and self build housing and its diverse way of providing housing for its electorate.

Further comments raised by Executive members included: how the 20% reduction on affordable self build dwellings would operate; Dartmoor National Park has been promoting the self build policy for several years; some design diversification would be welcomed as opposed to uniformity; should the market value be based on three valuations, and be included at paragraph 2.31 at page 16; should paragraphs 3.9 and 3.10 at page 21 include words to ensure that single people are treated equally to families; and this was an important document for neighbourhood plans.

In response, the meeting was advised that: a mix of housing types and size was being encouraged; three valuations could be agreed as part of an agreed marketing strategy; and all applicants would be considered when determining a planning application.

It was proposed by Councillor Clemens, seconded by the Leader and

Resolved

- a) The Custom and Self Build document as a Supplementary Planning Document (SPD) is adopted.
- b) The Statement of Public Participation summarising comments to the consultation process is noted.
- c) The Strategic Environmental Assessment is noted.
- d) Delegated authority is granted to the Business Manager for Spatial Planning and Delivery in consultation with the portfolio holder for Planning and Housing, to make any necessary amendments to the SPD document relating to matters raised in a representation, typographical and formatting and any other alterations as considered necessary.

## **6. PROPOSED GREATER EXETER STRATEGIC PLAN**

## EXECUTIVE (19.06.2016)

The Business Manager, Spatial Planning and Delivery referred to the report circulated with the agenda, seeking approval for a joint strategic plan for the Greater Exeter area, intended to cover the period up to 2040, prepared in partnership with East Devon, Exeter City and Mid Devon District Councils, with assistance from Devon County Council. The plan would cover the geographical area of the four partner authorities (excluding the area of Dartmoor National Park), but would be limited in scope to cover strategic issues and strategic allocations within those areas. Local issues would be considered through linked local plans prepared by each partner authority for their area. This partnership would satisfy the requirement for Councils to work together on strategic planning issues under the duty to co-operate that forms part of the National Planning Policy Framework, and the Localism Act 2011.

The proposal would significantly improve the Council's joint working with the Greater Exeter authorities, and provide better and more coordinated planning of growth, economy, infrastructure and environmental protection.

Comments from Executive members included: delegated authority should be granted to enable officers to authorise the expenditure of the Councils £70,000 as and when required in the process; and the Local Plans for the partner authorities cover different periods and therefore this joined up strategic plan would have many benefits.

It was proposed by Councillor Clemens, seconded by Councillor Goodey and

Resolved

- a) A Strategic Plan is prepared for the development of the Greater Exeter area intended to cover the period up to 2040 and that it be jointly prepared by East Devon, Mid Devon and Teignbridge District Councils and Exeter City Council with the support of Devon County Council.
- b) A joint budget of £330,000 is established for the current financial year to fund the preparation of the necessary evidence base for the plan on the basis of an equal split of £70,000 per district level authority with DCC also contributing and holding the joint budget. Delegated Authority is granted to the Chief Executive in consultation with the Leader of the Council to make joint decisions needed to deliver the recommendations funded by the joint budget.
- c) A detailed scope, timetable, terms of reference, governance and staffing arrangements is worked up for a joint Strategic Plan and reported to Members at a future meeting.

## **7. ENERGY SERVICES COMPANY (ESCo) AND DISTRICT HEATING PROCUREMENT**

Consideration was given to the proposed formation of an Energy Service Company, (ESCo) for the purpose of procuring a private sector partner and

## EXECUTIVE (19.06.2016)

funding to deliver District Heating Networks in Exeter (city centre to Wonford) and at SW Exeter. (Connecting the Energy from Waste facility to SW Exeter).

The Council and public sector partners across the Exeter area have been working to generate and supply competitively priced low carbon heat from a city wide heat network. The Partners are Devon County Council, East Devon District Council, Exeter City Council, Royal Devon and Exeter NHS Trust and the University of Exeter. An initial feasibility study was completed in 2012 and concluded that a city wide network was technically feasible and economically viable. Consequently, the Department of Energy and Climate Change's Heat Network Delivery Unit (HNDU) and Partners have funded further technical, legal and finance work to enable the preparation of the business case for setting up an ESCo.

The Exeter area is at the forefront of district heating in the UK and the reasons for the Council providing support to the project were contained in Section 3 of the report circulated with the agenda. In addition, the proposed procurement is in accordance with a key objective of reducing carbon emissions in the Council Strategy (2016-2025).

Councillor Hook commended the scheme and carbon free energy, suggesting the possibility of the project evolving into a community energy project, enabling public engagement and investment.

In response the Senior Planning Officer advised that this could be looked at once the scheme had come to fruition.

Further comments raised from non Executive members included: contact could be made with Teign Energy Community which already has a structure and process in place for offering shares to the public following the implementation of a renewable energy scheme at Teign School; and it would be useful for the item to be considered by the Overview and Scrutiny Committee before being presented to the Council meeting.

Comments raised by Executive members included: clarification on the £98,000 procurement contribution; how the Council would become a shareholder; that future private shareholders would benefit from a scheme set up with public funds; would the public shareholders therefore receive the energy at a reduced rate compared to the private shareholders; and the involvement of East Devon District Council.

In response, members were advised: the initial £98,000 would cover legal and other setting up costs of the scheme, and would be payable by each public sector partner but Devon County's share would be "in kind" support; assuming there are five public sector stakeholders, each would have a 10% share; energy would not be received at a reduced rate for the setting up public partners; and East Devon District Council was only observing at present.

It was proposed by the Leader, seconded by Councillor Hellier Laing and

## EXECUTIVE (19.06.2016)

Resolved

The following recommendations be submitted to the Overview and Scrutiny committee on 12 September and to Council on 26 September 2016 for comment prior to referral to Council .

- (a) To become a shareholder of the public sector Energy Services Company.
- (b) Provide up to £98,000\* to support the procurement of an Energy Services Company to build, operate and finance a district heating network. (\*to be met from an identified revenue carry forward amount of £100,000 into 2016/17, as detailed in Section 3).
- (c) In principle, subject to successful procurement of a private sector energy partner, invest up to £177,000\* into the Joint Venture company as a share of the required public sector equity stake. (\*to be considered as a bid to the capital programme for 2017/18, as detailed in Section 3).

### **8. 2015/16 DRAFT FINAL ACCOUNTS & TREASURY MANAGEMENT**

The Chief Finance Officer referred members to the report circulated with the agenda, referring particularly to paragraphs 3, the draft revenue results, and 4 the revenue budget variations. The draft closing general reserves at 31 March 2016 were £1.6 million, which is improved on the updated budget by £153,000. Specific grants or contributions totalled £1.1 million in earmarked reserves, the main item being the £302,000 for open spaces being largely section 106 contributions. There was £1.5 million in the earmarked business rates reserve to cover future funding and income fluctuations.

The Accounts and Audit Regulations 2015 set out the requirements for the production and publication of the annual statement of accounts. The statement has to be produced and certified by the Chief Finance Officer by 30 June. Council approval is required after external audit and by 30 September. These dates are brought forward to 31 May and 31 July respectively for 2017/18 accounts onwards.

It was proposed by Councillor Barker, seconded and

Resolved

- a) To note the draft revenue results.
- B) To approve the draft year end capital and updated programme at Appendix 1.
- c) To note the updated lending list at Appendix 2.

Recommended

## EXECUTIVE (19.06.2016)

The Council is recommended to note the draft treasury management results for 2015/16 at Appendix 3.

### **9. RADIO 1 BIG WEEKEND – OUTCOMES**

Consideration was given to the report circulated with the agenda. The Leader advised that all aspects of the delivery of the event were on schedule and to a high standard. The budget variation was a result of transport planning. This had been arranged because the event was aimed at potentially vulnerable people being 15 -24 year olds, to provide essential safe travel opportunities to and from the event, and in consultation with Kenton and Starcross Parish Councils and Powderham Parish Meeting to prevent traffic problems. Following the organisation and commitment to the additional transport, and very close to the event, the railway company decided to provide additional trains, meaning that use was down and the cost of the transport could not be fully recovered.

He thanked all officers involved in the organisation of the extremely successful event, and which would boost the local economy and inward investment, as a result of the significant national promotion of the area.

The importance and potential difficulties of providing sufficient safe transport for the event was acknowledged by non executive members, and particularly when transport is a priority for the area's young people aged 16-18 yrs.

The Chief Executive advised that the best estimates were calculated, but unfortunately there were other factors which had resulted in the variance. The BBC had commented that the weekend had been the best ever Big Weekend, and she had received much feedback of a potential boost from people wanting to holiday in the area as a result of the national promotion of the area during the event.

The Leader added that the BBC chose the area for its event, which could only be achieved in partnership with Exeter City Council. 60% of the tickets were available specifically for residents of the two districts which was 10% up on previous BBC Big Weekend events. In addition 8,000 people attended 49 separate academy workshop events in Newton Abbot, Teignmouth and Exeter. He had received confirmation from the BBC that the workshop academies would be returning in November.

Independent research undertaken by the University of Exeter has calculated that the local economy would benefit from £3.5 million as a result of the event.

It was noted that responses on social media were positive and commended the event.

Resolved

The allocation of £34,256 from general reserves to meet the cost variance associated with transport planning for Radio 1's Big Weekend be approved.

**10. EXECUTIVE FORWARD PLAN**

The Forward Plan for the twelve month period commencing 1 June 2016 was received and noted.

**11. EXCLUSION OF PRESS AND PUBLIC**

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

**12. FUTURE DELIVERY OF DEVON BUILDING CONTROL PARTNERSHIP**

Following consideration of the report circulated with the agenda it was

Resolved

That Teignbridge District Council (TDC) commence discussion and negotiation to achieve agreement for TDC to be lead authority, which is TDC’s preferred delivery model at the current time.

JEREMY CHRISTOPHERS  
Chairman

EXECUTIVE (19.06.2016)